

Self-regulation and co-regulation as governance solutions

Edited by

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Self-regulation and co-regulation as governance solutions

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Editorial: Self-regulation and co-regulation as governance solution

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governance, media ethics, social media, influencers, deontology

Editorial on the Research Topic

Self-regulation and co-regulation as governance solution

The concept of governance originated in Greece, with Plato's definition of how to govern citizens. Nowadays the governance of media infrastructures has always been a particularly complex affair. A notable factor contributing to this complexity is a framework that features a dual-funding model, where public and private media exist side by side. Increasing concerns about the politicization of the media, as well as the lack of transparency concerning their ownership, have made things even more complex. For example, the European Union's Media Pluralism Monitor has highlighted the weaknesses of information pluralism in a context where researchers are compelled to study the role that artificial intelligence and automation are playing in both the creation of content and the development of spyware technologies for the surveillance of journalists.

How is the coexistence of legal norms and media deontology? What role do audiences play in the context of governance? What are the ethical and deontological conditions for the practice of journalism? How do e-commerce and user trust match? What requirements are required for the influencers on social networks? Why is it so important that journalism and national and supranational institutions continue to search for an antidote to disinformation? These are just some questions that are answered in this Research Topic.

Journalistic deontology is in a second generation. During the twentieth century, media outlets and journalistic organizations developed their first models of ethics codes. However, in this second generation, the field of action of deontology was expanded to other scopes such as suicide, gender violence, or disability. A total of 53 Spanish documents were analyzed, and it pointed to the need to improve the recognition of citizen contributions or co-creation (Aznar et al.). However, it is also confirmed that there is no type of relationship between the most consumed media and those that offer more options for audiences to participate (Sixto-García et al.).

A literature review for examining all the legal documents related to the regulation of the media in Spain published between the Spanish transition 1977 and 2024 is also incorporated in this monograph (Seijas Costa et al.). The influence of the European Union and the preservation of the narrative established during the transition to democracy are decisive in this evolution while finding a balance between protection, flexibility, and non-intervention should characterize the new policies of communication.

Precisely, the EU's policy for digital internet intermediaries is the object of study of the research that [Simpson](#) contributes to this Research Topic. By comparing the 2022 Digital Services Act with the 2000 Directive on E-Commerce, it is diagnosed that the new EU platform regulation system is closer to the neoliberal model of telecommunications governance than the private interest proposals that emerged at the beginning of this third millennium ([Simpson](#)).

In the digital context, one of the figures under the magnifying glass is an influencer. The analysis of legislation and self-regulation in 24 EU countries reveals a lack of consensus among states, with only France and Spain legislated on these particularly relevant users ([González-Díaz et al.](#)).

Disinformation also constitutes a threat to democracies in the sense that it undermines citizens' right to receive truthful information. Another study evaluates the incidence of this scourge in Bolivia, Colombia, Ecuador, and Peru ([Suñig](#)). Regulation, self-regulation, and media literacy are necessary to face this great current challenge that worries the EU itself as well as supranational organizations such as UNESCO.

The seriousness of disinformation is accentuated if it refers to health issues, such as the disinformation during COVID-19. According to 1,800 surveys, it was discovered that a majority of society demands the implementation of some type of control to guarantee ethical adequacy and quality in the information coverage of health issues. Journalistic co-regulation could solve this ([Maciá-Barber](#)).

In short, this Research Topic offers a global vision of journalistic self-regulation and co-regulation as governance systems. With contributions from researchers from three continents (Europe, America, and Asia), it provides an international vision of ethics and deontology in the current communication context, as well as the main challenges that the media, legislators, and society will have to face in the coming years.

In response to these concerns, in the specific case of the European Union, the European Commission has proposed the adoption of a new set of rules, known as the European Regulation on Freedom of the Media, the chief purpose of which is to protect media pluralism and independence within the bloc. These rules came into effect on 7 May 2024, and will be completely effective from 8 August 2025.

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Evolutionary regulatory dynamics in a pluralist and polarized journalism landscape: a case study of the normative framework in Spanish media

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Within the European Union, the pluralist polarized journalistic model suggests the presence of journalistic cultures rooted in the connections between political parties and media organizations. In this classical framework, the state exerts significant intervention to influence a media system characterized by lower levels of professionalization. In this regard, Spain serves as a well-examined example of a pluralist polarized Western democracy. Our study entails a systematic review based on two distinct dimensions. Firstly, we scrutinized all legal documents pertaining to media regulation in Spain published between the Spanish transition and the present 1977–2024. From this perspective, we propose a chronological evolution to categorize this extensive collection of norms. Secondly, we complement our primary source assessment with an examination of secondary sources to validate the proposed evolution. Our findings indicate that the Spanish media regulation is evolving due to two pivotal factors: the influence of the European Union and the preservation of the narrative established during the transition to democracy. While contemporary communication grapples with issues such as the rise of artificial intelligence, journalistic instability, algorithmic communication, and fragmented user consumption, these areas are only addressed peripherally within the Spanish media normative context.

KEYWORDS

normative framework, Spanish media, media regulation, pluralist polarized model, Spain

Introduction

Communication policies are created and implemented under the influence of the economic, political, social, and cultural context (Mastrini and Loreti, 2009). At the economic level, as these authors explain, communication policies confront issues such as ownership concentration, or the impact of information and communication technologies and the readjustment of the media market. Indeed, there has been a gradual de-capitalization of advertising, especially from major media, in favor of social networks (Barredo Ibáñez, 2021). But also, new media have emerged that take advantage of the reduction in the costs of

informative production and depend on a diversification of economic sources, as explained in the cited work.

Politically, regulatory frameworks are impacted by issues such as the growing difficulty for national states to establish communication policies (Mastrini and Loreti, 2009), the rise of populist candidates—partly aided by the absence of social media editorial filters—proposing reactionary agendas and threats to democracy as a political system (Eichengreen, 2018; Galston, 2018), and the increasing influence of international institutions in defining policies of mandatory compliance, such as supranational agreements.

Culturally, communication policies depend largely on the distinctive attributes and the particular development of each journalistic culture. This journalistic culture concentrates the identity traits of journalists within the collective they belong to, visible both in professional orientations (values, attitudes, and convictions) as well as in practices and works evident in journalistic products and texts (Hanitzsch, 2007). Journalistic cultures introduce specific mediations with the restrictions imposed from the political or economic domains, as well as with the different conceptualizations or impositions of press freedom (Hanusch and Hanitzsch, 2019).

In this regard, the journalistic culture of Spain fits into the so-called pluralist polarized media system (Hallin and Mancini, 2004). This system is characterized by high political polarization, state intervention, and the existence of a strong link between media groups and political parties, which reduces independence and public knowledge about politics, among others. Globalization and market competition have not limited parallelism in Spain, where the media tend to respond to ideological positions and approach certain parties and political ideas (Baumgartner and Chaqués Bonafont, 2015).

The Spanish journalistic culture is explained by its political background: from 1936 to 1975, journalists were assimilating the regulatory principles imposed by the authoritarian political model of Francisco Franco's dictatorship (Sevillano, 1998). This dictatorship had various internal evolutionary stages, which will be explained later in this article. However, from approximately 1977 to 1982, the political Transition from the dictatorship to democracy took place, conceived as a pact among the country's elites (Aguilar and Sánchez-Cuenca, 2009), with the aim of agreeing on the foundations of democracy as an evolution of the Francoist political system. Authors such as Barredo Ibáñez (2013) refer to this moment as “second phase or integrated Francoism” (p. 48), inasmuch as numerous principles of the authoritarian model were maintained, or in the words of Ruiz-Huerta (2009), the “perverse legacies of Francoism” (p. 122).

From this angle, Spanish journalists assumed an unwritten imposition of amnesia about the recent past. Issues such as the democratic coexistence during the Second Spanish Republic (1931–1939), the coup d'état led by Francisco Franco in collusion with the country's economic oligarchies, or the responsibilities of the Francoist hierarchies in the systematic assassinations or brutalities of the Civil War, were taboo subjects assimilated through the pact of oblivion (Brunner, 2009). Another journalistic taboo forged during the Transition to democracy was the monarchy, considered as a democratizing element and, therefore, a factor that the editors of the main media informatively shielded to safeguard the emerging political system (Zugasti, 2007).

In any case, the Transition ensured at least three main actions relevant to the innovation of the Spanish journalistic culture, such as, firstly, the guarantee and establishment of press freedom (Martín,

2003; Aguilar and Sánchez-Cuenca, 2009). Secondly, in 1938, before the conclusion of the Civil War, the Francoist apparatus created the Press Chain of the Movement (CPM), which grouped together all those media confiscated by the winning side of the dictatorship, and with which it was intended to monopolize and actively control social imaginaries and representations (Sánchez-García et al., 2021). This CPM was dismantled from 1977 onwards, in order to introduce more diverse ownership and, with it, less state interference. And thirdly, during those years, the development of democratic media and multimedia groups was enhanced.

However, this democratizing process was slow and gradual. Moragas Spà (2009) indeed indicates that, in its first years after the democratic transition, Spanish communication policies were characterized by being erratic, composing very fragmented legislation and a distribution of communication competencies that did not facilitate the preparation of legislative reforms. Similar to other countries in its environment that transitioned from authoritarian government models to democracies, such as Portugal (1974) or Grecia (1974) and that could be classified as a pluralist polarized—according to the now classic description of Hallin and Mancini (2004)—, the development of communication policies in Spain has followed in parallel the evolution of the political, media, and social system. But thinking about communication policies also involves facing and reflecting on future challenges in a context where some destabilizing transformations exist (Martín-Barbero, 2015).

In this sense, in this article, we will study in detail the regulations that have governed communication throughout the 20th and 21st centuries. The classification of these norms will allow us to effectively discern the impact they have had on the communicational field. The aim of this article, therefore, is to describe the normative evolution in Spain, analyze the impact of previous regulations on the communication landscape, and anticipate some challenges that may arise in the context of normative evolution in Spain. To achieve this, we start from an analysis from the Spanish political transition, which marked the establishment of the framework of freedoms. At the same time, we seek to examine the influence of the European Union on the Spanish normative framework and determine the challenges and possible difficulties still pending in this area. This analysis incorporates key considerations that allow examining emerging novelties that must be taken into account for the elaboration of communication policies in the future.

Methodology (materials and methods)

This article, following the procedures of other historical studies (Sánchez-García et al., 2021), is based on a bibliographic review and consultation of primary sources. It is, therefore, a non-experimental study with a descriptive scope, based on the systematic review (Arnau and Sala, 2020) of both the previous literature and, especially, the normative sources related to the regulation of communication in Spain. Specifically, we have followed the following instrumental steps to operationalize the aforementioned review, in accordance with the details provided by Codina (2018) and Xiao and Watson (2019):

1. Definition of inclusion criteria. For locating the documents to be systematized, we defined five parts, which in turn constitute

the theoretical axes around which the results have been written. In the first part, we analyze the final stage of Francoism and the emerging communication policies during the transition and during the 1980s. In the second part, we advance in the evolutionary analysis of communication policies during the 1990s. The third phase focuses on examining the digital transition covering the period from 1998 to 2010. In the fourth section, we study the influence of the EU. Finally, in the fifth section, we address the pending challenges in the future of communication policies. In this way, we included works related to the five defined stages that had in some aspect total or linked to the regulation of communication in Spain. In this first point, we had a limitation: we only located texts in Spanish or English.

2. Document search. The identification of the documents was carried out in the range from 1977—the beginning year of the Spanish political Transition, as described by [Aguilar and Sánchez-Cuenca \(2009\)](#)—, up to 2024. The search was conducted using keywords such as “regulation + media + Spain,” or “laws + journalism + Spain,” among others. The location of the documents was carried out through Google Scholar, for academic works, and Google—for norms or primary sources. Google helps to quickly locate the content of the primary sources and identify standards by their rank and abbreviations. To search for those norms, as keywords, we used “media Spanish laws,” “Francoist Spanish media norms,” or “Spanish Transition communication laws.” Furthermore, Google provides the option to search for both old and current versions, and you can search for both words and numbers simultaneously. At the same time, the search was complemented with the online platform of the Spanish Official Bulletin, which concentrates all the laws approved by the State from 1960 onwards.
3. Organization of primary and secondary sources. Once the documents for analysis were located, they were employed around the five structuring axes mentioned.
4. Analysis and synthesis. In this final stage, we assembled a first draft through the analytical and synthetic description of the planned axes, trying to interconnect them to generate an evolutionary discourse between periods.

Despite the potential interest of the systematic review as a research technique, this method is not without methodological drawbacks. Among the perceived limitations, we find the following, which are associated with other difficulties of similar studies, such as the classic work of [Sancho \(1990\)](#):

- a. Although we have attempted to systematize the Spanish normative corpus pertaining to the media, the truth is that there is an abundance of related documents, especially those related to jurisprudence, which, due to their high volume, could not be included in the review.
- b. The three signing authors have conducted parallel searches to avoid possible omissions, although it is possible that some less-known documents may have been left out of the analysis, either due to lack of visibility within the search engines or because they are analog documents without an online replica.
- c. Following the above, we note the potential access limitations, particularly for older documents.
- d. Author biases, depending on their areas of knowledge or interpretive frameworks.

Results

First stage: regulation of communication during the Spanish transition and the 1980s

In this first stage, communication policies in Spain were initially conceived as mechanisms aimed at directing the operation of the Francoist communication systems ([Sevillano, 1998](#)). With the disappearance of the dictatorship, these mechanisms evolved into a set of regulations intended to eliminate the criteria of the old regime, giving way to the organization of a media system aligned with the democratic standards of Western European countries. As Europe experienced the decline of monopolies and the emergence of liberalism with the development of private television, the main challenges of the Transition in Spain focused on changing the norms that regulated the operation of the information system. In the process of redefining the role of the State in relation to the media, the intention was to replace the totalitarian model with one that respected freedom of enterprise, informative plurality, and guaranteed the basic rights of expression and information. This approach also included the re-conversion of journalism and journalists. However, despite the normative results that reflected an approach to democratic Europe, the media landscape during the transition already showed a trend toward business concentration parallel to governmental intervention in the radio and public state television. The legislation developed at that time reflected an attempt to align with European democratic principles; however, according to [Moya-López \(2023\)](#), what happened during the transition is the consequence of a trajectory forged throughout the 20th century. The Transition consolidated evolved dynamics that pointed toward a new phase in which media, political, and economic power converge.

To understand the communication policies that were implemented during the Spanish Transition, we have to look back at the preliminaries of the previous ones. During Francoism, communication was the object of significant government action. The early years of Francoism lacked a defined ideology but were aware of the importance of the media as persuasive mechanisms of public opinion ([Sevillano, 1998](#)). Thus, before the end of the Civil War (1936–1939), the Press Law of April 22, 1938, was approved, which established the legal basis for the strict state control of the media through prior censorship, turning information into political propaganda. As [Sevillano \(1998\)](#) explains, this Law turned the journalist into a vehicle supporting political action, that is, collaborators of the authority with the intention of maintaining control of the information system and social control. It is indicative of the aforementioned Law the creation of the provincial Propaganda headquarters, which could punish any writing that attacked the prestige of the nation or the regime, hindered the work of the government, or spread pernicious ideas (Art. 18). Other relevant aspects of this 1938 Law—which was in force for almost three decades—included the approval of sanctions for non-compliance with the norms dictated from the State (Art. 19). Sanctions ranged from fines, dismissal of the director, cancelation of their name in the Official Register of Journalists, and seizure of the newspaper (Art. 20).

Measures and sanctions on media were agreed upon by the minister and could be appealed to the head of the Government (Art. 21). And, in extreme cases, the State could seize the media, based on the warning of a serious fault against the regime and whenever there was a repetition of previously sanctioned acts that demonstrated recidivism. The seizure was decided by the Head of Government in an unappealable motivated Decree (Art. 22).

But Francoism, in its almost four decades of existence, evolved politically as it established a new information order (Sevillano, 1998), after the defeat of the fascist allied axis in World War II. Thus, in 1945, the “Fuero de los Españoles” was approved, which established “liberalizing” rights and duties as contradictory as those stated in Article 12: “Every Spaniard may freely express their ideas as long as they do not attack the fundamental principles of the State.” In other words, this Fuero proposed a set of broad, abstract freedoms, always subject to state discretion. Since 1951, the Ministry of Communication and Tourism assumed responsibility for everything related to communication, until in 1978, the Secretary of State for Information was created by Decree. This change did not occur without first exploring other formulas that could manage communication policies (Pérez, 1979).

In 1966, the Press Law of 1966 (Law 14/1966) was approved. Also known as the Fraga Law, was named after the Minister of Information and Tourism who promoted the creation and approval of the law. This law moderated the intervention and control of the press, beginning with the gradual elimination of prior censorship, except in special situations such as the reporting of labor disputes (Art. 3). It was an apparently open-minded law, although it continued to establish moral and political limits such as those established in Article 2: respect for morality, compliance with the Law of Principles of the National Movement, maintenance of public order, among others. Previous kidnappings and administrative sanctions were still possible. However, without intending to do so, the law created an imprecise informative context that favored new informative perspectives and a space for criticism in the media.

The dismantling of Francoism began with the Political Reform Law of January 4, 1977 (Law 1/1977) Political Reform Law, which constitutes the Autonomous Body of State Social Communication Media. Subsequently, Decree Law 23/1977 of April 1 on the Restructuring of the Organs dependent on the National Council and New Legal Regime of the Associations, Officials and Patrimony of the National Movement was approved, which meant the public auction of printed media and ended the monopoly of Radio Nacional de España (RNE) with Royal Decree 2664/1977, of October 6, on the general freedom of information by broadcasting stations. Likewise, in 1975, the Official School of Journalism (which had been in force since 1941) disappeared, favoring the training of professionals in the field from Higher Education Institutions (Sánchez-García et al., 2021), a process that had begun as of 1971.

The center right UCD party (*Unión de Centro Democrático*) won the first democratic elections in Spain in 1977. On December 6, 1978, the Spanish Constitution was approved by referendum after negotiations and later agreement between different political parties. Thanks to the inclusion of Article 20, the Spanish media system was equated with those of Western Europe. Article 20 of the Spanish Constitution establishes the legal framework for journalists and journalism, regulating rights and freedoms, and differentiating between the right to information and freedom of expression. It

includes legal instruments that protect professional secrecy and the conscience clause. However, the regulation of the conscience clause of information professionals was not extensively developed until the Organic Law 2/1997 of June 9. As for professional secrecy, it is protected by the CE in its article 20.1.d as an instrumental right. Although in 2022, a draft law on the professional secrecy of journalism [Draft Organic Law for the protection of the professional secrecy of journalism (121/000135)] was outlined, its processing has been paralyzed in 2023.

Regarding radio, Royal Decree 1233/1979, of June 8, which establishes the Transitional Technical Plan for the Public Broadcasting Sound Service in Metric Waves with Frequency Modulation, defined the technical conditions of sound broadcasting, such as frequency assignment or coverage area. It established the technical and operational bases for the development of broadcasting.

With the transition came efforts to provide some legal order to the radio sector, characterized by its legal dispersion. Thus, the reform of the audiovisual field began with the promulgation of the Radio and Television Statute on January 10, 1980 (Law 4/1980), which establishes that broadcasting and television are essential public services whose ownership corresponds to the State. In accordance with this legislation, Royal Decree 1615/1980, promulgated on July 31, gives rise to the public limited companies Televisión Española (TVE), Radio Nacional de España (RNE), and Radio Cadena Española (RCE). In Spain, the public monopoly becomes the RTVE public entity, which is an institution of public nature with its own legal personality. Two Royal Decrees (RD) of 1981 (RD 3271/1981 and RD 3302/1981) enable the provision of television repeaters and frequency modulation to the rural environment and regulate the transfer of concessions of broadcasting stations. In this progressive advance, it is also at the end of the 70s when the birth of the regional stations was forged, with the historical communities of Catalonia, Galicia, and the Basque Country being the first to have their own stations. With the first socialist government in Spain (1982–1995), the offer of public television is expanded with the Third Channel Law (1983), which enables the appearance of regional television stations, created in line with the newly inaugurated state of autonomies.

The Organic Law 10/1988, which regulates private television allowing the entry of new operators into the market, and Royal Decree 895/1988, which regulates the merger of RNE and RCE, were approved.

In the radio field, it is also worth highlighting the Law on the Regulation of Telecommunications (LOT) of 1987 (Law 31/1987), which led to a novel regulatory panorama, as it involved opening the market, with the multiplication of FM licenses. It also represented a timid approach to community policies since, although the Law had been approved a year and a half after the signing of the Accession Treaty, only in the preamble was there mention of the spirit of the European Common Market, without this being reflected in the development of the norm. For example, the Law establishes that the concessionaire of the indirect management of a station must necessarily possess Spanish nationality. This would require a modification of the norm a few years later to avoid collision with the European common market.

Spain timidly joined the neoliberal deregulatory current of European countries. Thus, while Spain opened up to market liberalization slowly but progressively and with delay compared to its European counterparts, from the European Union, specifically the European Commission, advanced in its attempt to harmonize through

the publication a few months earlier of the Green Paper on Telecommunications.

The transition in the Spanish media had fostered a clear commitment to democracy, which combined a mixture of freedom of expression, technological renewal, and the incorporation of new genres, formats, and changes in the grids, all linked with the modernization of management forms in the radio sector, which would bear fruit during the 90s. After the explosion of radio concessions and after a few years of flourishing in the sector, as a consequence of the commercial unviability of many of those small new stations, the radio market suffered a strong business concentration, which led to the absorption of many of them by the large chains, so that the first major communication groups in Spain began to be consolidated.

Second stage: the 1990s

With the arrival of the 1980s, subsequent regulations consolidated public television and allowed the creation of private and regional channels. The privatization of media in Spain was perceived internally as a move toward democracy, in contrast to the prevailing opinion in Europe, where high privatization was considered a reduction in the social function of the media. During this period, there is a definition of the role of the State in the media field without an exhaustive development of specific policies. The Transition marked the beginning of a stage in the formulation of communication policies in Spain characterized by little coherence and the passing of regulations according to emerging needs or difficulties. During the period analyzed, there is a clear tendency toward the liberalization of the sector initiated in the 80s. In addition to liberalization, [Hernández Prieto \(2015\)](#) highlights that, during the 80s, communication policies were strongly influenced by globalization and international governance, where the interest groups involved in the formulation of public policies grew significantly. These groups became a determining factor structuring public policies, representing a significant change for communication policies, which were already conditioned by the availability of resources, national cultural practices, and the distribution of power, among other issues.

During this time, two laws aimed at radio also stand out, intended to organize, create, and control municipal radio broadcasting stations: Law 11/1991, of April 8, on the Organization and Control of Municipal Radio Broadcasting Stations, and Royal Decree 1273/1992, which empowered municipal governments to grant concessions for the exploitation of ordinary radio broadcasting services in FM, the rest of the radio regulations were subsequently assimilated with audiovisual regulations. Regulations for satellite television were established, excluding telecommunications service from the category of public service. This implies that satellite television broadcasting is not subject to competition; one simply had to request a license from the government.

The normative context of Spain, which became part of the European Union (EU) in 1986, began to be influenced by the Union's communication policies through Law 25/1994, which represents the transposition of the Television Without Frontiers Directive 89/552/EEC (TWFD). Since the late 80s, when that first Directive was adopted, and then throughout the 90s, there were repeated attempts in Europe to harmonize national media concentration rules in some member states. This initiative was due to the economic current driven

by the globalization of markets, which motivated significant concentration processes in the sector.

Moreover, during this decade, various pioneering initiatives were carried out from the European Union aimed at monitoring pluralism, an issue that has since become a recurrent concern for European institutions. In fact, in 1992, the Commission examined the possibility of issuing a directive in the field of pluralism, which ultimately was frustrated due to opposition from all involved sectors. There were several attempts in this field and repeatedly the Commission itself emphasized on several occasions that the protection of pluralism in the media was a central task for the member states, so the role of the European institution was to complement the measures of the member states on this matter, for example, through the Recommendation on measures to promote pluralism in the media of 1999, whose impact in Spain was minimal.

However, in general terms, this is a period marked by the first adjustments of the Spanish laws to the European framework. Thus, the Royal Decree-Law 6/1996, of June 7, on the Liberalization of Telecommunications, ratified by Law 12/1997, establishes the Telecommunications Market Commission (CMT) as the independent Public Regulatory Body for national electronic communications markets and audiovisual services. Another relevant regulation is Law 22/99, which also transposes the European Directive 97/36/EC. This law shapes the legal basis and limits on television content in Spain. In addition, laws aimed at promoting new technologies in Spanish homes were enacted, such as Law 45/1995. Audiovisual legislation is the greatest example of the influence of the EU, although there are other examples such as the approval of the Organic Law 15/1999 on Data Protection repealed by the now in force Organic Law on Personal Data Protection and Guarantee of Digital Rights (Law 3/2028-LOPDGDD), which adapts Spanish legislation to the European Regulation, whose articles 85 and 86 regulate the rights of rectification on the Internet and the right to update information in digital media. The structure of the television market remained without significant changes from the 90s until 2005 with the introduction of Digital Terrestrial Television (DTT), marking an important milestone in the evolution of the sector.

Third stage: 1998–2010

From 1996 to 2004, the socialist government in Spain was replaced by the conservative right Popular Party (PP: *Partido Popular*) after 13 years of governance. In this period, in the field of communications, a notable aspect in the analysis of communication policies in Spain was the digital transition. This transition, which [Marzal and Casero-Ripollés \(2009a,b\)](#) place between 1998 and 2008, marked a significant milestone in Spain's communication policies by opening up the sector and orienting it toward economic values. In the realm of television, digitalization is regulated by public policies that influence both public and private broadcasters.

The year 1998 is marked as the beginning of this stage due to the approval of the National Technical Plan for Digital Terrestrial Television (Royal Decree 2169/1998), which established the guidelines for spectrum distribution and scheduled the cessation of analog broadcasts, initially planned for before 2012. Private television concessionaires were also allowed to expand their licenses to enable DTT broadcasting. Thus began the transition toward digital technology with the implementation of the shared multiple channel

(multiplex), which in 2002 would allow the test broadcasts of the current television channels, namely TVE1, TVE2, Antena 3, Telecinco, and Canal+. The market position of these operators would be further strengthened with the subsequent granting of DTT licenses to those same companies.

Until the implementation of the Audiovisual Law of 2010, the organization and structuring of communication policies were affected by fragility in formulation. Numerous gaps and a lack of coherence in the Spanish regulation at the end of the 20th and beginning of the 21st centuries are evident. The sparse regulations in the first decade of the 2000s paid much attention to the interests of communication groups and set up a digital scenario governed by commercial parameters that reproduced patterns of concentration. The regulation allowed for mergers and concentration in the private sector, and a departure from the public domain was detected, leaving the oversight of the sector to the National Commission of Markets and Competition (Law 3/2013, BOE of June 5, 2013) which is scarcely independent, according to Bustamante (2014).

This third stage begins with Organic Law 15/1999, of December 13, on Personal Data Protection, which applies to user data in any form that is published, something very relevant to the media. This law establishes the definition of “personal data” (Art. 3), the right to information for users during data capture mechanisms (Art. 5), and the distinction between personal data and specially protected data (Art. 7), among others.

The third stage identified, in broad terms, is characterized by liberalization and support for economic values; deregulation of ownership deepens in the name of greater privatization of the media. It is crucial to highlight the importance of the so-called digital transition and the enactment of the General Law on Audiovisual Communication in 2010 (Law 7/2010), two events that significantly reconfigure the audiovisual landscape in Spain.

Under the socialist government of José Luis Rodríguez Zapatero (2004–2011) were approved regulations for DTT and Audiovisual market. To promote DTT, Royal Decree (RD) 439/2004 of March 12 was approved, amended by RD 2268/2004, which activates Law 41/1995 of December 22 on Local Television by Terrestrial Waves. Law 10/2005 on urgent measures to promote DTT concretizes the plan from December 2004, although it establishes lax limits on concentration in radio.

Digital Terrestrial Television was first implemented in 1998 through a First National Technical Plan which proved ineffective, being relaunched in 2005 through Royal Decree 944/2005, of July 29 of the National Technical Plan for DTT that establishes conditions for switching to the digital system and allocates frequencies to the different networks (Zallo, 2010) and the National DTT Plan in 2007.

In addition, the Urgent Measures Law for DTT would remove the limit of three national coverage channels, allowing a new concession to the Mediapro group and the conversion of Canal Plus into a free-to-air channel. Finally, the transition to digital television was carried out in three phases, culminating with the definitive implementation in 2010.

During this period, laws related to cinema, the promotion of the information society, modifications to the 1988 Private Television Law, and Law 8/2009 of August 28 on the financing of RTVE were also approved. Prior to the significant changes introduced by these two Laws, in 2004, the Independent Council for the Reform of Public Media Communication (“Committee of wise men”) was created, which

initiated a debate about the radio-television model and the deterioration of public media in Spain. After a lengthy process of deliberation and consultation with parties, it concluded with the need to approve a new funding structure for the public entity. It also highlighted the need for a new legal framework for the public media sector, given the existence of more than 30 legal provisions that directly affected radio-television and which resulted in incomplete regulation or poorly adapted to the new times, especially in terms of public service. And to some extent this was achieved with Law 7/2010, General of Audiovisual Communication of March 31, which transposes Directive 2007/65/EC and reorganizes the audiovisual system in Spain unifying national regulations. This legislation addresses various aspects of audiovisual media, such as public rights, plurality, transparency, cultural diversity, protection of minors, and universal accessibility. It also promotes self-regulation, prohibits covert political communications and discrimination. The Law was well received by the professional sector and citizens, who saw it as an attempt to depoliticize public media. Another important aspect is that it repealed obsolete regulations, so it can effectively be considered that the General Law of Audiovisual Communication of 2010 contributed to ending that normative dispersion, although at the same time it represented a strong advance toward concentration, by modifying the previous rule and from that moment authorizing that the same owner could hold a share portfolio in up to eight private national chains, provided they did not exceed 27% market share. This modification would pave the way for the reordering of the Spanish audiovisual sector, through the subsequent merger process that was led by Atresmedia and Mediaset (Zallo, 2010). It is also worth noting that this Law included a frequency reservation for third sector radios, so that, from that moment on, community and cultural non-profit stations have a legal framework for their development.

RD-Law 1/2009 converted into Law 7/2009 on urgent measures in the field of telecommunications enabled greater concentration in the sector (García Leiva, 2015), which was the result of the anticipated deregulation.

A few years earlier, in 2003, Law 32/2003 was approved, which repealed the initial Law 42/1995 on Cable Telecommunications and opened the market to the late development of cable telecommunications services in Spain, and in particular, the broadcasting of Digital Cable Television. The new legal framework would allow the entry of numerous operators such as ONO, Telecable, and Euskaltel, to more than a dozen that would later undergo a process of concentration.

The process of market liberalization characteristic of this stage was completed with the end of the digital transition of commercial television. Although the date initially planned for the so-called “analog switch-off” was set for 2012, it was brought forward to April 3, 2010, the date on which a new period began in which digital terrestrial television took the limelight. This marked the end of more than a decade of changes in the Spanish audiovisual model, in which chaotic legislation built on decrees and urgent measure laws was ordered, but which also led to the process of concentration in the sector.

Fourth stage: the influence of the European Union on media regulation in Spain

Although there are national communication policies, in the last 15 years, a greater influence of the EU has been detected due to the

rapid issuance of Directives or Regulations aimed at unifying the European regulatory framework and addressing the advance of the big tech companies, for example: in 2019, the modernization of the market rules for copyright affected online platforms such as YouTube, Facebook, and Google News, facilitating greater access to online content. The European influence is reinforced with technological advancement whose approach is multifactorial, global, and often renders national communication policies obsolete. Additionally, there is a wide dissemination of norms and programs supporting media pluralism from the EU and scant regulatory attention from Spain to the technological deluge that impacted the media system as evidenced by the establishment of regulations that are almost exclusively driven by the need to transpose European regulations.

In an initial stage, audiovisual policy in Europe focused on two objectives: the first considers technological, industrial, and economic aspects for the strategic audiovisual sector that encompasses traditional media and new technologies, with the intention of making it competitive; and the second considers aspects associated with the political and cultural dimension of communication that opened the redefinition of the European cultural project and thus strengthen cohesion (Murciano, 1996). European audiovisual policy is governed by Arts. 167 and 173 of the Treaty on the Functioning of the European Union (TFEU).

Neither the Treaty of Rome nor the TFEU—which are the main constitutive documents of the EU—attribute direct competencies in the field of audiovisual policies, but these competencies are deduced from the articles of the TFEU that allow policies to be developed in the different sectors of media and communication technologies. The legal bases are found in the TFEU in Arts. 28, 30, 34, and 35, on the free movement of goods; in Arts. 45–62, on the free movement of persons, services, and capital; in Arts. 101–109, on competition policy; in Art. 114, on technological harmonization or the use of similar technological standards in internet productions; in Art. 165, on education; in Art. 166, on vocational training; in Art. 167, on culture; in Art. 173, on industry; and in Art. 207, on common commercial policy.

The current EU approach to media establishes actions related to disinformation: the 2018 Code of Practice on Disinformation strengthened in 2022, the European Action Plan on Media and Audiovisuals focused on boosting European media and maintaining cultural and technological autonomy in print and online media, radio, and audiovisual services (2020), the Directive on audiovisual media services (EU Directive 2018/1808 of November 14), or the Media Pluralism Monitor and the European Film Forum (2020 and 2021).

The most important European regulation and that which has had the most impact on the Spanish media system was the 2007 Audiovisual Media Directive, which becomes the LGCA 2010, later revised in the EU in 2018 and whose approval occurred in Spain during 2022.

One of the areas where European activity has been most prolific in terms of communication policies is in the field of disinformation, through the launch of numerous regulatory initiatives aimed at curbing its impact, by developing its framework of principles and solutions that demonstrate the European governance's intention to address it. In addition to binding regulations, the European Union has approved in the last 10 years more than 30 recommendations, communications, reports, resolutions, and legislative proposals, among other modalities,

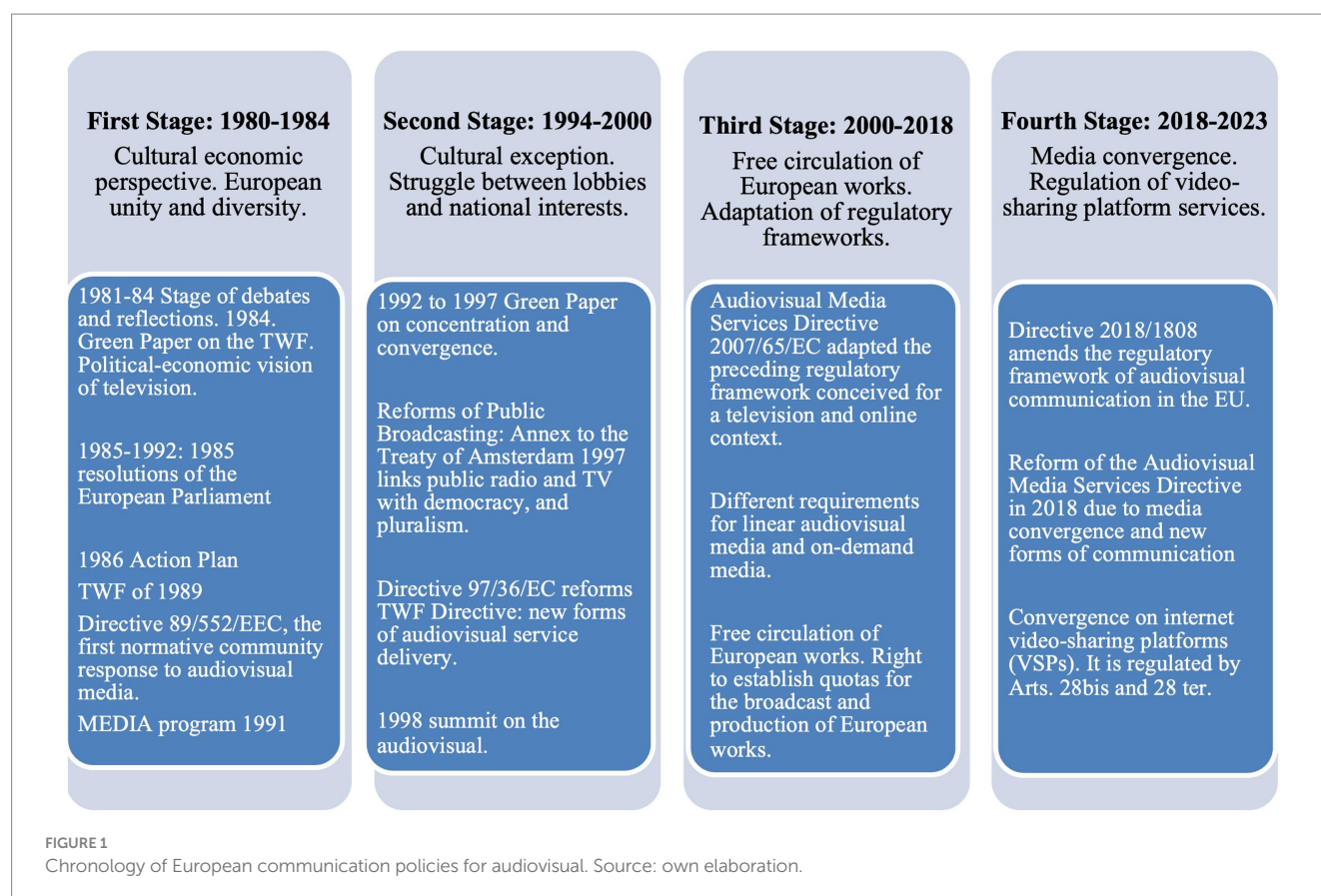
aimed at curbing disinformation, confirming the concern of European bodies before this systemic problem (Fernández and Cea, 2023).

In this sense, one of the European regulations expected to have a significant impact on the media environment is the Digital Services Act (DSA) of the European Union, dated November 16, 2022, which proposes a European regulatory context for online intermediaries (EBU, 2023), which will also become mandatory from 2024. The DSA encourages public-private collaboration to favor a safer online ecosystem. Also noteworthy is the Digital Markets Act (DMA) of the European Union, dated November 1, 2022, which is oriented toward the so-called “gatekeepers,” intermediaries with significant economic and social impact (Decarolis and Li, 2023). European audiovisual communication regulations in Spain are shown in Figure 1.

Fifth stage: pending challenges in the future of communication policies

This stage encompasses regulations issued and adopted by conservative governments of the Popular Party (2011–2018), and the socialist party of Pedro Sánchez (2018–present). We found that one of the greatest challenges facing communication regulation in Spain lies in the content disseminated through social networks and, in general, the regulation of technological platforms, which tend to hyper-concentrate access to users (Barredo Ibáñez, 2021). Although legal reforms have been approved, such as the Organic Law 4/2015, of March 30, on the protection of citizen security, criticized for the absence of an organism or procedure that supervises the police during its application (Amnesty International, 2024); the Criminal Procedure Law of 2023, which establishes criminal procedures in Spain (Calderón, 2023); or that of Article 578 of the Penal Code—which focuses on protecting the potential exaltation or humiliation of victims of terrorism, or public disorder—, its application has been controversial (Cancio Meliá, 2022).

Perhaps the Spanish regulator will find in this new stage a response from the EU to these challenges, given that the supranational body is going to have more influence over national policies due to its strategy of establishing cohesive policies to face the multiple transformations of the sector. In this sense, it is to be expected to what extent the European Media Freedom Act of April 11th of this year, 2024, whose entry into force begins on May 7 of this year, will affect the existing Spanish regulations. All member states will fully apply this regulation as of August 8, 2025. Within the digital strategy and technological disruption, Spain will have to adapt European provisions and establish regulations or promote self-regulations in line with the capacity and development of the sector in Spain. The challenges posed are related to the DMA, DSA, Artificial Intelligence (AI), data usage, and the forthcoming European Media Freedom Act. The current DMA: will ensure a level playing field for all digital companies, regardless of their size and will establish clear rules for large platforms. The DSA came into force on November 16, 2022, and is applicable throughout the EU from February 17, 2024. It will give people more control over what they see online: users will have better information about why specific content is recommended to them and will be able to choose an option that does not include profiling. Advertising targeting minors will be prohibited, and the use of sensitive data, such as sexual orientation, religion, or ethnic origin, will not be allowed.



The European Media Freedom Act, once in force, will represent a substantial advance, as for the first time in EU history, pluralism will be regulated. It is the culmination of a journey throughout the last decade in which the European Union has progressively advanced through initiatives, which have gone from the field of recommendation to an increasingly prescriptive framework and finally binding to limit the effect of disinformation and enhance the role of quality journalism, a necessary pillar of any rule of law and a necessary bulwark in a context where information disorders are increasingly present.

The new policies are aimed at helping to protect users from harmful and illegal content and improve the removal of illegal content. They will also help address harmful content such as political or health-related misinformation and introduce better rules for protecting freedom of expression.

Artificial Intelligence is destined to have a significant influence in the field of communication. The EU's anticipation in issuing regulations has left an important mark in Spain where the Spanish System of Science, Technology, and Innovation (SECTI) coordinates research policies in AI. In response to this advance, a plan for the digitization of the public sector for the period 2021–2025 has been established. In addition, a Charter of Digital Rights and a new legislative framework have been established (Van Roy et al., 2021).

The National AI Strategy (ENIA), aims to articulate the action of different administrations and create a reference framework for the public and private sectors. This strategy is one of the fundamental elements of the Digital Spain Agenda 2025. Within the national strategy, it is foreseen that the media will be one of the sectors to

experience the greatest impact due to the development of AI [National AI Strategy (ENIA), 2020] (Table 1).

Conclusion

Regulating communication in the 21st century is a complex issue, given the influence of aspects both internal and external to journalistic cultures (Mastrini and Loreti, 2009; Hanusch and Hanitzsch, 2019), such as contemporary problems associated with democracy as a political system (Eichengreen, 2018; Galston, 2018), or the changes linked to the abrupt digital transformation of the media ecosystem (Barredo Ibáñez, 2021). In the Spanish case, the regulation of the media is determined by the characteristics of the polarized pluralist model (Hallin and Mancini, 2004), the media's parallelism with political parties (Baumgartner and Chaqués Bonafont, 2015), the reconfiguration suggested from the transition from dictatorship to democracy, and the normative evolution suggested since joining the European Union in 1986.

The Transition led to the partial dismantling of the Francoist communication laws, with the gradual replacement of a model based on media control—typical of authoritarianism—by one that encourages greater self-regulation. Thus, although some laws from the Franco era remain unchanged—such as the Press Law of 1966, partially in force—there has been a normative and cultural evolution (Barredo Ibáñez, 2013), with the approval of new normative bodies that overcome the pact of oblivion (Brunner, 2009), or the journalistic

TABLE 1 Summary of communication policies in Spain: in blue, the regulations emanating from European Directives.

Law 4/1980	Law 10/1988	RD Law 6/1996	Law 8/2009	Law 3/2013
Radio and Television Statute	Private Television	Telecommunications Liberalization	Prohibits advertising. Restructures the economic model. CRTVE	Creation of the CNMC
1981 Law	Decree 1273/1992	Law 22/99	RD Law 1/2009	Organic Law 3/2018
Formalization of RTVE as a public entity	Concessions including exploitation of ordinary radio broadcasting services	Adaptation of Directive 97/36/EC on content configuration and protection of minors	Modifies the 1988 Law on private television	Data protection and guarantee of digital rights
Law 11/1982	Law 35/1992	Law 34/2002	RD Law 11/2009	Law 13/2022
Abolition of OAMCS	Satellite Television	Information Society Services and Electronic Commerce. Video-sharing service via platform	Regulates the provision of paid DTT service	General Audiovisual Communication Transposition of Directive 2018/1808
Law 46/1983	Law 25/1994	RD 744/2004	Law 7/2009	RD Law 24/2021
Third television channel	Transposition of Directive 89/552/EEC (TWF Directive)	Reform of state-owned media	Urgent Measures in Telecommunications Limits the percentage of participation in companies	Incorporates Directive 2019/790 on copyright and related rights in the digital single market
1984 Law	Law 17/1994	Law 17/2006	Law 7/2010	Digital Rights Charter 2021
Sale and privatization of CPM media	Film Law	State-owned Radio and Television	General Audiovisual Communication. Transposition of Directive 2007/65/EC	Non-binding Develops new digital rights
Organic Law 2/1984	Law 45/1995	Law 56/2007	Law 19/2013	RD 729/2023
Regulates the right to rectification	Telecommunications by cable, internet, and home digitalization	Measures to promote the Information Society	Transparency Law	Statute of the Spanish Agency for Supervision of Artificial Intelligence

Source: own elaboration.

taboo of the monarchy (Zugasti, 2007), establishing a legal framework of guarantees for journalists and communicators.

Although we have seen how, since joining the EU, there has been a growing European influence on the Spanish regulatory framework, we have also witnessed a continuous political appropriation of communication regulations. Let us consider two examples of the above: the first, that of RD-Law 1/2009 on urgent measures in telecommunications, which far from promoting deregulation of communication, ended up encouraging greater media ownership concentration (García Leiva, 2015); the second is that of Organic Law 4/2015, of March 30, which was approved granting excessive prominence to the police forces, against journalists, something that has been criticized by organizations such as Amnesty International (2024).

As we have observed, the new ways of communicating present numerous challenges for the formulation of communication policies, highlighting the complexity of harmonizing the interests of global-scale actors and the national interests of each country. The actors operating on a global level are large companies providing services, content, platforms, search engines, applications, and telecommunications operators. Added to this are local companies and intermediaries, users/consumers who are also creators, broadcasters, and redistributors of content. This entire conglomerate complicates the task of establishing regulations.

However, the EU, as a supranational body, has been approving some regulations that, like the DSA or the DMA, are difficult to

implement due to resistance among the EU States and those generated by interest groups, lobbies, and large global companies. It will be complex to align approaches of fundamental rights protection with business freedom or competition, and it is still uncertain to what extent all this will influence national policies.

The increasing participation of various actors complicates the task of establishing cross-cutting regulations. With the inclusion of technology, policy formulation will have to incorporate an ethical and human rights perspective that protects citizens' rights. In addition, it will have to consider mechanisms to prevent excessive intrusion by public and private powers when there is a lack of policies. Both the regulations proposed by the EU and the policies outlined from Spain are influenced by economic aspects and protection of rights.

The interesting feature of European regulations lies in the harmonization of common principles and the integration of the human rights perspective in the regulation of emerging technologies. Proposals for new communication policies must consider the complexity of factors, strengthen free and independent communication systems, and find a balance between protection, flexibility, and non-intervention.

Data availability statement

The raw data supporting the conclusions of this article will be made available by the authors, without undue reservation.

Author contributions

RS: Conceptualization, Data curation, Formal analysis, Investigation, Resources, Supervision, Validation, Writing – original draft, Writing – review & editing. DB: Conceptualization, Formal analysis, Funding acquisition, Investigation, Methodology, Resources, Supervision, Validation, Writing – original draft, Writing – review & editing. NC: Conceptualization, Data curation, Formal analysis, Funding acquisition, Investigation, Supervision, Writing – original draft, Writing – review & editing.

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The authors declare that the research was conducted in the absence of any commercial or financial relationships that could be construed as a potential conflict of interest.

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References

- Aguilar, P., and Sánchez-Cuenca, I. (2009). Terrorist violence and popular mobilization: the case of the Spanish transition to democracy. *Polit. Soc.* 37, 428–453. doi: 10.1177/003232920933892
- Amnesty International (2024). Freedom of expression in Spain. Available at: <https://tinyurl.com/5chfsfz5>
- Arnau, L., and Sala, J. (2020). The review of scientific literature: guidelines, procedures, and quality criteria. Universitat Autònoma de Barcelona. Available at: <https://www.mdx.cat/handle/10503/69666>
- Barredo Ibáñez, D. (2013). *The Royal Taboo: The Image of a Monarchy in Crisis*. Córdoba, Spain: Berenice.
- Barredo Ibáñez, D. (2021). *Digital Media, Participation, and Public Opinion*. Bogotá D. C.: Tirant Lo Blanch.
- Baumgartner, F., and Chaqués Bonafont, L. (2015). All news is bad news: newspaper coverage of political parties in Spain. *Polit. Commun.* 32, 268–291. doi: 10.1080/10584609.2014.919974
- Brunner, J. (2009). Ironies of Spanish history: observations on the post-Franco politics of forgetting and memory. *Hist. Contemp.* 38, 163–183.
- Bustamante, E. (2014). “The democratization of the Spanish cultural and media system. Facing a national emergency situation” in *Proximity Media: Social Participation and Public Policies*. ed. M. Chaparro Escudero (Girona/Málaga, Spain: Lucas de Gálago), 21–34.
- Calderón, G. O. (2023). Conformity in the Spanish criminal process: analysis and critical judgment. *Derecho PUCP* 90, 389–411. doi: 10.18800/derechopucp.202301.011
- Cancio Meliá, M. (2022). Terrorist discourse, hate speech, and the crime of glorification/humiliation (art. 578 of the penal code): risk or imposition of a specific view of the past? *Rev. Electrón. Direct. Penal Polít. Crim.* 10, 173–194.
- Codina, LL (2018). Systematic reviews for academic papers 1: concepts, phases, and bibliography. Blog Lluís Codina. Available at: <https://www.lluiscodina.com/revisones-sistemizadas-fundamentos>
- Decarolis, F., and Li, M. (2023). Regulating online search in the EU: from the android case to the digital markets act and digital services act. *Int. J. Ind. Organ.* 90:102983. doi: 10.1016/j.ijindorg.2023.102983
- EBU (2023). Digital services act. A handbook for public service media. EBU legal & policy.
- Eichengreen, B. (2018). *The Populist Temptation: Economic Grievance and Political Reaction in the Modern Era*. United States of America: Oxford University Press.
- Fernández, M. J., and Cea, N. (2023). “European union legislation on disinformation: progress and challenges” in *Communication in the Digital Era*. eds. F. J. Martínez and A. Miguel (Valencia, Spain: Tirant lo Blanch), 61–76.
- Galston, W. (2018). *Anti-Pluralism: The Populist Threat to Liberal Democracy*. New Haven, London: Yale University Press.
- García Leiva, M. T. (2015). Spain and the convention on cultural diversity: consequences of its ratification for communication and cultural policies. *Tripodos* 36, 167–183.
- Hallin, D. C., and Mancini, P. (2004). *Comparative Media Systems: Three Models of the Relationship Between Media and Politics*. United States of America: Hacer editorial.
- Hanitzsch, T. (2007). Deconstructing journalism culture: toward a universal theory. *Mass Commun. Theory* 17, 367–385. doi: 10.1111/j.1468-2885.2007.00303.x
- Hanusch, F., and Hanitzsch, T. (2019). “Modeling journalistic cultures: a global approach” in *Worlds of Journalism: Journalistic Cultures Around the Globe*. eds. T. Hanitzsch, F. Hanusch, J. Ramaprasad and A. de Beer (New York Chichester, West Sussex: Columbia University Press), 283–308.
- Hernández Prieto, M. (2015). Public Communication Policies: A Comparative Study of Audiovisual Legislation in Argentina and Spain. Doctoral thesis. Universidad de Salamanca.
- Martín, M. A. (2003). Communication policies in the Spain multimedia. *Hist. Comun. Soc.* 8, 187–205.
- Martín-Barbero, J. (2015). From where do we think about communication today? *Rev. Latin. Comun.* 128, 13–29.
- Marzal, F. J., and Casero-Ripollés, A. (2009b). The policies of communication before the implementation of TDT in Spain. Critical Balance Sheet and Outstanding Challenges. *Sphera Públ.* 9, 95–113.
- Marzal, F. J., and Casero-Ripollés, A. (2009a). Communication Policies in the Implementation of DTT (Digital Terrestrial Television) in Spain: Critical Assessment and Pending Challenges. *Sphera Públ.* 9, 95–113.
- Mastrini, G., and Loreti, D. (2009). “Communication policies: a deficit of democracy” in *Mediated Communication: Hegemonies, Alternatives, Sovereignties*. ed. S. Sel (Buenos Aires: CLACSO), 59–70.
- Moragas Spà, M. D. (2009). From communication to culture: new challenges for communication policies Telos. *Cuadernos Comun. Tecnol. Soc.* 81, 12–18.
- Moya-López, D. (2023). Banking and media in the Spanish transition and democratic consolidation (1975–1989). *Investig. Hist. Econ.* 19, 56–67. doi: 10.33231/j.ihe.2023.04.002
- Murciano, M. (1996). European communication policies: analysis of developing experience. *Comun. Soc.* 28, 9–32.
- National AI Strategy (ENIA). (2020). *Estrategia Nacional de Inteligencia Artificial*. Gobierno de España. Available at: <https://tinyurl.com/2jtm93ud>
- Pérez, J. B. (1979). Communication policy in Spain during Franco's regime. *Rev. Estud. Polít.* 11, 157–170.
- Ruiz-Huerta, A. (2009). The blind spots: A critical perspective of the Spanish transition, 1976–1979. Biblioteca Nueva.
- Sánchez-García, P., Redondo, M., and Diez, A. (2021). Journalism teaching at the Franquist official school (1941–1975) analyzed by its former students. *Ámbitos* 54, 38–56. doi: 10.12795/Ámbitos.2021.i54.02
- Sancho, R. (1990). Bibliometric indicators used in the evaluation of science and technology: a literature review. *Rev. Españ. Document. Científ.* 13, 842–106. doi: 10.3989/redc.1990.v13.i3.842
- Sevillano, F. (1998). Propaganda and Media in Francoist Spain. Universidad de Alicante.
- Van Roy, V., Rossetti, F., Perset, K., and Galindo-Romero, I. (2021). AI watch-national strategies on artificial intelligence: A European perspective. No. JRC122684. Joint Research Centre (Seville site).
- Xiao, Y., and Watson, M. (2019). Guidance on conducting a systematic literature review. *J. Plan. Educ. Res.* 39, 93–112. doi: 10.1177/0739456X17723971
- Zallo, R. (2010). The audiovisual communication policy of the socialist government (2004–2009): a neoliberal turn. *Rev. Lat. Comun. Soc.* 65, 014–029. doi: 10.4185/RLCS-2010-880-014-029
- Zugasti, R. (2007). The forging of complicity: Monarchy and Press in the Spanish Transition (1975–1978). Fragua.



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The figure of the influencer under scrutiny: highly exposed, poorly regulated

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The figure of the influencer has generated an increase in their presence on social networks. Their ability to create content, their credibility and their identification with the consumer represent an added value in commercial communication. However, their disclosures are controversial due to the lack of transparency and differentiation between their commercial and opinion content. The absence of a clear definition of an influencer, the need to regulate their actions and the difficulty of identifying the commercial content of their publications are evidence of the concern to regulate their activity. The aim of this paper is to analyze, in the European context, the specific regulations on commercial disclosures by influencers, as well as to ascertain the point of view of the agents involved. To this end, a content analysis of the guidelines, regulations and/or laws of 24 European Union countries is carried out, complemented by an *ad hoc* questionnaire that brings together different aspects that can be defined and delimited. The results show a lack of unanimity in the rules and regulations governing influencers, as well as a manifest concern on the part of professionals in the sector to determine their communications. Only two countries, France and Spain, have specific legislation on the subject, limiting commercial disclosure to the existence of consideration and/or number of followers. It is clear that the existing guidelines are, in most cases, more comprehensive in terms of transparency guidelines for identifying advertising than the regulatory texts. The findings question whether the path of legislation is the right one, or whether efforts should instead focus on media and advertising literacy for both influencers and consumers.

KEYWORDS

social media influencer, influencer, legislation, self-regulation, advertising communication

1 Introduction

Social media has played a crucial role in the development of advertising in recent decades. The use of these platforms for advertising purposes continues to grow at an unstoppable pace, continuously attracting the attention of advertisers. In this context, social media influencers (SMI) emerged as an effective advertising tool (Janssen et al., 2021), who act as intermediaries between the advertiser and the consumer and whose prominence has increased as the use and diversity of social networks has grown in recent years (Taramona, 2018). Some authors consider celebrities, along with opinion leaders and experts, to be what we now call influencers

(Kadekova and Holienčinová, 2018). However, as Schouten et al. (2019) state “(...) In contrast to traditional celebrities who have gained public recognition because of their professional talent, social media influencers have gained fame by successfully branding themselves as experts on social media (...)” (p. 259). Given their rapid growth, fame and acceptance, especially among young audiences, influencers are considered the “celebrities of the Internet” (Abidin, 2021).

Today, influencers develop a personal brand through their social media posts (De Veirman et al., 2017). They not only distribute sponsored content, but also create it, which offers great added value to marketers. In addition, influencers are perceived as more trustworthy (Janssen et al., 2021). The reason is that the same message will be considered more authentic and credible when delivered by a “fellow consumer” than by an advertiser (De Veirman et al., 2017).

There is no agreed definition of an influencer. Some qualities attributed to them are: charisma, ease of communication and ability to influence opinions and lifestyles. In short, the emotional work that allows them to connect with their followers, as well as the creation of creative and attractive content, are the real keys that empower them as a brand of their own (Baym, 2015; Duffy and Hund, 2015). There is also no consensus on the segmentation parameters that delimit this figure. Aspects such as number of followers, number of likes received, medium or network used (Instagramer, YouTuber...), subject matter (*beauty vlogger, social media travel, fashion influencers...*) or target audience (*kids influencer, teen YouTubers...*) are taken into account for their classification (De Veirman et al., 2017; Kusumasondjaja and Tjiptono, 2019).

The literature shows, as a basis for describing the state of the art, three review studies: (1) The study by Sundermann and Raabe (2019) on a total of 39 papers published between 2011 and 2018; (2) The study by Hudders et al. (2020) analyzing 154 studies published from 2018 to 2020; and (3) The bibliometric analysis by Ye et al. (2021). This is the most ambitious study to date, covering a total of 387 papers published from 1960 to 2020. According to the results of these papers, the earliest research on influence marketing dates back to 2003. The subject matter of the studies varies. There is an interest in trying to narrow down the concept of influencer (Kay et al., 2020). Professionalisation, i.e., highlighting the influencer as an exclusive job, is also of interest (van Driel and Dumitrica, 2021); but also specific populations such as *kid influencers* and the controversial debate about their protection (Verdoodt et al., 2020). Nevertheless, the most prolific literature focuses on the study of the influencer themselves, targeting what content they disseminate and how they do it (Ye et al., 2021).

The search for transparency in the messages disseminated by influencers, when these messages have a clear advertising nature, is also of concern to both the academic community and the competent bodies (Leszczynska and van Dijck, 2020). Thus, currently, the focus of attention is also on the work aimed at delimiting when the influencer's publication goes from being a mere dissemination to a message of a commercial nature and, by extension, the need to identify it as advertising should be demanded. In this sense, it should be taken into account that influencer marketing displays messages or locations that are not overtly persuasive, which conditions its recognition, especially among children and minors (Boerman and van Reijmersdal, 2020; Mol and Goanta, 2023). This is precisely the target audience that advertisers focus on in the influencer's advertising strategy to promote their brands (De Jans et al., 2018). Moreover, from an ethical and legislative point of view, the difficulty involved in its recognition for

consumers is a challenge due to the complicated delimitation with misleading and/or disguised advertising (Campbell and Grimm, 2019); especially when we are talking about a credulous and vulnerable audience such as minors (Núñez-Cansado et al., 2021). The US, through the Federal Trade Commission (FTC), was one of the first countries to address this issue through guidelines that seek to help both influencers and the brands involved to disclose their commercial communications in a clear and transparent manner. Thus, the following documents are noted as references in the US context: (1) *Guides concerning the use of endorsements and testimonials in advertising* (FTC, 2009); (2) *How to make effective disclosures in digital advertising* (FTC, 2013); (3) *The FTC's endorsement guides: What people are asking* (FTC, 2017); and (4) *Disclosures 101 for social media influencers* (FTC, 2019).

In Europe, regulation has also been introduced to ensure that professionals promote their brands and reach their target audience through SMI publications transparently, seeking to ensure consumer protection and indicating that it is an advertising communication (Balaban et al., 2022). In terms of self-regulation, the vast majority of countries use two reference bodies to develop their national codes or guidelines:

- The International Chamber of Commerce (ICC), which is an international organization representing more than 45 million companies from over 100 countries. In 2018, it developed the *Advertising and Marketing Communications Code* (2018) covering the practices of market influencers, bloggers and vloggers (ICC, 2018).
- The European Advertising Standards Alliance (EASA), of which most European self-regulatory bodies are members. In 2018, it produced the *EASA Best Practice Recommendation on Influencer Marketing*,¹ which was agreed by the entire advertising system and all European self-regulatory bodies. This document was updated in 2023 to take into account the different guidelines and codes developed by the European authorities (EASA, 2023).

In this context, in recent years, practically all European countries have taken action on the matter by formulating documents that address guidelines for identifying the content disclosed by the influencer, when it is of a commercial nature. However, it can be observed that the path taken has been predominantly that of guidelines or recommendations, followed by specific self-regulatory codes. Only recently have countries such as France (2023) and Spain (2024) addressed the regulation of influencer advertising communication in the form of a law (see Table 1).

Against this background, there is a paucity of academic work focusing on existing regulations on the subject. Asquith and Fraser (2020) review existing guidelines in Canada, the USA and the UK with a clear conclusion: the need for further work on truth in advertising and consumer protection. Steward (2021) reviews the regulation of influencers for the social network Instagram in the USA and the UK. The author highlights how, from a legal perspective, the regulation of influencers offers a certain “collision” with surreptitious advertising.

¹ https://www.easa-alliance.org/publications/best-practice-recommendation-on-influencer-marketing-guidance_v2023

TABLE 1 Regulatory synthesis and guidelines on influencers and advertising communication.

Country	Law	Code	Guide	Organization
Austria ^a		x		Österreichischer Werberat (ÖWR) [Austrian Advertising Council]
Belgium ^b			x	Jury d'Ethique Publicitaire (JEP) [Advertising Ethics Jury]; United Brands Association (UBA)
Bulgaria ^c			x	Национален Съвет за Саморегуляция [National Council for Self-Regulation (NCSR)]; Българска асоциация на рекламодателите (БАА)
Cyprus ^d			x	Φορέας Ελέγχου Διαφήμισης [Cyprus Advertising Regulation Organization]; Υπηρεσία Καταναλωτή [Consumer Protection Service (YPC)] and the Φορέας Ελέγχου Διαφήμισης [Advertising Control Agency (FED)]
Czech Republic				Rada pro reklamu Czech (RPR)[Advertising Standards Council]
Denmark				Danske Annoncører og Markedsførere [Danish Advertisers and Marketers (DAOM)]
Slovenia ^e			x	Slovenska oglaševalska zbornica (SOZ)[Slovenian Advertising Chamber] and IAB Slovenia
Spain ^f	x	x		Ministerio para la transformación digital y la función pública [Ministry for Digital Transformation and the civil service] and AUTOCONTROL
Estonia				Turundajate Liit (TULI) [Estonian Marketing Association]
Finland				Mainonnan eettinen neuvosto [The Council of Ethics in Advertising Finland]; Marketing Finland
France ^g	x		x	Union des marques [Brand Association]; Autorité de Régulation Professionnelle de la Publicité [Authority for Self-Regulation of Advertising]
Germany ^h			x	Zentrale zur Bekämpfung unlauteren Wettbewerbs [Centre for Combating Unfair Competition (WBZ)]; Deutscher Werberat [German Advertising Council (DWR)]
Greece ⁱ		x		Συμβούλιο Ελέγχου Επικοινωνίας (ΣΕΕ)[Advertising Self-Regulation Council]
Hungary				Önszabályozó Reklám Testület (ÖRT) [Self-Regulatory Advertising Board]; Magyar Márkaszövetség [Branded Goods Association Hungary]
Ireland ^j			x	The Advertising Standards Authority for Ireland; Association of Advertisers in Ireland (AAI)
Italy ^k			x	Istituto dell'Autodisciplina Pubblicitaria [Institute for Advertising Self-Regulation]; Utenti Pubblicità Associati (UPA) [Associated Advertisers]
Luxemburg				Commission Luxembourgeoise pour l'Ethique en Publicité [Luxembourg Commission for Ethics in Advertising]
Netherlands ^l		x		Stichting Reclame Code
Poland				Związek Stowarzyszeń Rada Reklamy [Union of Associations Advertising Council]
Portugal ^m			x	Auto Regulação Publicitária (ARP) [Advertising Self-Regulation]
Romania ⁿ		x		Consiliul Român pentru Publicitate [Romanian Advertising Council]
Slovak Republic				Rada Pre Reklamu [Advertising Standards Council]; Slovenské združenie pre značkové výrobky [Slovak Association for Branded Products (SZZV)]
Sweden				Reklamombudsmannen [The Swedish Advertising Ombudsman]
United Kingdom ^o		x	x	The Incorporated Society of British Advertisers (ISBA)/Competition and Markets Authority/ Committee of Advertising Practice (CAP)/ Advertising Standards Authority (ASA)

Source: Own elaboration.

^aCODE: Advertising Industry Code of Ethics Version (2021).^bGUIDE: Recommendations du Conseil de la Publicité en matière d'influenceurs en ligne (2018); Recommendations du Centre de la Communication en matière d'influenceurs (2022).^cGUIDE: Influencer Marketing Recommendation (2019).^dGUIDE: Influencer Marketing Guide (2024).^eGUIDE: Influencer Marketing Recommendations (n.d.).^fLAW: RD 444/2024, of 30 April, regulating the requirements for the purpose of being considered a user of special relevance of the video exchange services through the platform. CODE: Code of Conduct on the Use of Influencers in Advertising (2020).^gLAW: LAW no. 2023-451 of 9 June 2023 aimed at regulating commercial influence and combating the abuses of influencers on social networks (1). GUIDE: Digital Advertising Communication Recommendation V4 (2017).^hGUIDE: Labelling of advertising in online media (2016) and Act against Unfair Competition (2010).ⁱCODE: Marketing of influencers (2023).^jGUIDE: Guidance on influencer Advertising and Marketing (2023).^kGUIDE: Digital Chart Regulations on the Recognizability of Marketing Communication Distributed over the Internet (2019).^lCODE: Advertising Code for Social Media & Influencer Marketing (2022).^mGUIDE: Guia 3 I's influencer os influenciadores que sao influenciados (2024).ⁿCODE: The Code of Advertising Practice (2016).^oCODE: Influencer Marketing Code of Conduct (2021). GUIDE: Influencers' guide to making clear that ads are ads (2023); Social media endorsements: guide for influencers (2022).

Taking the descriptive-comparative study as a reference, Ferrero's (2021) work shows a broad analysis in which she takes into account the regulations of five countries: Spain, the UK, Germany and France. She then focuses her attention on determining how each country deals with the identification of content by the influencer in order to demonstrate its commercial nature. In fact, in the comparative study between Spain and the USA on the practices of 12 influencers who collaborated with the same brands in these two countries, despite the existing regulations on surreptitious advertising, the influencers did not comply with current legislation (Moneris, 2017).

With this starting point in mind, the aim of this study is to analyze the normative-legislative situation of the influencer in the European context. To this end, two specific objectives are set out:

SO1: To analyze the specific regulations, both legislative and self-regulatory, and the recommendations/guidelines existing on disclosures of a commercial nature made by the influencer.

SO2: To learn the point of view of the parties involved (organizations, agencies and professionals) on this issue.

According to Leszczynska and van Dijck (2020, p. 275), "empirical research can be used to inform legislators about people's behavior and to help identify whether there is a need for legal intervention," so this work is relevant and necessary.

2 Materials and methods

An exploratory qualitative-quantitative study was conducted using different data collection techniques: content analysis to achieve SO1 and online survey for SO2.

2.1 Analysis of normative texts and guidelines/recommendations

The normative texts that make up our object of analysis were searched and accessed through the website of the competent bodies (see Table 1) to observe the documents in force in this regard (codes, guides and/or legislation). In this sense, contact was also made with them by e-mail to present the study and provide any relevant information in this regard. In the field of self-regulation, the document *Guidelines for social media influencers* published by the International Council for Ad Self-regulation (ICAS) was also consulted. Given the characteristics of the analysis, the study proceeded by means of methodological triangulation.

- 1 A content analysis of the selected texts was carried out (Neuendorf, 2002).
- 2 The systematization strategy was designed *ad hoc*, taking into account the nature of the object of study (normativity and/or guidelines). For this reason, the approach was to prioritize the qualitative domain and theoretical description (Neuendorf, 2002), due to the richness of the data collected (Moretti et al., 2011). An analysis template was designed in which the variables are formulated on the basis of questions to be answered. The objective is to observe whether the parameters under study exist in the text, avoiding any kind of interpretation or doubt in the coding phase (Elo et al., 2014) (see Table 2).

- 3 Instrumentalization of the coding. Following Krippendorff (1990), before proceeding with the analysis, a pre-test of the template was performed to detect possible errors, points for improvement and to put the template "to the test." Two coders performed the analysis. Using the parameters of Elo et al. (2014), both coded all texts separately and then compared the results. In case of discrepancy or doubt about each of the variables under analysis, a discussion was established until a consensus was reached. To measure the intercoder reliability (ICR), the formula of "raw agreement" was used: 0.00 (no agreement) to 1.00 (perfect agreement). The percentage agreement formula is the number of agreements between two coders divided by the total number of units (Neuendorf, 2002). For this study, the range of agreement was 0.93, which is considered a near-perfect agreement and therefore valid for the template.

A first analysis of the documents was conducted from September to December 2023. In addition, in the search for updates and changes, another analysis was carried out from April to June 2024 to check for updates and changes.

2.2 Data collection and participants

The study universe ($N=117$) was composed of experts of different levels of specialization related to the object of research: heads of control and regulatory bodies of EASA² member countries, associations/companies belonging to the communication industry,³ influencers (identified in professional publications of the sector) and influencers (extracted from the "Forbes List: Best Content Creators 2023"⁴), distributed as in Table 3.

The questionnaire was sent to all of them, with a response rate of 17%.

2.3 Instrumentalization

In order to achieve the objectives set out, a descriptive qualitative-quantitative research was carried out, following the procedure below:

- 1 First, a content analysis (Neuendorf, 2002) of the texts, both legislative and self-regulatory, as well as the relevant guidelines, on influencer communication in social networks in force in Europe was carried out.
- 2 Based on the previous analysis, and with the aim of studying the figure of the influencer, an *ad hoc* and structured online questionnaire was developed, consisting of nine questions distributed in four sections:

Section 1. Informed consent.

2 <https://www.easa-alliance.org/type-of-member/self-regulatory-organisations/>

3 <https://www.easa-alliance.org/type-of-member/industry-members/>

4 <https://forbes.es/lista-forbes-best-influencers-2023/>

TABLE 2 Analysis template.

Thematic blocks	Analysis variable
Definition	1. What are the characteristics that define the figure of the influencer?
Commercial nature of disclosures	1. How should the influencer identify the communication when the communication is commercial?
Identification and transparency	1. Is there a recommended format of tag/reference/#, etc.? If so, indicate which ones. 2. Is there a recommended location for the tag/reference/# etc.? If so, indicate which ones. 3. Is there a recommended time for the tag/reference/# etc.? If so, indicate which ones. 4. Is there a recommendation to maintain the reference if the product/message/service is posted again? If so, indicate which ones.
Consumer protection	1. Is there any specific indication that the vocabulary should be understood by consumers? If so, indicate which ones. 2. Is there any enhanced protection (type of vocabulary, clarity of message, etc.) mentioned for targeting specific audiences (e.g., children)? 3. Are there any specific/enhanced protections mentioned for specific sectors (e.g., food, health, etc.)?
Influencer training	1. Is it recommended that influencers receive training on the products they are talking about?

Source: Own Elaboration.

Section 2. Composed of 3 questions that were elaborated with the aim of reaching a consensus on a possible definition of the figure of the influencer.

Section 3. Focuses on the importance that each of the respondents attach to clearly and transparently specifying the commercial nature of the content published.

Section 4. Aims to collect information about the influencer’s training on existing regulations and guidelines so that they are informed about how to disclose content of a commercial nature. In addition, due to the nature of vulnerable products/ audiences, special reference is made to the field of health and the need to legally establish a list of these products and/ or audiences.

The questionnaire was expressly authorized for use by the Ethics Committee of the University of Alicante (Spain).

3 Results

3.1 Analysis of legal texts, self-regulatory texts and/or guidelines

The analysis of the legal and self-regulatory texts of the 24 countries analyzed shows that practically all of them have guidelines on influencer communication. Only 6 have self-regulatory codes, either specific (Spain, the UK, Netherlands and Greece) or in the general codes on advertising self-regulation some rule has been introduced in reference to influencer advertising communication (Austria and Romania). This was the situation until 2023, when France became the first European country to pass a specific law on influencers. Spain followed a year later.⁵

5 Directive (EU) 2018/1808 of 14 November 2018 gives EU Member States the possibility to regulate the activity of influencers as it allows them to be assimilated to audiovisual media service providers. Since its entry into force, the European Regulators Group for Audiovisual Media Services (ERGA) has issued several reports on: (1) analysis and recommendations for regulation; (2) identification and location; and (3) regulatory experiences.

Looking at European codes and guidelines regarding the definition of influencer, without reaching a unanimous consensus, certain points in common can be observed. Austria, Belgium and Spain speak of an above-average capacity to influence opinions and behavior. The number of followers is an item used to define this figure: in Belgium they speak of a large community, while in Spain they mention numerous followers on social networks and/or digital media. The cases of Bulgaria and Portugal are noteworthy, since virtual people or people created with artificial intelligence are also considered influencers and the people/companies that manage these accounts are held accountable. As regards the Portuguese case, it is recommended that the biography of the account should indicate that it is a fictitious character using expressions such as *virtual human*, *robot* and *3D virtual character*. In this sense, it is also necessary to focus attention on the disparity of the name itself. Although the concept of influencer is the one we can find as standardized, we can also find them as brand ambassadors or online content creators (Romania, Holland and France). The Spanish case is of particular relevance, since, in accordance with its recent law, which covers video providers through platforms, including social networks, they are limited by the concept of *user of special relevance (USR)*.⁶

The documents consulted focus on the need for transparency and identification of disclosures of a commercial nature. First, it should be noted when the nature is of a commercial nature. French law defines them as natural or legal persons who, in exchange for remuneration and relying on their reputation among their audience for communicating by electronic means, engage in the dissemination

6 It should be noted that not all influencers are considered to be Relevant Users (RU), only those who meet all of the following requirements: (a) economic activity by which its holder obtains significant income derived from its activity in video sharing services through platform; (b) editorially responsible for the audiovisual content made available to the public in its service; (c) service aimed at a significant part of the general public and may have a clear impact on it; (d) function of the service: to inform, entertain or educate; and (e) service offered through electronic communications networks and is established in Spain (Art.94.2 Law 13/2022, of 7 July, Law 13/2022, of July 7, General Law of Audiovisual Communication).

TABLE 3 Distribution of study universe.

EASA members	25
Industry members	13
Digital pure-play companies (Google)	1
Influencers	50
Agencies	11
Sector professionals	17

Source: Own Elaboration.

of content intended to promote, directly or indirectly, goods, services or any commercially influential activity (Art.1).

Spain, together with Austria, Belgium and Bulgaria, through its code, follows this line by adding, aside from the consideration (whether financial or otherwise), that there must be editorial control by the advertiser. In this country, a further step is taken to limit the figure and, by extension, to submit its activity to the competent legislation. Accordingly, *Royal Decree 444/2024, which regulates the requirements for the purpose of being considered a user of special relevance of video sharing services through a platform*, determines that the influencer must comply with the law in force as long as they have a significant income⁷ and audience.⁸

Germany goes further, since when the influencer publishes, on their own initiative and without receiving anything in return, they do not need to label it as advertising. The German case deserves to be taken into account, as it is the only one that raises the possibility of labelling depending on whether the product is in the foreground or background of the advertising piece. The link between work and the brand is also addressed in the UK. Thus, the CMA (The Competition and Markets Authority) considers that if the influencer has had a relationship in the past (in the last year) with a brand, they must communicate this to their audience.

Aspects such as clarity of the message and appropriateness to the context, specifying the brand and being comprehensible and transparent, are the basic and common characteristics that the communication must have. It is also stressed that these communications should be honest and truthful: based on one's own experience; and that if the product/service has not been liked, it should not be disclosed in the opposite direction. Another recommendation to be highlighted is the language of the disclosure. Some countries recommend that the disclosure should be made in the language of the country or in English (Bulgaria, Italy and Spain); Germany, on the other hand, recommends using labels in the language of the country. Virtually all codes make some recommendation regarding the use of tags: "Content in partnership with..."; "#SponsoredContent"; "paid advertisement by..."; "advertising"; "ad"; "sponsored"; "ambassador" or "Company X gave me this product to try..." "paid partnership with"; as well as hashtags: #advertising; @brand; #ad; #sponsored; #BrandName_Ambassador; #BrandName_Partner. In the case of French law, the use of the words "advertising" or "commercial partnership" in a clear, legible and identifiable manner is required and failure to do so constitutes misleading advertising. In addition, when any kind of retouching is carried out, for example to shape the silhouette, it should be indicated by the label "retouched images" or "virtual images," if they have been made with Artificial Intelligence processes. Both the guidelines and the European codes refer to formatting. It is emphasized that certain content may require both audio and visual disclosures. When it is an audiovisual piece, the message should appear (either throughout the piece or in intervals) both visually and aurally; when it is a live broadcast, the message should be repeated periodically; in the case of reposting, it is also recommended to maintain the mention.

Most European codes and guidelines agree that influencers' publications should be clear and simple so that the average consumer can easily identify the advertisement; however, only Spain defines this in its code. Austria, Belgium, Bulgaria and Netherlands also make specific mention of greater protection for minors, urging stricter parameters, supervision and prior authorization by the responsible adult. Notably, Austria is the only country that refers to influencers not using images that propagate unhealthy behavior or body shapes, especially in relation to body weight. It is also the only country, along with the UK, that indicates that influencers must not use psychological or verbal violence (insults, threats or even jokes); nor engage in behavior (professionally or personally) that could be construed as racism, anti-Semitism, homophobia, misogyny, religious intolerance, violence or extremism, intimidation or aggression towards others, pornography or any criminal activity. Be that as it may, irrespective of whether these parameters are explicitly mentioned in the relevant code or guide, the general tone with regard to specific audiences (especially minors), with specific sectors and misleading/covert advertising must be in line with the relevant legislation. This line to be followed is very clearly observed in the two existing specific legislations. In both Spain and France, reference is made to the protection of minors in accordance with the legislation in force. Moreover, France also directly identifies the protection of minors when they act as influencers, and holds their legal representatives responsible. In France, its legislation is also expressly linked to existing legislation in specific sectors such as food and the use of nutrition and health claims.

⁷ Significant revenues are considered to be the gross revenues accrued in the previous calendar year, equal to or greater than 300,000 euros, derived exclusively from the activity of the users in all of the video exchange services through the platform they use. In this regard, the income that may be taken into account to determine significant income shall be the following: (a) income obtained, both from monetary remuneration and in kind; (b) received by users from the providers of the video-sharing services through the platform; (c) received from the activity of users from fees and payments paid by their audience in the video-sharing services through the platform; (d) from economic benefits granted by public administrations and entities, whatever their denomination and nature, related to the activity of users in the video-sharing services through the platform; (e) Other income obtained from the activity of users in the video-sharing services through the platform not provided for in the previous letters of this section (Article 3).

⁸ Significant audience are considered: (a) the service reaches, at some point in the previous calendar year, a number of followers equal to or greater than 1,000,000 on a single video-sharing platform service; or a number of followers equal to or greater than 2,000,000, in aggregate; (b) across all the video-sharing platform services on which the user is active, a number of videos equal to or greater than 24 have been posted or shared in the previous calendar year (Article 4).

Furthermore, commercial communication by influencers to promote activities linked to aesthetics, therapeutic procedures, products containing nicotine, establishments linked to animal conservation, gambling or cryptocurrencies is prohibited.

Finally, as far as influencer training is concerned, only France, through its self-regulatory body ARPP (Autorité de Régulation Professionnelle de Publicité) is a pioneer in the field of responsible influencing, having created several years ago *Le Certificat de l'Influence Responsable*, for content creators who collaborate with commercial brands in order to promote ethical and responsible influencer marketing.

3.2 Responses from industry professionals

From the responses obtained (Figure 1), it is clear that the influencer can be defined as the person who, through their publications, is capable of shaping attitudes and influencing the opinions of individuals (16 responses out of 20 professionals consulted). It is also highlighted that it is the number of followers that can define this figure (14 out of 20). However, their charisma or whether they are great communicators are not traits that are considered to be a priority when it comes to defining them.

On the other hand, it is mentioned that what defines an influencer is the reach they achieve with their content, i.e., that they achieve a “great impact” on the public.

It is worth highlighting some answers given by respondents, depending on their country of origin. In the case of France, it is noted that the law defines “commercial influencer activity” instead of influencer, referring to the “Activity exercised by any person who, in exchange for remuneration, uses their notoriety among their audience to communicate content to the public by electronic means in order to promote goods, services or any cause (Art. 1).”

In Dutch self-regulation, an advertising influencer is described as a “distributor,” which is defined as a person who has a relevant or relevant relationship with the advertiser and who distributes advertising via social media in exchange for financial or other consideration, and may be a natural or legal person.

In addition, 19 of the 20 professionals consulted emphasize that the commercial nature of the content of the publications posted by the influencer occurs at the moment when they receive

financial or any other type of compensation. We underline the fact that the inclusion of affiliate links or discount codes is also considered a practice that marks the commercial nature of the content of the publications, as well as collaborations and/or commercial mentions between brand and influencer. However, the editorial control of the advertiser is not considered as a priority circumstance that establishes the commercial nature of the relationship (Figure 2).

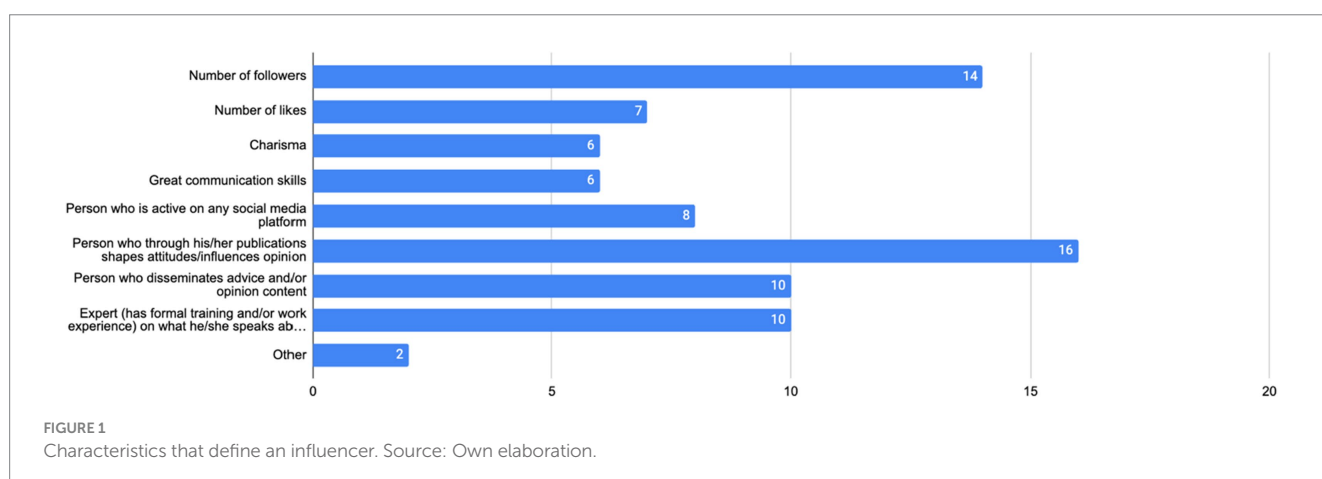
Other circumstances stressed by respondents that can determine the commercial nature of the content are:

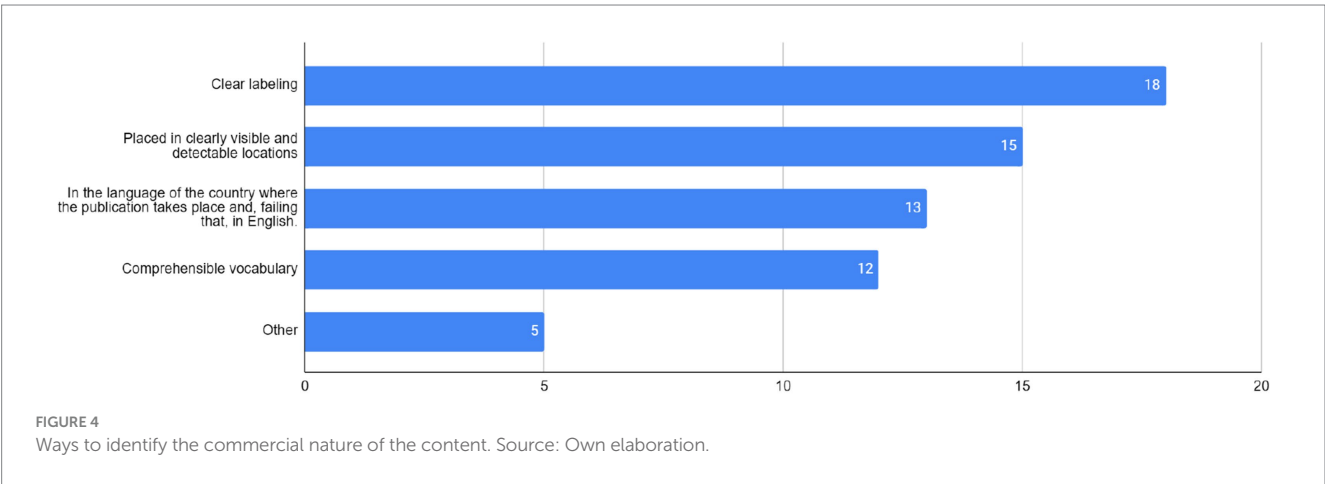
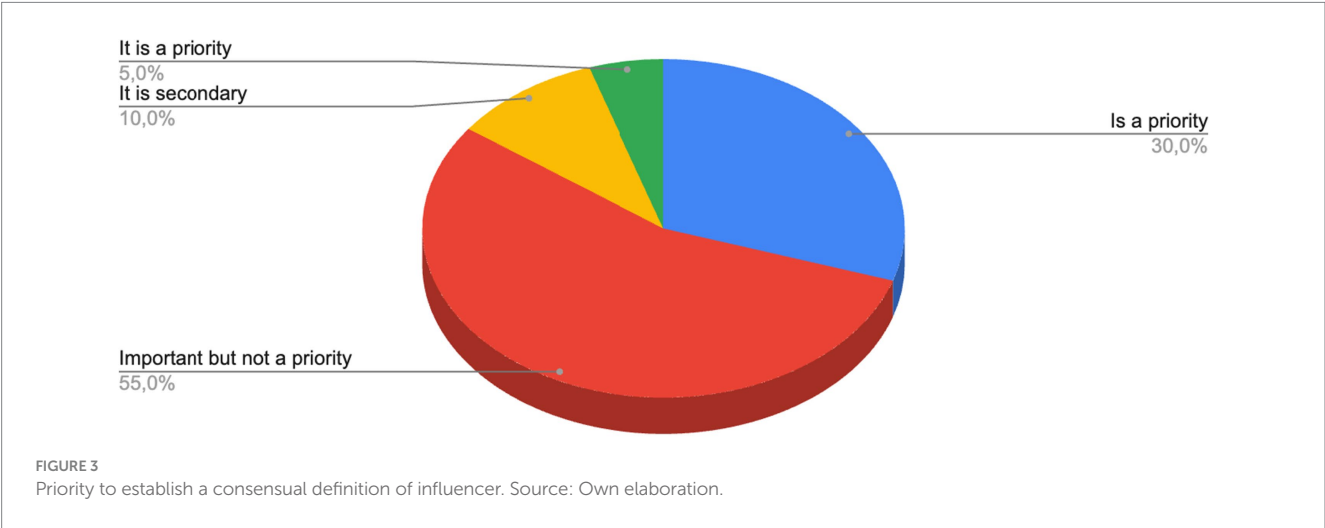
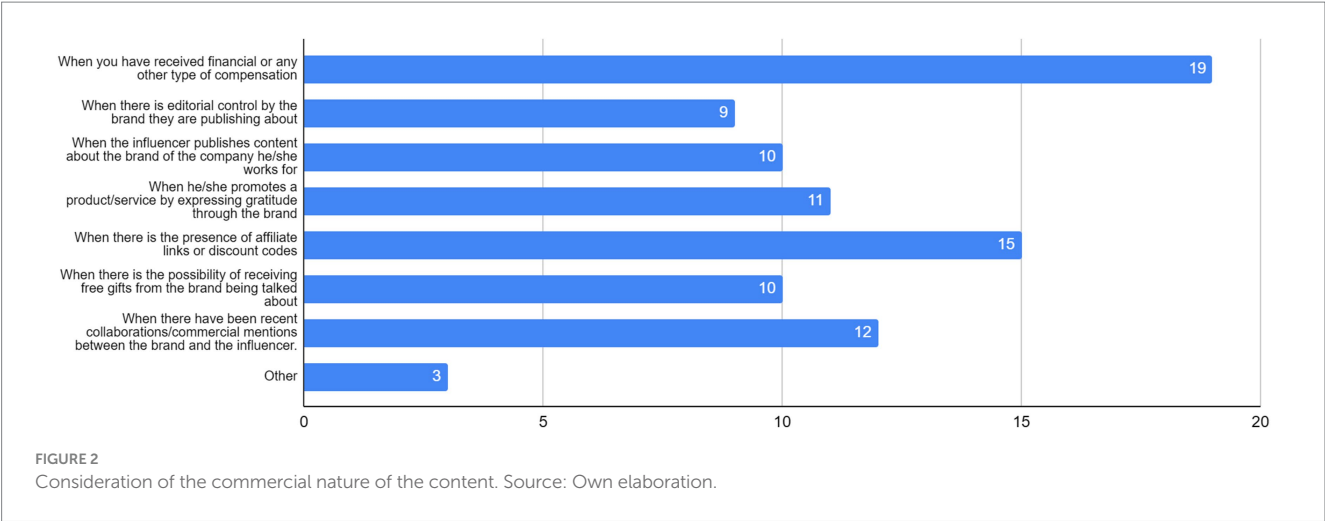
- That the influencer shows a package/gift they have received from a certain brand.
- That there is a reciprocal agreement/commitment. On the part of the creator: commitment to produce content; on the part of the brand: commitment to give compensation (gift, payment, trip, invitation to an event and so on).

Nevertheless, it should also be noted that some respondents do not speak of a “commercial nature,” but rather of a “relevant relationship” understood as one in which a contract is concluded, a sponsorship is carried out or free products are offered to influencers in order for them to publish something about the free product. In addition, the existence of a relevant relationship also requires that the influencer receives some kind of benefit that the advertiser links to the distribution of the content, such as a material benefit (money or goods), but also any other benefit, such as brand awareness and/or additional followers.

The need to reach a consensus on a definition of the figure of the influencer is reflected in the figures shown in Figure 3. A total of 85% of the responses focus on the importance or priority of establishing a clear definition. However, it is striking that 55% consider it important but not a priority.

According to 18 of the 20 professionals surveyed, clear labeling is recognized as the most appropriate way for influencers’ publications to show their commercial character. Location, language and vocabulary are, in this order, relevant elements to achieve such identification. In addition, it is necessary to expressly indicate that it is advertising by including the caption “ad” or through an express mention by the influencer (Figure 4). It is also worth noting that in some cases there is a lack of transparency in influencers’





communication, as they are in fact selling a specific product or service. Nonetheless, unlike other types of actions, strategies and/or media, these are contents accepted voluntarily at the same time as the influencer is followed, a situation that can be reversed with a simple action: stop following the account.

There is a clear duality in the respondents' stance on whether it should be mandatory for influencers to be trained in the regulations, both imposed and self-imposed, on the publication of content of a clearly commercial nature. Of these, 52.2% believe it should be voluntary, while 47.8% feel it should be mandatory (Figure 5).

However, when asked about the need for influencers to receive training, formal or informal, on the product or service they advertise, responses varied substantially. Half of the respondents answered that it should be a requirement when the content is directly related to health (food, diets, recipes and so on), sensitive products (gambling) or similar (see Figure 6).

Sometimes, the content that influencers disseminate can have a major impact on the health of individuals. Equally, a negative impact can be generated when this content is targeted at vulnerable audiences. In view of these possible situations, respondents were asked about the need to legally create a list of products/services and/or specific audiences whose dissemination through influencers is prohibited. More than half of the responses were in the affirmative, although 30% of the responses were in the opposite direction (Figure 7).

Among the audiences to be taken into account in this list are children, young people and the elderly, while the products mentioned are alcohol, medicines and other medical devices, gambling and electronic cigarettes. In addition, there is a clear need to harmonize the bans with those of other digital media to ensure equal treatment between channels.

Finally, as possible solutions or actions to control the content disseminated by influencers, the following are alluded to:

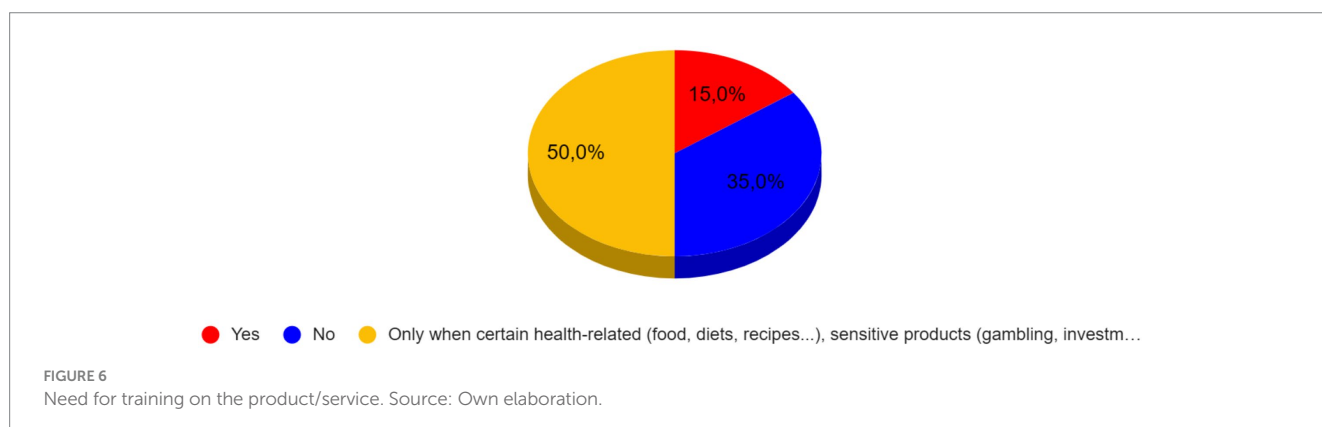
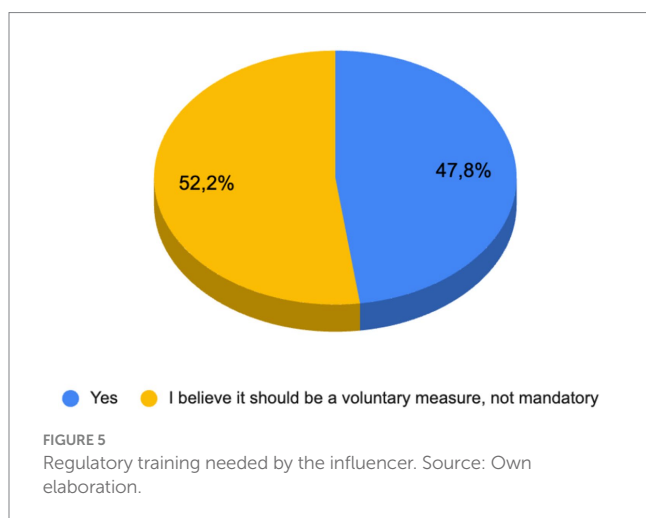
- Conducting a monitoring of the content by the platforms.
- Penalizing those brands that “use” influencers as a vehicle to profit from their brands.
- Making public a list of influencers.
- Blocking accounts by the platforms.

4 Discussion

Of the 24 countries analyzed, only two countries (Spain and France) have specific legislation on the subject; four (Spain, the UK, Netherlands and Greece) have specific self-regulatory codes; and the rest address the commercial disclosure of influencers through self-regulatory codes on advertising by inserting a specific rule or do not have any self-regulation in this regard. It can also be observed that the guides, either as the only text on the subject or as a complement to the legislation and/or self-regulation in force, are relevant documents.

Respondents attach importance to a consensual definition, but do not consider it a priority issue. The lack of consensus on the term is evident. The texts analyzed address it by defining an influencer as a person with the capacity to influence attitudes and behaviors as well as someone with numerous followers. This parameter coincides with the opinion of the respondents. It is worth noting that the vast majority of professionals surveyed do not speak of a commercial relationship between influencer and brand, but rather of a “relevant relationship.” As for the specific legislation on the subject, given the difficulty of specifying a definition, they do establish the basic parameters not only of what an influencer is, but also when their activity should be legislated when it is of a commercial nature. French legislation clearly speaks of the existence of remuneration, an aspect also addressed by many of the texts analyzed. Spanish legislation also adds the parameter of significant audience, i.e., number of followers. In short, the existence of consideration and significant audience would be the paths established by the legislation to address this figure. However, the parameter of “editorial control of the brand,” which is mentioned in many of the codes/guidelines analyzed, is left out, not being considered important by the respondents.

Self-regulatory texts as well as guidelines are much more comprehensive than current legislation and contain key parameters on which labels to use, where to place them and the language to make commercial disclosure transparent. Thus, while only France, with labels such as “advertising” or “commercial collaboration,” requires the identification of advertising content in a clear and legible manner,



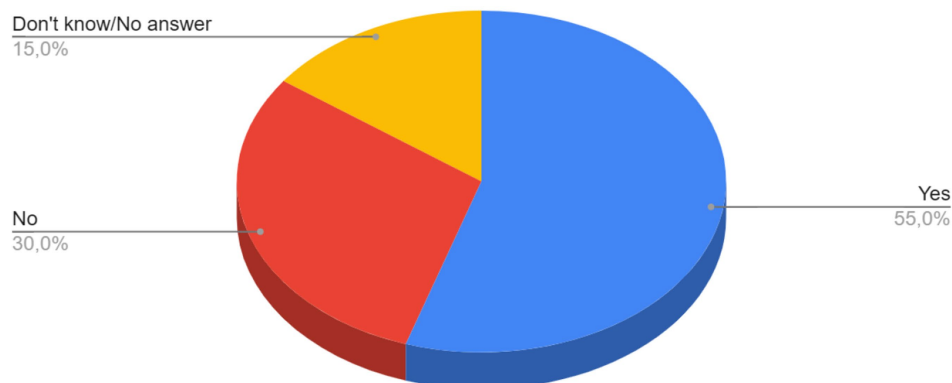


FIGURE 7

Requirement to generate a list of vulnerable products/services and/or audiences. Source: Own elaboration.

Spanish legislation does not address this issue. However, both the codes and the guides analyzed do detail parameters on which labels to use, examples of such labels, when and where to insert them according to the format of the communication and recommendations on the language to be used. On the other hand, the obligation to identify images when they are retouched is noteworthy in the French legislation. In addition, there is strong protection for minors and, in certain sectors, commercial communication through the use of influencers is prohibited. This is undoubtedly a remarkable aspect, since the rest of the texts, both legal and self-regulatory or guides, barely make any specific mention of the protection of particular audiences and/or sectors, leaving this task to the competent legislation on the subject.

This work shows that regulation can be a tool, but its format does not adjust to the circumstances of the media ecosystem in which the influencer coexists. First, Spanish legislation legislates according to the number of followers and income, equating the figure of the influencer to that of any online operator/platform. However, we consider this to be insufficient because many “users of special relevance” may be left out of this legislation. Moreover, on an economic level, one can equate clothing advertising or food advertising, commercial disclosure about cryptocurrencies or talk about health-related products; but on an ethical and public health level, they cannot. French legislation has taken a step forward with certain sectors (aesthetic medicine, therapeutic procedures, products containing nicotine, gambling or cryptocurrencies) by prohibiting their commercial communication through influencers. This legislation not only sets out the type of labels that must be used to inform that we are dealing with advertising, but also makes it compulsory to communicate that these are retouched images. In the same vein, it is not possible to legislate in a generalized way because the consumption of all advertised products does not have the same consequences. The opinion of the respondents was also along these lines, as they questioned the special protection that had to be taken into account when advertising products such as tobacco, alcohol or gambling, as well as when the audience was minors or elderly people. On the other hand, the texts analyzed also fail to address the issue of the influencer’s training/experience with the products they are advertising. Nowadays, many influencers offer guidelines, for example, on how to maintain diets, including specific diets such as vegan ones. Many of them venture into publishing books

on the subject that they also advertise on their networks, but few have formal training in the field (Romero-Cantero et al., 2022). In fact, there are already studies that show the spread of hoaxes and fake news promulgating misinformation on social networks (Mahy et al., 2022; Freiling et al., 2023), especially on diets and food lifestyles (Arguiñano and Goikoetxea, 2021). We highlight the US guide entitled “Guides Concerning the Use of Endorsement and Testimonials in Advertising,” which refers to expert endorsement, where expert is understood as having experience, knowledge or studies on specific topics (Harris, 2019). For this reason, many of the respondents are in favor of regulation and specific training by the influencer, but only when it concerns health or certain audiences.

The professionals surveyed also note the need to differentiate between “content creator” and “influencer”. In this way, the issue of the influencer and the fine line between content creator/disseminator and commercial content creator (Balaban et al., 2022) is further explored. The texts under study only address its regulation in the latter case, but we cannot forget its capacity to influence and the scarce regulation on the consequences they may have on addictive behaviors, Eating Disorders (ED) and so on, because what happens when they are mere opinions with no commercial purpose but can create harmful behaviors? This aspect has also been highlighted by respondents and in recent literature (Marauri-Castillo et al., 2024). Only codes such as the English and Austrian ones devote special attention, in addition to the promotion of products or services, to the influencer’s own behavior and disclosure when it is harmful to health or involves psychological violence or discrimination of any kind. It is worth stressing this issue because the recent report entitled *Council Conclusions on supporting influencers as creators of online content* claims precisely the negative effects that not only the content of influencers, but also their behavior, can have on society, damaging its mental and physical health through cyber-bullying, misinformation or disinformation and/or unhealthy comparison with influencers. In this sense, it becomes clear that “the impact of influencers extends beyond their commercial activities” (European Commission, 2024, p. 3).

From our point of view, we question the necessity and, more importantly, the effectiveness of specific legislation on commercial disclosure of influencers. In terms of self-regulation, there are already studies that highlight the minimal monitoring of those in force to date (Aguilleiro Prats et al., 2020; Ramos Gutiérrez and Fernández Blanco,

2021). Following the approach of the [European Parliament \(2022\)](#) in the document “The impact of influencers on advertising and consumer protection in the Single Market,” the definitions of advertising determine how national rules apply to influencers and their application and jurisprudence may vary from one country to another. Thus, the question arises as to whether the focus should be solely on the advertising nature of the influencer and subject to the relevant legislation. Many of the professionals surveyed advocate the absence of regulation, since the commercial practices of influencers, in the case of Spain, for example, would be covered by legislation on unfair competition or misleading advertising, among others. In fact, rather than regulation, they advocate the following consensus guidelines: (1) Monitoring the influencer’s advertising practices; (2) Penalizing brands for non-compliance; (3) Drawing up a public list of influencers; and (4) Blocking accounts if they do not comply with current regulations. However, there are also voices that advocate for stronger and more consensual legislation at the European level. This is the case of the [European Consumer Organization \(2023\)](#) which, through the document *From influence to responsibility: time to regulate influencer marketing*, offers a series of recommendations to promote and reform legislation in this area.

With this study as a starting point, we consider that there are two actors that receive little or no attention when it comes to legislation: the influencer and the consumer. On the one hand, there is the training of the influencer in this matter. They should be aware of the consequences of their publications and know that, when these are of a commercial nature, the responsibility lies with them, not with the brand. Only France has a training certificate in this respect, which the European authority (EASA) is already trying to implement. On this point, we highlight the *Influencer Trust Label (ITL)* actions carried out by iCmedia, which establishes indicators of responsibility and transparency for those influencers who act responsibly. On the other hand, the White Paper on Responsible Influence also urges platforms to have a *Chief Ethics Officer*, i.e., a person responsible not only for the platform’s ethical behavior, but also of the brands and agencies, with the aim of detecting bad practices and promoting training among stakeholders ([San-Miguel-Arregui et al., 2021](#)). The path of (in) education is followed by the [European Commission \(2023\)](#) with initiatives such as the *Influencer Legal Hub* platform, through which influencers can find information on EU legislation in the field of business practices that will help them to comply with the rules. There is a paradox when it comes to requiring training, the opinion of respondents is divided between those who consider that training should be voluntary, while the other half consider that it should be mandatory.

On the other hand, the consumer and his or her media education are not being considered, but only the protection of the consumer. Taking into account that communication in the online environment is advancing at a rapid pace, it is practically impossible institutionally to continue adapting documents in a timely manner. Therefore, educating the consumer on the new formulas of commercial communication in the online context, which are more creative, more subtle and, by extension, more difficult to detect, is one of the challenges to be faced by implementing actions focused on both media and advertising literacy ([De Veirman et al., 2017](#); [Hudders et al., 2020](#)).

The path towards the literacy of both actors is highlighted in the report on *Council Conclusions on supporting influencers as creators of online content*, which calls for the promotion of policies focused on

boosting the digital skills and competences of the target audience of influencers to enhance their critical sense. It also advocates working to ensure that influencers understand and comply with current legislation, being aware of their power of influence not only in terms of communication but also in terms of behavior ([European Commission, 2024](#)).

Finally, although this is an exploratory study limited to the European context, it should be noted that there is no record in the literature of research of this magnitude in which, on the one hand, texts (of any kind) on influencer advertising communication are combined and compared and, on the other hand, the perspective of the parties involved is considered. However, we are also aware that, in the future, it would be necessary to deepen the parameters of analysis, from a longitudinal point of view, observing changes in documents and recent regulations, extrapolating to more countries and trying to gather more information by increasing the number of respondents. We are also aware of the limited number of responses obtained from the professionals and organizations surveyed. Although the information provided by those who have responded to the questionnaire is extremely valuable, in the future we should work on increasing the number of responses complemented with other working methodologies such as focus groups or Delphi method. Despite these limitations, the work we present provides solid conclusions that seek to address updated regulatory information on influencer disclosures, going beyond legal or self-regulatory texts by implementing the analysis of guidelines. This analysis, complemented with the perception of professionals, provides relevant information for both the competent bodies and the profession on where influencer regulation stands, what the guidelines are between countries on their definition and delimitation and what is understood by commercial communication. In addition, it offers a summary of the parameters followed in terms of transparency and consumer protection. This information is intended to serve both as an aid for the creation of (in) formation documents and as a basis for future policies and legislation in this area.

Data availability statement

The datasets presented in this article are not readily available as this is an ongoing research project. Requests to access the datasets should be directed to n.quintas.froufe@udc.es.

Author contributions

CG-D: Conceptualization, Data curation, Formal analysis, Funding acquisition, Investigation, Methodology, Project administration, Resources, Software, Supervision, Validation, Visualization, Writing – original draft, Writing – review & editing. CQ-S: Conceptualization, Data curation, Formal analysis, Funding acquisition, Investigation, Methodology, Project administration, Resources, Software, Supervision, Validation, Visualization, Writing – original draft, Writing – review & editing. NQ-F: Conceptualization, Data curation, Formal analysis, Funding acquisition, Investigation, Methodology, Project administration, Resources, Software, Supervision, Validation, Visualization, Writing – original draft, Writing – review & editing.

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References

- Abidin, C. (2021). Mapping internet celebrity on TikTok: exploring attention economies and visibility labours. *Cult. Sci. J.* 12, 77–103. doi: 10.5334/csci.140
- Agulleiro Prats, Á., Miquel-Segarra, S., García Medina, I., and González Romo, Z. (2020). El reto de regular un perfil no profesionalizado: microinstagramers de moda. *Fonseca J. Commun.* 20, 15–34.
- Arguiñano, J., and Goikoetxea, U. (2021). El rol de fact-checkers de los influencers españoles de la alimentación en Instagram. *Comun. Medios* 30, 14–27. doi: 10.5354/0719-1529.2021.64567
- Asquith, K., and Fraser, E. (2020). A critical analysis of attempts to regulate native advertising and influence marketing. *Int. J. Commun.* 14, 5729–5749.
- Balaban, D. C., Mucundorfeanu, M., and Naderer, B. (2022). The role of trustworthiness in social media influencer advertising: investigating users' appreciation of advertising transparency and its effects. *Communications* 47, 395–421. doi: 10.1515/commun-2020-0053
- Baym, N. (2015). Social media and the struggle for society. *Soc. Media Soc.* 1:205630511558047. doi: 10.1177/2056305115580477
- Boerman, S. C., and van Reijmersdal, E. A. (2020). Disclosing influencer marketing on YouTube to children: the moderating role of para-social relationship. *Front. Psychol.* 10:3042. doi: 10.3389/fpsyg.2019.03042
- Campbell, C., and Grimm, P. (2019). The challenges native advertising poses: exploring potential Federal Trade Commission Responses and identifying research needs. *J. Public Policy Mark.* 38, 110–123. doi: 10.1177/074395618818576
- De Jans, S., Cauberghe, V., and Hudders, L. (2018). How an advertising disclosure alerts young adolescents to sponsored vlogs: the moderating role of a peer-based advertising literacy intervention through an informational vlog. *J. Advert.* 47, 309–325. doi: 10.1080/00913367.2018.1539363
- De Veirman, M., Cauberghe, V., and Hudders, L. (2017). Marketing through Instagram influencers: the impact of number of followers and product divergence on brand attitude. *Int. J. Advert.* 36, 798–828. doi: 10.1080/02650487.2017.1348035
- Duffy, B. E., and Hund, E. (2015). “Having it all” on social media: entrepreneurial femininity and self-branding among fashion bloggers. *Soc. Media Soc.* 1, 3–9. doi: 10.1177/205630511560433
- EASA (2023). Best practice recommendation on influencer marketing guidance. Available at: https://www.easa-alliance.org/publications/best-practice-recommendation-on-influencer-marketing-guidance_v2023 (Accessed June 7, 2023)
- Elo, S., Kääriäinen, M., Kanste, O., Pölkki, T., Utriainen, K., and Kyngäs, H. (2014). Qualitative content analysis: a focus on trustworthiness. *SAGE Open* 4:215824401452263. doi: 10.1177/2158244014522633
- European Commission (2023). Influencers Legal Hub. Available at: https://commission.europa.eu/live-work-travel-eu/consumer-rights-and-complaints/influencer-legal-hub_en (Accessed June 6, 2024)
- European Commission (2024). Conclusiones del Consejo sobre el apoyo a los influencers como creadores de contenidos en línea. Available at: <https://data.consilium.europa.eu/doc/document/ST-9301-2024-INIT/es/pdf> (Accessed June 6, 2024)
- European Consumer Organization (2023). De la influencia a la responsabilidad: es hora de regular el marketing de influencers. Available at: <https://www.beuc.eu/position-papers/influence-responsibility-time-regulate-influencer-marketing> (Accessed June 6, 2024)
- European Parliament (2022). The impact of influencers on advertising and consumer protection in the Single Market. Available at: [https://www.europarl.europa.eu/thinktank/en/document/IPO_L_STU\(2022\)703350](https://www.europarl.europa.eu/thinktank/en/document/IPO_L_STU(2022)703350) (Accessed June 6, 2024)
- Ferrero, L. (2021). Marketing de influencers: ¿es igual de efectivo cuando se indica que el contenido es publicidad? [Dissertation/master's thesis]. [Barcelona (SP)]: UOC.
- Freiling, I., Stubenvoll, M., and Matthes, J. (2023). Support for misinformation regulation on social media: it is the perceived harm of misinformation that matters, not the perceived amount. *Policy Internet* 15, 731–749. doi: 10.1002/poi.3360
- FTC (2009). Guides Concerning Use of Endorsements and Testimonials in Advertising. Available at: <https://www.ecfr.gov/current/title-16/chapter-I/subchapter-B/part-255> (Accessed March 15, 2024)
- FTC (2013). How to make effective disclosures in Digital Advertising. Available at: <https://www.ftc.gov/sites/default/files/attachments/press-releases/ftc-staff-revises-online-advertising-disclosure-guidelines/130312dotcomdisclosures.pdf> (Accessed June 5, 2024)
- FTC (2017). The FTC's Endorsement Guides: What people are asking. Available at: <https://www.ftc.gov/tips-advice/business-center/guidance/ftcs-endorsement-guides-what-people-are-asking> (Accessed January 25, 2024)
- FTC (2019). Disclosures 101 for Social Media Influencers. Available at: <https://www.ftc.gov/news-events/press-releases/2019/11/ftc-releases-advertising-disclosures-guidance-online-influencers> (Accessed January 25, 2024)
- Harris, L. (2019). Too little: FTC guidelines on deceptive and misleading endorsements by social media influencers. *Howard Law J.* 62:3.
- Hudders, L., De Jans, S., and De Veirman, M. (2020). The commercialization of social media stars: a literature review and conceptual framework on the strategic use of social media influencers. *Int. J. Advert.* 40, 327–375. doi: 10.1080/02650487.2020.1836925
- ICC (2018). ICC Advertising and Marketing Communications Code. Available at: <https://iccwbo.org/news-publications/policies-reports/icc-advertising-and-marketing-communications-code/> (Accessed January 13, 2024)
- Janssen, L., Schouten, A. P., and Croes, E. A. J. (2021). Influencer advertising on Instagram: product-influencer fit and number of followers affect advertising outcomes and influencer evaluations via credibility and identification. *Int. J. Advert.* 41, 101–127. doi: 10.1080/02650487.2021.1994205
- Kadekova, Z., and Holienčinová, M. H. (2018). Influencer marketing as a modern phenomenon creating a new frontier of virtual opportunities. *Commun. Today* 9, 90–105.
- Kay, S., Mulcahy, R., and Parkinson, J. (2020). When less is more: the impact of macro and micro social media influencers' disclosure. *J. Mark. Manag.* 36, 248–278. doi: 10.1080/0267257X.2020.1718740
- Krippendorff, K. (1990). Content analysis: An introduction to its methodology. Thousand Oaks, CA: Sage Publications.
- Kusumasondaja, S., and Tjiptono, F. (2019). Endorsement and visual complexity in food advertising on Instagram. *Internet Res.* 29, 659–687. doi: 10.1108/IntR-11-2017-0459
- Leszczynska, M., and van Dijk, G. (2020). “Assessing the methodological quality of empirical research on social media influencers” in The regulation of social media influencers. eds. C. Goanta and S. Ranchodás (Cheltenham, UK: Edward Elgar), 275–298.
- Mahy, P., Winarnita, M., and Herriman, N. (2022). Influencing the influencers: regulating the morality of online conduct in Indonesia. *Policy Internet* 14, 574–596. doi: 10.1002/poi.3321
- Marauri-Castillo, I., Rodríguez-González, M. M., and Marín-Murillo, F. (2024). Divulgadores, no influencers: comunicación de nutricionistas en redes sociales. *Vivat Acad.* 157, 1–27. doi: 10.15178/va.2024.157.e1495

Conflict of interest

The authors declare that the research was conducted in the absence of any commercial or financial relationships that could be construed as a potential conflict of interest.

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- Mol, C., and Goanta, C. (2023). Shedding light on child influencers: insights on the influencer economy, Dutch private law and children's rights. *Tijdschrift voor Familie- en Jeugdrecht* nr. 45. doi: 10.2139/ssrn.4525947
- Monerri, P. (2017). Publicidad encubierta en Instagram: análisis comparado de la regulación de publicidad encubierta entre España y Estados Unidos [Dissertation/master's thesis]. [Barcelona: Universitat Autònoma de Barcelona]
- Moretti, F., van Vliet, L., Bensing, J., Deledda, G., Mazzi, M., Rimondini, M., et al. (2011). A standardized approach to qualitative content analysis of focus group discussions from different countries. *Patient Educ. Couns.* 82, 420–428. doi: 10.1016/j.pec.2011.01.005
- Neuendorf, K. A. (2002). The content analysis guidebook. Thousand Oaks, CA: Sage Publications.
- Núñez-Cansado, M., López-López, A., and Somarriba-Arechavala, N. (2021). Publicidad encubierta en los kidsfluencers. Una propuesta metodológica aplicada al estudio de caso de los diez youtubers menores con más seguidores de España. *Prof. Inf.* 30:e300219. doi: 10.3145/epi.2021.mar.19
- Ramos Gutiérrez, M., and Fernández Blanco, E. (2021). La regulación de la publicidad encubierta en el marketing de influencers para la Generación Z: ¿Cumplirán los/as influencers el nuevo código de conducta de Autocontrol? *Rev. Prisma Soc.* 34, 61–87.
- Romero-Cantero, T., González-Díaz, C., and Quintas-Froufe, N. (2022). La comunicación de los influencers veganos en Instagram: el caso español. *Cuad. Info* 52, 307–329. doi: 10.7764/cdi.52.38267
- San-Miguel-Arregui, P., Sadaba-Garraza, T., Morales, B., Muñoz-Rojas, M., and Santos, P. (2021). Libro Blanco de la Influencia Responsable. IC Media. Available at: https://www.influencertrustlabeu.org/wp-content/uploads/2021/11/El-Libro-blanco-de-la-Influencia-Responsable-ISEM-ICMEDIA-NEWLINK_AAFf.pdf
- Schouten, A. P., Janssen, L., and Verspaget, M. (2019). Celebrity vs. influencer endorsements in advertising: the role of identification, credibility, and product-endorser fit. *Int. J. Advert.* 39, 258–281. doi: 10.1080/02650487.2019.1634898
- Steward, G. (2021). Trouble in paradise: regulation of Instagram influencers in the United States and United Kingdom. [Dissertation/master's thesis]. [Wisconsin: University of Wisconsin]
- Sundermann, G., and Raabe, T. (2019). Strategic communication through social media influencers: current state of research and desiderata. *Int. J. Strateg. Commun.* 13, 278–300. doi: 10.1080/1553118X.2019.1618306
- Taramona, R. (2018). Influencers digitales: disrupción de la fama, la publicidad y el entretenimiento en las redes sociales. *Rev. Estud. Juv.* 119, 75–92.
- Van Driel, L., and Dumitrica, D. (2021). Selling brands while staying “authentic”: the professionalization of Instagram influencers. *Convergence* 27, 66–84. doi: 10.1177/1354856520902136
- Verdoodt, V., Van der Hof, S., and Leiser, M. (2020). “Child labour and online protection in a world of influencers” in The regulation of social media influencers. eds. C. Goanta and S. Ranchodás (Cheltenham, UK: Edward Elgar), 98–125.
- Ye, G., Hudders, L., De Jans, S., and De Veirman, M. (2021). The value of influencer marketing for business: a bibliometric analysis and managerial implications. *J. Advert.* 50, 160–178. doi: 10.1080/00913367.2020.1857888



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Perceptions of disinformation regulation in the Andean community

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Disinformation generates political polarization and affects the quality of democracy, so understanding attitudes towards the regulation of disinformation will help society and its leaders to develop effective and inclusive approaches to combat this phenomenon. The purpose of the research is to determine the perceptions and propensities of Andean Community citizens regarding the regulation of disinformation. Bolivia, Colombia, Ecuador and Peru have formed a political and economic bloc since 1969, and are subscribers to the Inter-American legal framework. The methodology is quantitative and qualitative, with exploratory and descriptive approaches. The instruments used are a survey, focus groups and expert interviews with experts, which were applied between July 2022 and May 2024, to establish trends and to avoid biases. It was found that 80% of respondents and participants in the focus groups agreed that misinformation alienates people from democratic representation and there was evidence of distrust in elections. A vision of regulation by states persists, through laws, rather than self- or co-regulation. The discussion revolves around the need for a multifaceted approach to combat disinformation, between regulation, media literacy and the responsibility of digital platforms, without compromising freedom of expression.

KEYWORDS

disinformation, news, media consumption, media literacy, media competition, regulation, self-regulation

1 Introduction

Disinformation, according to UNESCO (Brant et al., 2020), is “false, manipulated or misleading content, whether intentionally created and disseminated or not, that may cause potential harm to peace, human rights and sustainable development.” In similar terms, the UN Special Rapporteur notes that it is “information intentionally distributed or intentionally created with the objective of undermining the public’s right to know and affecting the public’s ability to discern between (...) fact and fiction” (Kaye, 2016).

Disinformation is intentionally fallacious (Jack, 2017), denaturalizes facts to mislead audiences (Fraguas de Pablo, 2016; Sartori, 2016; Rodríguez, 2018), and it multiplies thanks to the opacity of technological infrastructures and legal loopholes (Persily, 2017),

Among the risks of disinformation are “the use of platforms for disinformation and the propagation of hate speech or discrimination [...] these are two threats to communication in democracy for multiple reasons” (Becerra and Waisbord, 2021, p. 305). Disinformation requires states to safeguard their institutions without restricting citizens’ freedoms and rights (Marcos et al., 2017; Pauner, 2018; Walker, 2018). For the European Union, disinformation is a latent threat to democracies (Bayer et al., 2019; Galarza, 2022).

Disinformation is also described as a type of belligerence whose “objective is to influence the opinions and actions of citizens” (Hanley, 2020, p. 74), “seeks to undermine public trust, distort facts, convey a certain way of perceiving reality” (Olmo-y-Romero, 2019, p. 4), but what is more delicate is “that citizens shun facts to replace them with content that instead fits their emotions or political beliefs” (UNESCO, 2021, p. 14).

Disinformation “is part of our daily lives and questions objective facts in journalistic and political discourses and replaces them with emotions and personal beliefs” (Masip and Ferrer, 2021, p. 3). The sustained presence of false data calls into question the credibility of contemporary journalism (Rodrigo-Alsina and Cerqueira, 2019), and affects the economic profitability of the media (Del-Fresno-García, 2019). It emerges in a scenario where both traditional and digital media are losing the trust of citizens, among other reasons, due to polarization and clientelistic arrangements (Newman, 2019; Salazar, 2022), in addition to traditional media being replaced by social networks as information channels that focus attention on stories rather than sources (Espaliú-Berdud, 2023).

Although it is not a recent phenomenon, today disinformation has a greater impact because it is easy for anyone to publish and share news or information online, through social media, and they are exposed to falsehoods for immediate dissemination (European Commission, 2018a; Vosoughi et al., 2018). Everyone can generate content with global impact, in the last century this capacity resided in media outlets characterized by deontological practices (Newman et al., 2020).

It is clear that “lies spread faster than facts. For some strange reason, facts are very boring. Lies, especially when they are accompanied by fear, anger, hatred, tribalism, spread” (Ressa, 2023). The future of journalism depends, in large part, on how the media fights disinformation (APM, 2019). Unfortunately, the digital ecosystem does not yet have a concrete model to make the public interest and freedom of expression prevail against disinformation (Mihailidis and Viotty, 2017; González, 2022).

To reduce the possible alterations of misinformation in public opinion and the quality of democracies, regulation models are proposed. The supervision of digital platforms is under debate in several countries, but there is a warning against legislation that violates the right to freedom of expression, due to the possible misuse of laws against the dissemination of misleading information, because the “judicialization of disinformation It should not be the only viable path. And this is because the right to freedom of expression protects even those who spread false information” (Slipczuk, 2023). “Behind projects that are presented with the laudable purpose of avoiding this danger, other objectives are often hidden, which tend only to censorship or self-censorship” (Jornet, 2020).

In 1976, the European Court of Human Rights concluded that freedom of expression applies not only to “information” or “ideas” that are favorably received, but also to those that offend, shock or disturb the State or any section of the population, without which there is no democratic society (European Court of Human Rights, 1976). From the Inter-American perspective, prohibiting the transmission of inaccurate information solely because of its lack of truthfulness is considered inconsistent with freedom of expression. Prohibiting misinformation is “structurally incompatible with the very functioning of democracy. In a true democracy, it has been said, the best remedy for lies is free democratic debate” (Botero, 2017, p. 82).

Regulating disinformation should not mean restricting the opinions of citizens, and the Inter-American Court of Human Rights noted that States were not allowed to place restrictions on freedom of expression in order to protect the principle of truthfulness or for the purpose of protecting the public from “deception” (IACHR, 1985). “The right to information encompasses all information, including what we call “erroneous,” “untimely” or “incomplete” information [...] By requiring truth [...] in information, one starts from the premise that there is a single, unquestionable truth” (OAS, 2000).

In Latin America, the Office of the Special Rapporteur for Freedom of Expression of the Inter-American Commission on Human Rights issued the “Joint Declaration on Freedom of Expression and Fake News, disinformation and propaganda” which clarifies that restrictions on the right to freedom of expression will only be justified “when provided by law and necessary to protect a human right or other legitimate public interest, including that it is proportionate, that there are no less invasive alternative measures that could preserve that interest, and that it respects minimum guarantees” (OAS, 2027).

An alternative to avoid the dangers outlined above is the self-regulation of platforms with clear guidelines for content moderation, aligned with freedom of expression. Self-regulatory mechanisms, particularly in developing countries and emerging democracies, allow media to voluntarily self-regulate through codes of conduct, and can be more effective than government regulation, which can be seen as censorship (Lim and Bradshaw, 2023).

A third path or convergent route is co-regulation, where the involved parts, companies, state and citizens, set performance standards for communicative practices and interactions. Co-regulation, also called regulated self-regulation, would be equivalent to self-regulation supervised by public authorities, such as codes of conduct developed by the companies themselves, but with compliance review mechanisms by state agencies (Sánchez, 2020).

The discussion should not be about allowing or prohibiting moderation by platforms, but under what public parameters they should act. The response to disinformation in democracies will be multilevel, combining international and national measures, addressing technical and legal aspects and integrating regulations with self-regulation (Sánchez, 2020). “A possible path for the regulation of disinformation is that nation states could establish general legal parameters for the moderation of disinformation, especially when it affects collective rights such as the protection of democracy” (Brant, 2022).

Proportionate and necessary measures would guide platforms’ actions and require states to stop being spectators to the erosion of democracy. The dilemma should not be whether to allow or prohibit content moderation on platforms to prevent disinformation, but rather under what public standards they should operate. Co-regulation would avoid arbitrary action by state control bodies, such as prior censorship, overloading justice systems, and would not leave all the power to the platforms to establish their own criteria over national legislation and international standards.

The regulation of disinformation is not “a solution of the problem, but to disseminate the principles of good and excellent journalistic and informative practice [...]. It is the new reality to which we must adapt, without trying to apply state coercion” (Zelaya, 2022). In digital environments.

it is often said that no legislation is better than bad legislation. However, [...] not debating possible regulation may mean the inclusion of laws that have little to do with the new forms of disinformation and much to do with the traditional use of propaganda (internal and external) to restrict our freedoms (Magallón-Rosa, 2019, p. 345).

Despite opinions against public regulations, “in 2018, laws were approved or entered into force in countries such as Germany, Canada, Ireland, France or Egypt [but] other countries, decided to go for digital literacy and the creation of action groups against possible external attacks” (Hacıyakupoglu et al., 2018), while the European Union promotes transparency and responsibility of platforms, respect for privacy and freedom of expression in the form of codes of good practice on disinformation, independent networks of information verifiers, and strengthening media literacy, among other mechanisms (European Commission, 2018b).

In the European Union, a lack of cohesion in the regulation of disinformation is highlighted, there are challenges to guarantee transparency and the empowerment of users, and because there are different technological, political and cultural approaches. Anti-disinformation laws enacted in Germany, Greece and France were criticized for possible impacts on freedom of expression and the need for nuanced approaches. The same occurred in Turkey and the Philippines, where the implementation of anti-disinformation regulations caused journalists and organizations to allege threats against freedom of expression (Perelló, 2024). Around these reforms, it is appreciated that digital platforms took steps to combat disinformation (Roberts, 2022).

In Latin America, efforts to regulate platforms and against disinformation focused on verification agencies, legislation to penalize fake news and dialogues to establish ethical principles (Rauls, 2021). For its part, the European Union added awareness raising through citizen literacy to detect and counter disinformation (European Commission, 2018c). These experiences point out that one way to decrease disinformation is to promote media and information literacy (MIL) to increase citizen participation (Wilson et al., 2011).

At the beginning of 2024, the World Economic Forum indicated that disinformation and extreme weather events are two of the most important risks for that year (World Economic Forum, 2024), so it is still urgent to evaluate whether, despite regulations, society is facing a process of new forms of censorship and social control (Magallón-Rosa, 2023). There are two advanced experiences with respect to the democratic regulation of disinformation, on the one hand, the European Union's Digital Service Act and the United Kingdom's Online Safety Bill, which includes a security by design framework that requires companies to invest part of the systemic incentives of disinformation, which are inherent to the business design of the attention economy, to assess how to address the problems emanating from the architecture of the platforms.

In line with the above, there is an interest in studying people's perceptions of the regulation of disinformation, a situation that has been investigated in Latin America, but not specifically among the alternatives between hetero-, self- and co-regulation. This study is limited to the four countries that make up the Andean Community: Bolivia, Colombia, Ecuador and Peru, because they share a common culture, history and have formed a political and economic bloc since

1969 (CAN, 2024), as well as experiencing similar moments in the discussion on the regulation of Internet platforms (Dinegro, 2022).

The countries of the Andean Community participate in the Inter-American legal framework that considers guarantees for freedom of expression and subsequent responsibilities of the media and journalists in cases of disinformation. The legal framework of the Inter-American system for the protection of human rights surrounds guarantees for freedom of thought and expression.

Thus, the American Convention, in Article 13, the American Declaration, in Article IV, and the Inter-American Democratic Charter, in Article 4, offer a set of reinforced guarantees. This fact has been interpreted by the Inter-American Court as a clear indication of the importance attached to free expression within the societies of the continent. The Inter-American legal framework places a high value on freedom of expression because it is based on a broad concept of the autonomy and dignity of individuals, and takes into account the instrumental value of freedom of expression for the exercise of other fundamental rights, and its essential role in democratic regimes (OAS, 2009).

According to the Internet Society (2024), individuals who use the Internet as a percentage of the total population, on average in the Andean countries, is 71%, which points to an open environment that allows people and organizations to mix and match technologies with minimal barriers. And it contributes to stimulate innovation, therefore, there are conditions to use social networks with media skills to avoid the spread of misinformation.

The purpose of the research is to determine the perceptions and propensities of Andean Community citizens regarding the regulation of disinformation. The objectives of the research are (1) To establish Andean Community citizens' preferences on models of disinformation regulation, between hetero-, self- and co-regulation; (2) To identify citizens' knowledge and understanding of national policies to counter disinformation; and (3) To know communication experts' impressions of platforms' and states' commitments to disinformation regulation.

2 Methodology

The methodology used is quantitative and qualitative, with exploratory and descriptive approaches, because variables are measured, describing them as they are manifested in reality (Hernández-Sampieri et al., 2014). The instruments used are a survey, focus groups and interviews with experts, which were applied between July 2022 and May 2024, in order to establish trends and avoid political junctures. The survey allows achieving the first objective of the research, the focus groups lead to the achievement of the second objective, and the interviews with experts contribute to the third objective.

Methodological triangulation is sought because it helps to examine different facets of a phenomenon using relevant instruments in a sequential manner (Creswell, 2014). The research instruments complement each other and together contribute to the fulfillment of the research objectives. Descriptive research produces data in “people's own words spoken or written” (Taylor and Bodgan, 1984, p. 20), “it aims to define, classify, catalogue or characterize the object of study” (Chorro, 2020).

It worked on the basis of non-probabilistic convenience sampling because of the availability of the participants, and because it

optimizes time “in accordance with the specific circumstances surrounding both the researcher and the subjects or groups under investigation” (Sandoval, 2002, p. 124). Respondents answered objective questions on a Likert scale and an open-ended question: Do you think that laws and control bodies should be created to combat misinformation, or is it a commitment of each media and social networking platform? The questionnaire is based on two previous research studies by Mosto et al. (2020) and Cerdà-Navarro et al. (2021).

A Google form was used to collect the data, between 14 and 28 May 2024, which were processed in SPSS statistical software, version 22. The reliability coefficient presents a Cronbach's Alpha of 0.94. A total of 120 people who reside in various cities in the Andean countries participated. According to gender, respondents are divided into 51 men and 69 women. The average age is 27 years. According to occupation, 46 were employed; 49 were self-employed or entrepreneurs; and 25 were studying or doing unpaid work at home or as volunteers.

Three online focus groups were conducted between 2 and 7 July 2022, due to mobility restrictions to avoid COVID-19 contagion, and to include participants from several Latin American cities, although the proportion of Ecuadorians and Colombians is higher. The participants were 18 people of legal age who agreed to participate in this academic research through informed consent, of which 8 are men and 10 are women. The average age was 41 years.

The first focus group was held on 2 July 2022 with residents of Colombia, their professions are sports coach, reporter, school teacher, doctor, sports journalist and graphic entertainer. The second, on 3 July 2022, with citizens living in Ecuador, their professions are two school teachers, a journalist, a provincial prefect, a sales manager and a news coordinator. The third virtual focus group took place on 7 July 2022 among citizens from Russia, Chile, Peru, Mexico, Venezuela and El Salvador who work as lawyers, sports journalists, psychologists, university teachers, audiovisual writers and TV producers. The coding of the testimonies is PC-#, PE-# and PO-# to identify the participants of the focus groups from Colombia, Ecuador and other countries, respectively.

From a theoretical perspective, a focus group is an interactive practice of social research (Callejo, 2001; Galeno, 2004). A focus group allows for the expression of different positions and attitudes of the participants, the exchange of information and the orientation of the discourse on the reality to be investigated (Canales and Peinado, 1995), on the other hand, “conducting focus groups online is logistically feasible. Social researchers currently have a series of technological and communicative resources that we can manage and configure to shape the group dynamics” (Parada, 2012, p. 112).

Six semi-structured interviews with experts were also conducted in November 2023 via email. The profiles of the experts correspond to three male and three female academics, specialists in digital communication, journalism and public opinion, working in Ibero-American universities. Interviews are recommended to obtain direct information from key people, and when we want to inquire about a subjective personal experience (Pedraz et al., 2014), “they will allow the qualitative and nuanced expression of the information obtained, serving both as a contrast, confirmation and triangulation of the information” (Sancho and Giró, 2013, p. 128). This technique is also used in studies that examine Russia's strategic interests, objectives and tactics in Latin America (Farah and Ortiz, 2023).

3 Results

The results of the survey on the perception of disinformation among the citizens of the Andean Community, in quantitative and relevant part, are shown in Figures 1, 2. The greatest impact is seen in the effects on democracy and the obstruction of the electoral processes. 80% of those surveyed agree and recognize that disinformation distances people from adequate processes of representation and management through the system of political organization in democracy, and there is evidence of mistrust in elections, a mechanism for direct participation in democracy, which implies a warning for the governability of nations.

On the other hand, it stands out that citizens trust the messages of the traditional media, qualifying them as issuers of authentic data, reports and coverage, far removed from disinformation. This categorization is valued as an expression of validation of the deontological practices of the media, and they also recognize social networks as generators of data and information that is not true or created to confuse, but this trust is opposed to the way of supplying information, where social networks are the biggest providers of news. Responses to the question “In the last week, what has been your main source of news? The concentration is on social networks 48% (X, Facebook, TikTok, Instagram); then traditional media with 38% (TV and news websites); and other 14%.

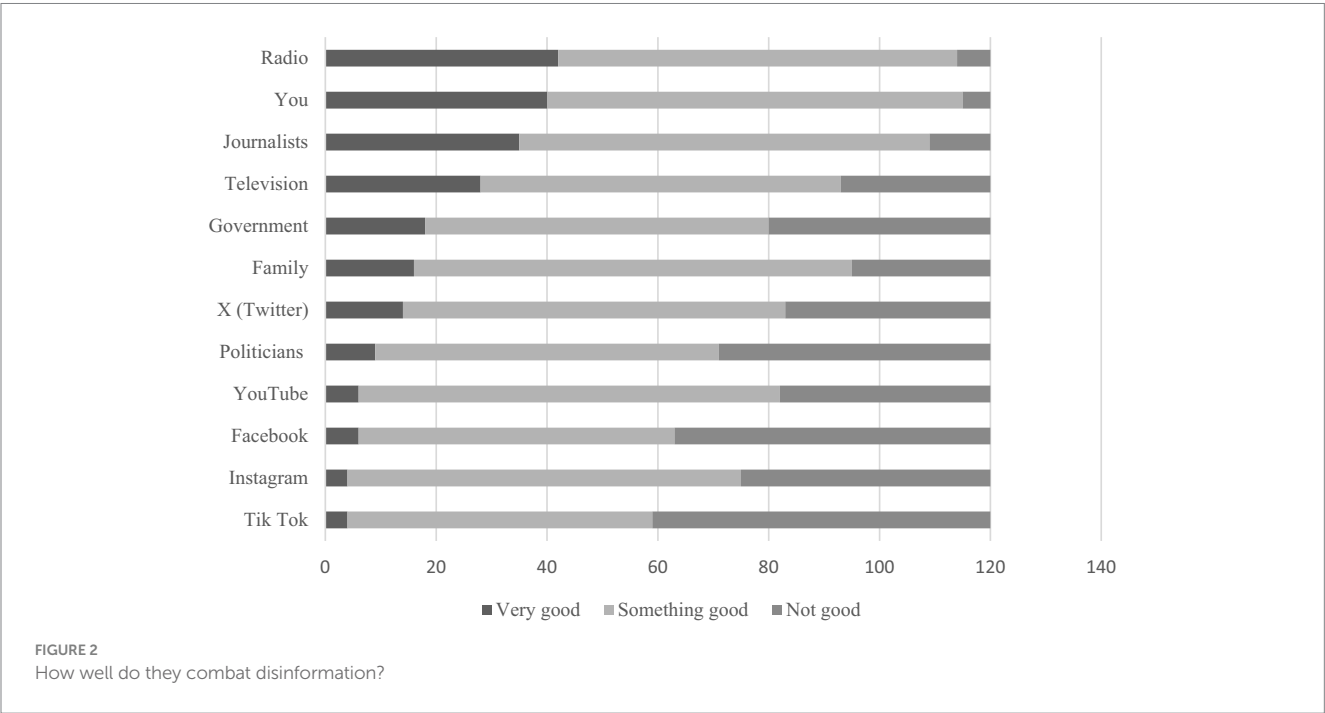
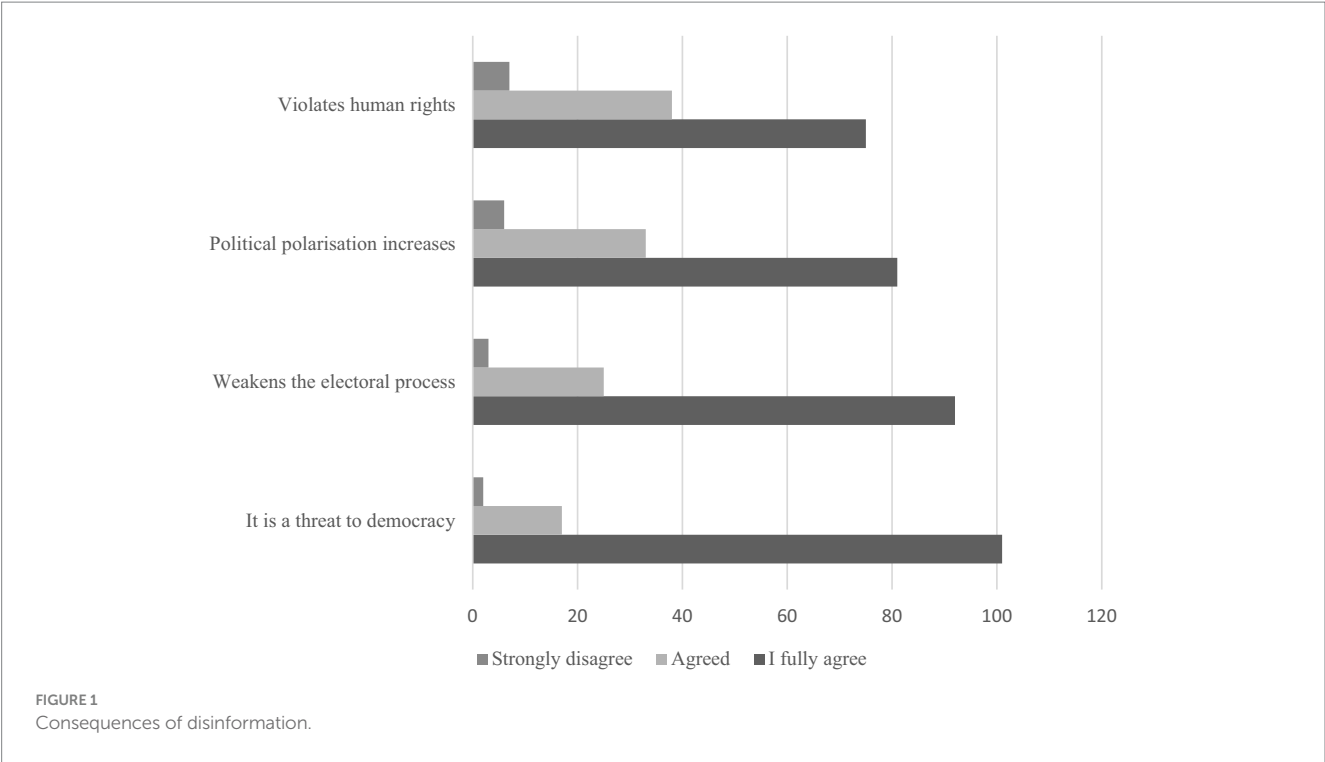
To the question “How often do you encounter news or information that you believe distorts reality or are false? 80% of the participants indicated that they encounter misinformation every day or at least once a week. The options “at least once a month,” and “rarely or never” accounted for 20% of responses.

Respondents' answers to the consultation on the model of regulation that should govern disinformation indicate that a vision of state regulation persists. Of 120 responses, more than half, 53%, suggest that disinformation should be regulated by law, 28% by self-regulation and 19% by a co-regulatory model.

Regulation through laws is the model most accepted by respondents because they believe that the creation of a body, and therefore laws, is necessary to combat misinformation, as some media and social media platforms have spread incorrect news and misinformation that cause panic among citizens. That is why it is essential, for good communication to be regulated. States and governments have a responsibility to create laws that prevent misinformation. In addition, it is important to consider that there are people who do not have internet access or do not have the means access social networks, which is why they cannot verify or confirm the information they may receive.

Regulation would help to ensure that information reaches people correctly so that they can make informed decisions. Unfortunately, not all media assume this responsibility or misinformation is used for other purposes. It is pointed out that control and regulation of the media is necessary to ensure that they are complying with their obligations under the law and to protect them from groups that wish to impose their interests.

Regulating by law and imposing penalties on those who spread malicious content would make people think before misinforming the citizens. However, existing laws are not enforced. New constitutional alternatives must be explored to achieve good information. Regulations designed to combat disinformation should avoid affecting



the quality of democracies and public safety. The purpose of regulating disinformation will be to ensure the exercise of the rights to communication, information and freedom of expression, and thus strengthen citizen participation.

In favor of self-regulation, it was mentioned that each media outlet must assume the committed to disseminate verified information in order to respond to and maintain the trust of its public. It is important for the media to have deontological codes that guide their

work towards the search for truth, and indicate commitments and responsibilities that encourage them to be attentive in the face of eventualities.

For respondents, self-regulation also means that citizens must to be better informed and have the skills to recognize misinformation, make good use of social media so as not to confuse people with bad information. They also agree that platforms should stipulate news verification rules.

Ethical self-regulation of the industry is essential, but it must be well thought-out regulations designed to combat disinformation without undermining fundamental rights. This commitment would be assumed by every media and social media platform in a sensible and ethical manner, ensuring measures of truthfulness and quality of information.

Few respondents from the Andean Community mentioned their comfort with co-regulation because the regulation of misinformation is a complex challenge that requires a balance between freedom of expression and protection of the public. A hybrid approach is needed that combines the creation of laws and control bodies with the engagement of the media and social networks. A combination of regulation and individual engagement is needed. Laws and control bodies must be established, but it is also important that media and platforms take responsibility.

The combination of approaches involves, first of all, self-regulation and personal responsibility. Media and platforms must verify information. Journalists and content creators must meet ethical and professional standards to ensure accuracy and truthfulness. In addition, government regulations set minimum standards and penalties for disseminating false or misleading information. Independent control bodies can support in monitoring the quality of information.

It was stated that the laws guarantee substantiated information, both from companies and from the state. On the other hand, the regulation of social networks is being carried out by the platforms themselves, but there should be rules that regulate and sanction the broadcast of disinformation, that there should be filters so that publication is verified.

Self-regulation with regulatory measures could protect the integrity of information and support the right to truth and informed public participation. In addition to this, a strong commitment from the media and social networks is needed. Both aspects are important to effectively combat disinformation.

In the focus groups, several perspectives were identified on the knowledge and application of communication policies to combat disinformation and on their implementation and effectiveness. Firstly, it was mentioned that there are laws and regulations that seek to control and regulate information, and the proposals of international organizations such as UNESCO, which play a fundamental role in counteracting disinformation, were highlighted (PE-3; PC-3). Local initiatives are also mentioned, such as efforts by universities and ministries to educate children and adolescents, who are the main consumers of digital content, (PE-2). Despite these efforts, it is recognized that the level of media literacy is low and there is a need to promote media skills to discern and counteract false information (PE-1).

It was highlighted that globalization and the rise of social media exacerbate the spread of false information, and while there are laws and sanctions for formal media, little is done to control disinformation on digital platforms (PC-6). There are laws and codes that include sanctions for media outlets that disseminate false information (PE-5), but they are not sufficient to establish effective media literacy.

It is said that there are other countries, such as Venezuela, where the situation of disinformation is more critical, since the editorial line of the media is dictated by the government, which limits the exposure of the country's realities and promotes disinformation (PO-5). In contrast, in El Salvador, other laws can be applied to control information, but the responsibility falls mainly on the professional ethics of journalists and media outlets (PO-6).

With regard to opinions on the relationship between education policies and the promotion of freedom of expression, the testimonies collected in the focus groups show conformity, with the majority of responses being in favor. It is argued that these freedoms are essential for a democratic society and should be promoted in education. For example, one response indicates that "when educating, the responsibility of using social networks should be pointed out" (PO-6). Another participant mentioned that it is fundamental to "educate people who can give their opinion with a criterion and not by repeating what they hear" (PO-1). Furthermore, it is suggested that these policies should be autonomous from governments to avoid the imposition of specific agendas or ideologies.

Empowering users in technologies through continuous learning and understanding of media functions is considered decisive. One response highlights that, while voluntary efforts currently exist, a comprehensive government program involving the media is needed to effectively educate the population and combat fake news. In addition, it is suggested that "information is power" (PC-2) and that understanding and controlling that power is essential for contemporary society.

On the other hand, some participants expressed that new policies are not required because laws already exist to support these freedoms, although they recognize the need for regulation to ensure that freedom of expression is not used irresponsibly. Others insist that it is imperative to modify current policies to ensure that everyone has access to media literacy, regardless of their level of education, and that the government should establish regulations that sanction the dissemination of false information. The opinions reflect a consensus on the importance of promoting freedom of expression and media literacy through education, with a focus on responsibility and appropriate regulation to prevent abuse of freedom.

The identification of regulatory authorities or organizations that combat disinformation is in the majority 15 out of 18 focus group participants indicated the correct names of the regulatory authorities in their respective countries. Although they did not give details of the functions they perform, they are clear about their purpose in promoting freedom of expression and related rights. Additionally, relationships with similar institutions in third countries were also outlined, such as "the National Literacy Trust which is an independent organization that focuses on working with schools and communities to deliver media and information literacy skills" (PC-6).

After carrying out the interviews, it is known that experts consider that social media platforms have the potential to take measures to prevent the spread of fake news by implementing mechanisms such as the use of artificial intelligence to detect and neutralize false information (Interviewee 2). Despite efforts to combat misinformation, the huge volume of fake content circulating online poses challenges to its timely identification and removal (Interviewee-1, Interviewee-2).

Platforms have a moral obligation to address fake news once detected, in addition to the legal responsibilities imposed by national and international frameworks. The implementation of warning campaigns and raising user awareness could help mitigate the impact of fake news on social media (Interviewee-2). However, platforms also face challenges due to the overwhelming amount of user-generated content, which can make the process of detection and removal difficult.

It was mentioned that "it is unacceptable for a platform to detect fake news and not intervene because it is interested in the traffic it generates" (Interviewee-2), in response to which "transparency in the

algorithms used and the use of alternative recommendation and search criteria to avoid repressing the veracity and diversity of sources" (Interviewee-4) is recommended, as well as "detecting suspicious content and reducing its visibility or eliminating it from its platforms" (Interviewee-6).

It was expressed that some social networks already fight against disinformation "through financing verification platforms and media and information literacy programs. However, it is necessary to guarantee that these supports/measures are sufficiently independent" (Interviewee-5).

Other actions are the "(diligent) action to remove content in response to complaints, but also is ante monitoring of content with indications that may arouse suspicion, within the framework of co-regulation" (Interviewee-4) and the "integration of verifiers in content decision-making by platform moderators" (Interviewee-4). "I also consider that platforms could carry out warning and awareness-raising campaigns" (Interviewee-2) and "they can follow the example of many verification companies, which carry out media literacy work through their websites" (Interviewee-3). There are other measures such as "transparency in political advertising, promotion of reliable sources" (Interviewee-6).

Regarding state regulation and legislative measures to control disinformation, experts indicated that legislation to restrict the spread of disinformation should be considered because of its detrimental effects on democracies (Interviewee-6). While self-regulation can be effective in some cases, comprehensive solutions require government regulations and collaborative efforts to address the spread of fake news online while safeguarding freedom of expression and access to information. Cooperation between the media, content distribution platforms and the communications industry is seen as essential to combat disinformation.

Without neglecting the balance between freedom of expression and the fight against disinformation, care must be taken to enforce media codes of conduct and to uphold the vital role of journalists as reliable sources of information in society.

States "must pass laws that limit the spread of disinformation because of the damage it causes to democracies" (Interviewee-1) and because "it erodes everyone's right to information" (Interviewee-2), and although difficulties persist in passing legislation and self-regulation "it is a global phenomenon that may require global measures" (Interviewee-5).

The concern remains to know "who would decide what is fake news, at least a debate should be started because the main problem is the impunity with which some media and journalists act, without respect for the truth" (Interviewee-2). "Laws should be established that make platforms more responsible when disseminating information" (Interviewee-3).

It was also specified that "it is difficult to respond to the legislative and legal issue because it depends on what form the disinformation takes (honor, privacy, moral integrity). In this sense, international institutions have insisted that there cannot be crimes of opinion" (Interviewee-2), which is why it is emphasized that

any new rules must ensure a balance between addressing disinformation and protecting freedom of expression and access to information. Effective solutions generally involve a multifaceted approach involving governments, online platforms, media and civil society. Strategies must be adapted to country-specific

circumstances and to the constant evolution of technology and online information. (Interviewee-6)

4 Discussion and conclusion

The article investigates how citizens in the Andean Community perceive the regulation of disinformation, based on hetero-, self- and co-regulation models. It presents the perspectives of communication system actors who agree that the regulation of disinformation is important to defend communication rights and democracy.

Recognizing the challenges and complexities associated with misinformation will allow governments and organizations to respond to the concerns expressed by audiences. Likewise, policymakers can use the knowledge provided in this study to design comprehensive regulatory frameworks that take into account the diverse views and preferences of people in the Andean region.

The research achieved its objectives by analyzing the problem of misinformation and the need for adequate regulation. It found that combating disinformation is a contemporary and urgent issue that requires a balance between the promotion of human rights and freedom of expression.

Respondents were in favor of state regulation to combat misinformation, emphasizing the need for governments to enact laws to prevent the spread of false information, and they consider that the application of legislative measures is necessary to stop the harmful effects of misinformation in democracies. 80% indicated that they received misinformation daily or at least once a week, highlighting the pervasive nature of misinformation in society. It was also revealed that 48% of people relied primarily on social media for news, followed by traditional media at 38% and other sources at 14%.

Combating disinformation is a contemporary and urgent issue. Any regulatory model that is implemented must promote human rights and respect freedom of expression. Human rights must be protected, guaranteeing the right to disseminate information and ideas, even those that may be shocking or disturbing. Regulation must respect human rights (UNESCO, 2023) and must not restrict expressions of irony, satire, parody or humor on the grounds of disinformation because "it implies the risk of suppressing artistic, scientific and journalistic work and public debate in general" (UN, 2022).

The human right to "disseminate information and ideas is not limited to "correct" statements, but the right also protects information and ideas that may shock, offend and disturb" (United Nations Special Rapporteur on Freedom of Opinion and Expression, The Organization for Security and Co-operation in Europe Representative on Freedom of the Media, The Organization of American States Special Rapporteur on Freedom of Expression and The African Commission on Human and Peoples' Rights Special Rapporteur on Freedom of Expression and Access to Information, 2017). In this sense, Latin American states "should not establish new criminal offences to punish the dissemination of disinformation [...] which, due to the nature of the phenomenon, would be vague or ambiguous, and could take the region back to a logic of criminalizing expressions" (OAS, 2019).

Regarding self-regulation, the importance of media compliance with ethical codes and responsibilities to guarantee the dissemination of accurate information and maintain public trust was noted. The research highlights that co-regulation, involving governments, social

media platforms and civil society, is a viable option. It is considered as a middle way between state regulation and media self-regulation, mitigating risks derived from corporate wills and political conjunctures.

There was consensus on the need to adopt a hybrid approach to combat disinformation, combining regulatory measures with individual engagement and media responsibility. Collaboration between the media, online platforms and communication industries is essential in the fight against disinformation. An effective approach to combating disinformation involves a multi-faceted strategy adapted to each country's circumstances and the evolving technological landscape.

Another relevant aspect that was shown from the focus groups is the urgency of making social media screening algorithms transparent, diligent content moderation and the integration of fact-checkers into platforms' content decisions about content are recommended measures to combat misinformation. Legislation should be considered to make platforms more accountable for the information they disseminate, striking a balance between addressing disinformation and protecting freedom of expression. Digital platforms must assume responsibility for the dissemination of information. There should be rules that regulate and sanction the dissemination of disinformation, with filters to verify publications before they are disseminated.

Faced with legislation, it is striking that some governments are turning to social and educational strategies (Media Defense, 2023). In this direction, in the focus groups, participants stressed the importance of equipping people with the necessary skills to discern and counter misinformation, advocating for greater media literacy and responsible use of social networks. Empowering people with media literacy skills and promoting responsible use of social media is vital to counter the spread of false information.

Campaigns to raise awareness among users and quickly remove fake news on platforms can help mitigate the impact of misinformation on social media. Media literacy was identified as key to countering disinformation. Educational efforts should be strengthened to enable the population to discern and counter false information. It is suggested that both the government and the media work together in this task. A constructive and well-informed dialogue is called for to defend democratic values and the integrity of information (Souza and Andrade, 2023). In the face of misinformation, the democratic conversation must be empowered (Andersen and S  , 2020).

Co-regulation is an option through measures that involve the main actors in media systems; governments, social media platforms and civil society, to consider their perspectives with a preventive approach. In the results of the research show that co-regulation is seen as a middle way between state regulation and self-regulation of the media, where there are still risks derived from the will of the companies and political situations.

International bodies, such as the European Commission, have opted to continue with co-regulation "through a voluntary mechanism, instead of approving new binding rules that could lead to an excessive elimination of content" (Colomina and P  rez-Soler, 2022, p. 151). But the role of states is also recalled, as they "cannot be inert spectators in the face of the erosion of democracy" (Brant, 2022). States "are primarily responsible for countering disinformation by respecting, protecting and fulfilling the rights to freedom of opinion and expression, privacy and public participation" (UN, 2022, p. 20).

To strengthen the fight against disinformation, both regulatory and civic participation initiatives must be articulated across countries, otherwise "they are doomed to fail. Information disruption is by definition a global problem, so our reflections must take place at a

global level" (Azoulay, 2023), one option is to promote a global forum to guarantee that new regulations and standards go hand in hand, between countries (Colomina et al., 2021).

Future lines of research are to evaluate the effectiveness of legislative measures and co-regulatory initiatives to combat misinformation, identifying areas for improvement. Another way is to study the impact of media literacy programs aimed at the general population to identify and mitigate the spread of misinformation. Or extend this study to other Latin American countries, and compare with nations in other continents, and qualitative analysis. Another option is sociological interpretations of the preferences of hetero-regulation in Andean countries, why do they need third parties or an external instance to respect the integrity and veracity of messages? When it is assumed the highest ideal of communication is the promotion of people and the defense of the human right to freedom of expression.

Data availability statement

The raw data supporting the conclusions of this article will be made available by the authors, without undue reservation.

Ethics statement

The study involving humans was approved by the Ethics Committee for Research on Human Beings—Universidad T  cnica Particular de Loja (CEISH399 UTPL), dated 16th September 2021. The study was conducted in accordance with all institutional and national legislation and requirements. The participants provided written informed consent for participation in the study and for the publication of any identifying information included in the article. The studies were conducted in accordance with the local legislation and institutional requirements.

Author contributions

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Conflict of interest

The author declares that the research was conducted in the absence of any commercial or financial relationships that could be construed as a potential conflict of interest.

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References

- Andersen, J., and Sør, O. (2020). Communicative actions we live by: the problem with factchecking, tagging or flagging fake news - the case of Facebook. *Eur. J. Commun.* 35, 126–139. doi: 10.1177/0267323119894489
- APM (2019). Informe anual de la profesión periodística [annual report on the journalistic profession]. Madrid, Spain: Asociación de prensa de Madrid.
- Azoulay, A. (2023). Para evitar la desinformación, se necesita regular las plataformas digitales [To avoid misinformation, digital platforms need to be regulated]. Available at: <https://news.un.org/es/story/2023/02/1518832> (Accessed May 31, 2024)
- Bayer, J., Bitiukova, N., Bárd, P., Szakács, J., Alemanno, A., and Uszkiewicz, E. (2019). Disinformation and propaganda – Impact on the functioning of the rule of law in the EU and its member states. Brussels: European Union.
- Becerra, M., and Waisbord, S. (2021). La necesidad de repensar la ortodoxia de la Libertad de expresión en la comunicación digital [the need to rethink the orthodoxy of freedom of expression in digital communication]. *Revist Ciencias Soc.* 60, 295–313.
- Botero, C. (2017). La regulación estatal de las llamadas “noticias falsas” desde la perspectiva del derecho a la libertad de expresión [State regulation of so-called “fake news” from the perspective of the right to freedom of expression]. En Varios. Libertad de expresión: A 30 años de la opinión consultiva sobre la colegiación obligatoria de periodistas. Secretaría General de la Organización de los Estados Americanos.
- Brant, J. (2022). Regulación para combatir la desinformación [Regulation to combat disinformation]. Ciclos de Actualización para Periodistas (CAP). Available at: <https://cicloscap.com/regulacion-democrática-contra-la-desinformación/> (Accessed May 31, 2024).
- Brant, J., Bastos, J., Dourad, T., and Pita, M. (2020). Regulación para combatir la desinformación. Estudio de ocho casos internacionales y recomendaciones para un enfoque democrático [Regulation to combat disinformation. Study of eight international cases and recommendations for a democratic approach]. Bogotá, Colombia: Friedrich-Ebert-Stiftung.
- Callejo, J. (2001). El grupo de discusión: Introducción a una práctica de investigación [The focus group: Introduction to a research practice]. *Ariel*.
- CAN (2024). Who are we?. Available at: <https://www.comunidadandina.org/quienes-somos/> (Accessed June 17, 2024).
- Canales, M., and Peinado, A. (1995). “Grupos de discusión. Métodos y técnicas cualitativas de investigación en ciencias sociales [Focus groups. Qualitative social science research methods and techniques.]” in Métodos y técnicas cualitativas de investigación en ciencias sociales [Qualitative social science research methods and techniques.]. eds. J. Y. Delgado and J. Gutiérrez (Madrid, Spain: Síntesis), 288–311.
- Cerdá-Navarro, A., Abril-Hervás, D., Mut Amengual, B., and Comas-Forgas, R. (2021). Fake o no fake, esa es la cuestión: reconocimiento de la desinformación entre alumnado universitario [fake or not fake, that is the question: recognition of misinformation among university students]. *Revista Prisma Soc.* 34, 298–320.
- Chorro, L. (2020) Estadística aplicada a la psicología [statistics applied to psychology]. Available at: https://www.uv.es/webgid/Descriptiva/331_mtodos.html (Accessed June 1, 2024).
- Colomina, C., and Pérez-Soler, S. (2022). Desorden informativo en la UE: construyendo una respuesta normativa [information disorder in the EU: building a regulatory response]. *Revista CIDOB Afers Internacionales* 13, 141–161. doi: 10.24241/rcai.2022.131.2.141
- Colomina, C., Sánchez, H., and Youngs, R. (2021). The impact of disinformation on democratic processes and human rights in the world. Policy Department for External Relations Directorate General for external policies of the union PE 653.635. European Parliament
- Creswell, J. (2014). Research design: Qualitative, quantitative, and mixed methods approaches. California, United States of America: Sage.
- Del-Fresno-García, M. (2019). Desórdenes informativos: Sobreexpuestos e infrainformados en la era de la posverdad [information disorder: overexposed and underinformed in the post-truth era]. *El Profesional Inform.* 28, 1–11. doi: 10.3145/epi.2019.may.02
- Dinegro, A. (2022). El desafío de regular las plataformas en Perú [the challenge of regulating platforms in Peru]. Lima, Perú: Fundación Friedrich Ebert-Perú.
- Espaliú-Berdud, C. (2023). Use of disinformation as a weapon in contemporary international relations: accountability for Russian actions against states and international organizations. *Profesional Inform.* 32:e320402. doi: 10.3145/epi.2023.jul.02
- European Commission (2018a). Fake news and disinformation online, publications Office of the European Union. Available at: <https://data.europa.eu/doi/10.2759/559993> (Accessed June 5, 2024).
- European Commission (2018b). Combatir la desinformación en línea: La Comisión propone un Código de Buenas Prácticas para toda la UE. IP/18/3370. Available at: http://europa.eu/rapid/press-release_IP-18-3370_es.htm (Accessed June 5, 2024).
- European Commission (2018c). Action plan against disinformation. EEAS. European External Action Service. European Union.
- European Court of Human Rights (1976). Case of Handyside vs. The United Kingdom. Judgment. Strasbourg. Available at: <https://hudoc.echr.coe.int/eng?i=001-57499> (Accessed June 5, 2024).
- Farah, D., and Ortiz, R. (2023). Russian influence campaigns in Latin America. Washington, DC: United States Institute of Peace.
- Fraguas de Pablo, M. (2016). La desinformación en la sociedad actual [Disinformation in today's society]. *Cuadernos Info* 3, 23–32. doi: 10.7764/cdi.3.887
- Galarza, R. (2022). Impacto de la desafección política de la ciudadanía en México [The impact of political disaffection of citizens in Mexico]. *Sphera Publica* 1, 56–80.
- Galeno, M. (2004). Estrategias de investigación social cualitativa: el giro en la mirada [qualitative social research strategies: The turn in the gaze]. 1st Edn. Medellín, Colombia: La Carreta.
- González, R. (2022). “Ciudadanía y alfabetización digital en tiempos de desinformación – desafíos más allá de la pandemia [Citizenship and digital literacy in times of disinformation - challenges beyond the pandemic]” in Navegando en la Infodemia con AMI. eds. F. En Chibás and S. Novomisky (Paris, France: UNESCO).
- Hacıyakupoglu, G., Hui, J., Suguna, V., Leong, D., and Rahman, M. (2018). Countering fakenews. A survey of recent global initiatives. Singapore: Nanyang Technological University.
- Hanley, M. (2020). Salvaguardar el espacio informativo: las políticas de la UE y Ucrania ante la desinformación [safeguarding the information space: EU and Ukraine policies in the face of disinformation]. *Revista CIDOB Afers Internacionales* 124, 73–98. doi: 10.24241/rcai.2020.124.1.73
- Hernández-Sampieri, R., Fernández-Collado, C., and Baptista-Lucio, P. (2014). Metodología de la Investigación [Investigation methodology]. México: McGraw-Hill.
- IACHR (1985). Opinión consultiva oc-5/85 del 13 de noviembre de 1985 [advisory opinion oc-5/85 of November 13, 1985]. Corte Interamericana de Derechos Humanos. Available online at: https://www.corteidh.or.cr/docs/opiniones/seriea_05_esp.pdf (Accessed June 4, 2024).
- Internet Society (2024). Informes nacionales [national reports]. Available at: <https://pulse.internetsociety.org/es/reports> (Accessed June 17, 2024).
- Jack, C. (2017). Lexicon of lies. Data & Society Research Institute. Available at: <https://datasociety.net/library/lexicon-of-lies/> (Accessed April 10, 2024).
- Jornet, C. (2020). Once leyes y proyectos de ley contra la desinformación en América Latina implican multas, cárcel y censura [eleven laws and bills against disinformation in Latin America involve fines, jail and censorship]. *LatAm Journalism Review*. Available at: <https://latamjournalismreview.org/es/articles/leyes-contra-desinformacion-america-latina/> (Accessed April 10, 2024).
- Kaye, D. (2016). Promoción y protección del derecho a la libertad de opinión y de expresión [Promotion and protection of the right to freedom of opinion and expression]. Nota del Secretario General. Naciones Unidas. Available at: <https://www.acnur.org/fileadmin/Documentos/BDL/2017/10876.pdf> (Accessed April 10, 2024).
- Lim, G., and Bradshaw, S. (2023). Legislación escalofriante: seguimiento del impacto de las leyes sobre “noticias falsas” en la Libertad de prensa a nivel internacional [chilling legislation: tracking the impact of “fake news” laws on international press freedom]. Center for International Media Assistance National Endowment for Democracy. Available at: <https://www.cima.ned.org/publication/chilling-legislation/> (Accessed April 10, 2024).
- Magallón-Rosa, R. (2019). La (no) regulación de la desinformación en la Unión Europea. Una perspectiva comparada [The (non)regulation of disinformation in the European Union. A comparative perspective]. *UNED. Revista Derecho Político* 106, 319–347.
- Magallón-Rosa, R. (2023). Desinformación y democracia [Disinformation and democracy]. Telos Available at: <https://telos.fundaciontelefonica.com/desinformacion-y-democracia/> (Accessed April 12, 2024).

- Marcos, J., Sánchez, J., and Olivera, M. (2017). La enorme mentira y la gran verdad de la información en tiempos de la postverdad [the big lie and the big truth of information in the post-truth era]. *Scire* 23, 13–23. doi: 10.54886/scire.v1i2.4446
- Masip, P., and Ferrer, A. (2021). Más allá de las fake news. Anatomía de la desinformación [Beyond fake news. Anatomy of misinformation]. *BiD: textos universitarios de biblioteconomía i documentació* 46, 1–6. doi: 10.1344/BiD2020.46.08
- Media Defense (2023). ¿son las leyes sobre noticias falsas la mejor manera de enfrentar la desinformación? [are fake news laws the best way to tackle misinformation?]. Available at: <https://www.mediadefence.org/news/noticias-falsas/> (Accessed April 20, 2024).
- Mihailidis, P., and Viotty, S. (2017). Spreadable spectacle in digital culture: civic expression, fake news, and the role of Media literacies in “post-fact” society. *Am. Behav. Sci.* 61, 441–454. doi: 10.1177/0002764217701217
- Mosto, C., Corralini, F., and Mosto, A. (2020). ¿Cómo se informan los argentinos? [how do argentinians get informed?]. FOPEA y Thomson Media. Available at: <https://fopea.org/wp-content/uploads/2023/11/FOPEA-Guias-Como-se-informan-los-argentinos.pdf> (Accessed April 12, 2024).
- Newman, N. (2019). Resumen ejecutivo y hallazgos clave del informe de 2019. Informe de noticias digitales [executive summary and key findings from the 2019 report]. Digital news Report
- Newman, N., Fletcher, R., Schulz, A., Andi, S., and Nielsen, R. K. (2020). Reuters institute digital news report 2020. Reuters Institute for the Study of Journalism
- OAS (2000). Antecedentes e interpretación de la declaración de principios [Background and interpretation of the declaration of principles]. Relatoría Especial para la Libertad de expresión de la CIDH. Available at: <https://www.oas.org/es/cidh/expresion/showarticle.asp?artID=132&iID=2> (Accessed April 20, 2024).
- OAS (2009). Marco jurídico interamericano sobre el derecho a la Libertad de expresión [inter-american legal framework on the right to freedom of expression]. Washington, United States of America: CIDH/RELE/INE.
- OAS (2027). Declaración conjunta sobre Libertad de expresión y “noticias falsas” (“fake news”), desinformación y propaganda [joint declaration on freedom of expression and “fake news”, disinformation and propaganda]. Relatoría Especial para la libertad de expresión de la OEA. Available at: <https://www.oas.org/es/cidh/expresion/showarticle.asp?artID=1056&iID=2> (Accessed April 20, 2024).
- OAS (2019). Guía para garantizar la libertad de expresión frente a la desinformación deliberada en contextos electorales [guidance on ensuring freedom of expression in the face of deliberate disinformation in electoral contexts]. OEA, CIDH, RELE. Available at: https://www.oas.org/es/cidh/expresion/publicaciones/Guia_Desinformacion_VF.pdf (Accessed April 30, 2024).
- Olmo-y-Romero, J. (2019). Desinformación: concepto y perspectivas [Disinformation: concept and perspectives]. Real Instituto Elcano, ARI 41/2019.
- Parada, F. (2012). Premisas y experiencias: análisis de la ejecución de los grupos de discusión online [Premises and experiences: analysis of the implementation of online focus groups]. *Encrucijadas* 4, 95–114.
- Pauner, C. (2018). Noticias falsas y Libertad de expresión e información: el control de los contenidos informativos en la red [fake news and freedom of expression and information: the control of news content on the web]. *Teoría Realidad Constitucional* 41, 297–318. doi: 10.5944/trc.41.2018.22123
- Pedraz, A., Zarco, J., Ramasco, M., and Palmar, A. (2014). Investigación cualitativa [Qualitative research]. 1st Edn. Madrid, Spain: Elsevier.
- Perelló, B. (2024). Desde Francia hasta Turquía: así se ha legislado contra los bulos y la desinformación en otros países [from France to Türkiye: this is how other countries have legislated against hoaxes and misinformation]. Newtral. Available at: <https://www.newtral.es/legislacion-desinformacion/20240501/> (Accessed April 20, 2024).
- Persily, N. (2017). Can democracy survive the internet? *J. Democr.* 28, 63–76. doi: 10.1353/jod.2017.0025
- Rauls, L. (2021). How Latin American governments are fighting fake news. *Americas Quarterly*. Available at: <https://americasquarterly.org/article/how-latin-american-governments-are-fighting-fake-news/> (Accessed April 1, 2024).
- Ressa, M. (2023). Para evitar la desinformación, se necesita regular las plataformas digitales [to avoid misinformation, digital platforms need to be regulated]. Noticias ONU. Available at: <https://news.un.org/es/story/2023/02/1518832> (Accessed April 1, 2024).
- Roberts, R. (2022). Regulación de las “fake news” en el derecho comparado. Asesoría técnica parlamentaria [regulation of “fake news” in comparative law. Parliamentary technical advice]. Informe N° SUP: 128414. Santiago, Chile: Biblioteca del Congreso Nacional de Chile.
- Rodrigo-Alsina, M., and Cerqueira, L. (2019). Periodismo, ética y posverdad [journalism, ethics and post-truth]. *Cuadernos. Info* 44, 225–239. doi: 10.7764/cdi.44.1418
- Rodríguez, R. (2018). Fundamentos del concepto de desinformación Como práctica manipuladora de la comunicación política y las relaciones internacionales [basics of the concept of disinformation as a manipulative practice in political communication and international relations]. *Historia Comunicación Social* 23, 231–244. doi: 10.5209/HICS.59843
- Salazar, G. (2022). Más allá de la violencia: alianzas y resistencias de la prensa local mexicana [Beyond violence: alliances and resistance in Mexico’s local press]. Ciudad de México, México CIDE.
- Sánchez, O. (2020). La regulación de las campañas electorales en la era digital. Desinformación y microsegmentación en las redes sociales con fines electorales [The regulation of electoral campaigns in the digital age. Disinformation and microsegmentation on social networks for electoral purposes]. Valladolid, Spain: Universidad de Valladolid. Centro de Estudios Políticos y Constitucionales.
- Sancho, M., and Giró, X. (2013). Creando redes, estableciendo sinergias: la contribución de la investigación a la educación [creating networks, establishing synergies: The contribution of research to education]. I Simposio internacional REUNI+D. Barcelona: Universitat de Barcelona.
- Sandoval, C. (2002). Investigación Cualitativa. Programa de especialización en teoría, métodos y técnicas de investigación social [qualitative research. Specialization program in theory, methods and techniques of social research]. Bogotá, Colombia: Arfo Editores.
- Sartori, G. (2016). Homo videns. La sociedad teledirigida [Homo videns. The remote-controlled society]. Debolsillo.
- Slipczuk, M. (2023). Desinformación: los riesgos de las leyes anti “fake news” [disinformation: the risks of anti-fake news laws]. Available at: <https://chequeado.com/nota/desinformacion-los-riesgos-de-las-leyes-anti-fake-news/> (Accessed March 19, 2024).
- Souza, S., and Andrade, M. (2023). Regulación y libertad de expresión en la era de las noticias falsas: desafíos democráticos [Regulation and freedom of expression in the era of fake news: democratic challenges]. *Revista Foco*. 16, 01–25. doi: 10.54751/revistafoco.v16n10-185
- Taylor, J., and Bodgan, R. (1984). Introducción a los métodos cualitativos de investigación. La búsqueda de significados [Introduction to qualitative research methods. The search for meanings]. Barcelona, Spain: Paidós Ibérica S.A.
- UN (2022). Contrarrestar la desinformación para promover y proteger los derechos humanos y las libertades fundamentales [Countering misinformation to promote and protect human rights and fundamental freedoms]. Informe del Secretario General Septuagésimo séptimo período de sesiones. ONU.
- UNESCO. (2021). Aspectos destacados de “el periodismo es un bien común: Tendencias mundiales en Libertad de expresión y desarrollo de los medios. Informe mundial 2021/2022” [highlights from “journalism is a common good: global trends in freedom of expression and Media development. World report 2021/2022”]. UNESCO
- UNESCO. (2023). Salvaguardar la libertad de expresión y el acceso a la información: directrices para un enfoque de múltiples partes interesadas en el contexto de la regulación de las plataformas digitales [Safeguarding freedom of expression and access to information: guidelines for a multi-stakeholder approach in the context of digital platform regulation]. UNESCO. Available at: https://unesdoc.unesco.org/ark:/48223/pf0000384031_spa (Accessed March 19, 2024).
- United Nations Special Rapporteur on Freedom of Opinion and Expression, The Organization for Security and Co-operation in Europe Representative on Freedom of the Media, The Organization of American States Special Rapporteur on Freedom of Expression and The African Commission on Human and Peoples’ Rights Special Rapporteur on Freedom of Expression and Access to Information. (2017). Joint declaration on freedom of expression and fake news, disinformation and propaganda [joint declaration on freedom of expression and fake news, disinformation and propaganda]. Available online at: <https://www.osce.org/files/f/documents/6/8/302796.pdf> (Accessed March 25, 2024).
- Vosoughi, T., Deb, R., and Aral, S. (2018). The spread of true and false news online. *Science* 359, 1146–1151. doi: 10.1126/science.aap9559
- Walker, C. (2018). What is sharp power? *J. Democr.* 29, 9–23. doi: 10.1353/jod.2018.0041
- Wilson, C., Grizzle, A., Tauzon, R., Akyempong, K., and Cheung, C. K. (2011). Media and information literacy curriculum for teachers. Paris, France: UNESCO.
- World Economic Forum (2024). Global risks 2024: disinformation tops global risks 2024 as environmental threats intensify. Available at: <https://www.weforum.org/press/2024/01/global-risks-report-2024-press-release/> (Accessed March 2, 2024).
- Zelaya, M. (2022). Los Tiempos. Bolivia. In S. Levoyer and P. Escandón. (2023). Informe de investigación. “Desinformación y políticas públicas en la región Andina” y “Desinformación y transmedia: el rol de los medialabs universitarios en la región” [Investigation report. “Disinformation and public policies in the Andean region” and “Disinformation and transmedia: the role of university medialabs in the region”]. Quito, Ecuador: Universidad Andina Simón Bolívar sede Ecuador, Comité de Investigaciones.



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The limits of internet self-regulation – the EU's policy for digital internet intermediaries

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This article contributes to knowledge on EU policy for Internet intermediaries by providing a characterization and analysis of the system of governance for intermediaries set out initially in the 2000 Directive on E-Commerce and recently updated in the 2022 Digital Services Act. The article shows how the new regulatory system of the DSA, unlike its predecessor, is underpinned by a strong European public transnational network governance approach, with a very noteworthy instantiation of regulatory responsibility at the EU level in respect of the power given to the European Commission to regulate Very Large Online Platforms (VLOPs) and Very Large Online Search Engines (VLOSEs). This reflects an attempt to mitigate the negative consequences of a largely light touch, self-regulated environment faced by Internet intermediaries. The article contends that the EU's new system of platform regulation creates instead a trans-European network (public regulatory dominated and epistemic regulatory actor enabled) more akin to the neoliberal model of EU telecommunications governance than the private interest self-regulatory aspirations of Internet governance specialists of the early 2000s, when the DEC was established.

KEYWORDS

self-regulation, co-regulation, network governance, EU, internet intermediaries

Introduction

The EU has recently set out a new regulatory policy framework for online digital commerce services at the core of which sits the Digital Services Act (DSA) ([European Parliament and Council, 2022](#)), fully operational from February 2024. The DSA updates the landmark 2000 Directive on Electronic Commerce (DEC) ([European Parliament and Council, 2000](#)). A key feature of this legislation is its treatment of so-called Internet intermediaries, more commonly known as 'platforms'. Despite its relative infancy, the DSA has elicited significant academic attention related to, variously, the due diligence obligations arising from the Act ([Asensio, 2023](#)); its broad legal and policy context ([Buri and van Hoboken, 2021](#)); its implications for online consumers ([Reifa, 2022](#)), online harms regulation ([Heldt, 2022](#)) and fundamental rights ([Frosio and Geiger, 2023](#)); the political discourse of the DSA ([Schlag, 2023](#)); its global regulatory implications ([Nunziato, 2023](#); [Tourkochoriti, 2023](#)) and the DSA's potential contribution to the EU's digital single market ([Sagar and Hoffmann, 2021](#); [Hohmann and Kelemen, 2023](#)).

To date, however, there has been no work that focuses in detail on the regulatory governance forms specified in the DSA and their significance for our understanding of the EU's approach to the regulation of online communication, a gap in knowledge that this article seeks to close with its specific focus on the regulation of Internet intermediaries. The article undertakes a comparative exploration of the regulation of Internet intermediaries set out in

the both the DEC and its successor DSA asking: what are the differences and similarities between the EU's initial and current approaches to the governance of Internet intermediaries? What does this tell us about current understandings of the value of self- and co-regulatory approaches to online regulation in the EU? In so doing, the article provides evidence of what it argues is a highly significant change in approach to the EU's treatment of Internet intermediaries: a shift in regulatory tone and substance from protection to responsibility-seeking. This reflects two rather different developments in online communication since the DEC's passage. On the one hand, it shows the dominant establishment and commercial success of some very large intermediaries, in particular social network platforms. On the other, it illustrates a growing concern about potential aberrant behavior of users of intermediary services. It also raises concern about the welfare of platform users that come into contact with content hosted by intermediary service providers.

Conceptually, the article draws together literature from the adjacent fields of Internet governance and European telecommunications regulation to explain and account for the new system of governance entailed in the DSA. It shows how the original DEC was very much reflective of self-regulatory perspectives on Internet commerce regulation that pertained at the beginning of the century, in the relatively early years of Internet platforms. In the case of the DEC, the article argues that a core aim of EU digital policy at that point was to create a flexible, light touch regulatory environment in order to protect Internet intermediaries from liability and encourage their growth and that of electronic commerce more broadly. By contrast, the regulatory approach of the DSA, the article argues, is considerably more responsibility-seeking in its focus. To achieve the latter, it moves away from the self-regulation culture and approach of Internet governance by specifying public regulatory measures more akin to regulatory governance strategies developed by the EU for the longer established telecommunications sector. Specifically, the article shows how the new regulatory system of the DSA is underpinned by a strong European public transnational network governance approach, with a very noteworthy instantiation of regulatory responsibility at the EU level in respect of the power given to the European Commission to regulate Very Large Online Platforms (VLOPs) and Very Large Online Search Engines (VLOSEs). This reflects an attempt to mitigate the negative consequences of a largely light touch, self-, (and even unregulated) environment faced by Internet intermediaries. The article contends that the EU's new system of platform regulation creates instead a public regulatory dominated form of pluri-stakeholderism more akin to the neoliberal model of EU telecommunications governance than the private interest self-regulatory aspirations of Internet governance specialists of the early 2000s, that would have eschewed the telecommunication regulatory model as outmoded and state dominated. The article concludes by reflecting on the significance of this new approach for the utility of self- and co-regulation in Internet platform environments.

The internet, self-regulation and the growth of internet intermediaries

Work on the governance of the Internet emerged in earnest shortly after its popularization around the mid-to-late 1990s. As has been well cataloged, an initially relatively small scale networked

environment developed by the technical pioneers of the Internet - with strong communitarian and fiercely independent characteristics - operated as a system self-governed by its users in the almost now unimaginable days when state and governmental actors and commercial players remained largely outside Internet-based communication (Mathiason, 2008). Despite its undoubted self-regulatory origins, as the Internet's usership grew internationally at an exponential rate, its burgeoning strategic character led to evidence that the state had begun to become, controversially, a significant actor in its evolving governance landscape (Drezner, 2004). Before long, scholars were unearthing evidence of a range of governance forms, some with a co-regulatory public-private character, for example in relation to Internet country code Top Level Domains (Christou and Simpson, 2009). The growing complexity of Internet governance (Dutton, 2013) led to attempts to unpack and understand better its actors and their processual interactions (Kleinwachter, 2006; Broeders, 2015) where DeNardis (2014) recognized a distinct lack of planned governance at the international level. The growth of Internet services of various kinds - notably in the provision of access, search and hosting facilities - led to a focus on the role that their providers played in the day-to-day broad governance of the Internet (Van Eeten and Mueller, 2012).

Within this, the role of Internet intermediary service providers has come to particular prominence, not least the clutch of communication platforms that have now come to dominate in the fields of search (Google), shopping (Amazon), photo-sharing (Instagram), microblogging (X), closed user group messaging (Whatsapp) and combinations of these (Snapchat, Facebook). A vigorous debate has occurred on the extent to which these organizations can, do and should govern online communication. Relatedly, there has been consideration of the extent to which Internet intermediaries should be the subject of governance themselves, and are even governable at all. It is the case that as the Internet 'has become an intrinsic part of the lives of the world's population, these organizations are the conduits and sites of much of 21st century human life, since a growing proportion of the latter in its many forms is conducted through electronic means' (Simpson, 2022). Hofmann et al. (2017) explore the challenge of recognizing the existence of - and thereafter taking decisions on - a set of processes that might be categorized as governance of the Internet. Interestingly, they put forward the idea of reflexive coordination, where everyday activities that recognizably govern users' communicative behavior online, generate problems and thus become in need of governance themselves. This idea can be expanded to include an analysis of the consequences of 'inaction' and 'detachedness' associated with some of the roles played by Internet intermediaries, particularly those offering mere conduit and hosting services. It is within this complex and controversial debate, that the EU's policy position on the regulation of Internet intermediaries has taken shape over more than 20 years, manifest in the Directive on E-Commerce and the Digital Services Act, in particular. The next section develops the conceptual context for the analysis of the DEC and DSA by exploring recent literature on public regulatory forms and processes. This is followed by an analysis of the approach taken by the EU to the regulation of the Internet intermediaries in the DEC in order to illustrate the predominance of a self-regulatory approach. Thereafter, the article explores the governance forms specified in the DSA to illustrate a highly significant change of approach akin to predominantly *trans*-European network

governance where public regulatory political and epistemic actors are prominently positioned. The article moves to a conclusion by exploring some early evidence of how the new system specified in the DSA is being operationalized by the EU before reflecting on the significance of the evolution of the EU's policy on Internet intermediaries entailed in the journey from the DEC to the DSA.

Regulatory forms and communications systems

Academic work in political science has for some years focused on a consideration of the emergence of newer, more flexible forms of regulatory governance, that are potentially useful in illuminating the character of the EU's regulatory approach to Internet intermediaries set out in the DEC and DSA. Bevir and Phillips (2017, p. 686) urge a re-think of governance 'not as a particular state formation but as a set of meaningful practices' informed by various beliefs, concepts and preferences. They draw on Borzel's (1998, p. 254) characterization of governance as 'a set of relatively stable relationships which are of a non-hierarchical and interdependent nature linking a variety of actors, who share a common interest with regard to a policy and who exchange resources to pursue these shared interests acknowledging that cooperation is the best way to achieve common goals'.

Recent work by Kruck and Weiss (2023, p. 1209) explored extending the relevance of the well established idea of the regulatory state (Majone, 1994, 1997) 'as a distinct *combination* of rules based policy instruments *and* expertise-based foundations of authority' combining 'epistemic authority *and* proliferating rules' (emphasis in original). Koop and Lodge (2020, p. 1612) argue that the regulatory state has developed to entail 'a broadening of decision-making and conceptions of regulation, a greater role for communication and outward-oriented activities, and a widening of stakeholder engagement and accountability' where 'regulators have moved away from practices associated with 'responsibility' toward practices aimed at 'responsiveness' to public and political concerns' (p. 1613). The literature on experimentalist governance – whose premise is that traditional hierarchical governance has become strained in the light of uncertainty and increased variety – notes its flexibility, as well as the responsibility given to actors closely involved in the policy sector in question and emphasizes information gathering as a way of revising governance practices from experience (Sabel and Zeitlin, 2012). Monti and Rangoni (2022) have found that in digital markets, when there is evidence of uncertainty, actors will engage in more experimentalist governance forms. Sabel and Zeitlin (2008) claim that telecommunications is a sector which has displayed experimentalist governance. Bellanova and De Goede (2022) find a dearth of literature on 'modes of practical collaboration between private moderation and public authority' (p1320) and stress the importance of legal and technological mechanisms of co-production in respect of content moderation in the 'digital shaping of European public space' (1130).

The international, multi-actor character the European communication sector has led to a focus on the idea and practices of networked governance. Steingass (2020) argues that political administrative actors have engaged in beyond inter-state power brokering and across levels of governance to shape EU policy.

Westlund (2017, p. 62) notes how EU agencies and networks are structured to give control to the national level yet 'studies indicate that

intra-network behavioral patterns are not solely intergovernmental and decentralized, but are supplemented or replaced by more integrated patterns that cross national borders and levels of government' where relationships of cooperation and interaction move outside of the control of government. By contrast, Heims (2017, p. 1117) explores the role of national regulators in EU bodies concluding that 'national authorities...remain the bodies that hold the greatest regulatory capacities and expertise'. Nesti (2018) argues that network governance can lack visibility, be remote from its principals and maintain distance from democratic institutions which can give significant power and flexibility to the network. Arras and Braun (2017, p. 1259) focus on stakeholder involvement in the regulatory process noting that 'rather than being independent and insulated from external pressures, as the idea of delegation suggests, EU agencies are strongly embedded in a network of stakeholders' where the need for expertise tends to risk dependence on the regulated industry. Rimkute and Mazepus (2023) focus on the authority-legitimacy gap in EU agencies and consider the conditions under which EU level epistemic authority can work effectively.

The importance of the European Commission as a regulatory actor in the electronic communications sector has been well established (Humphreys and Simpson, 2005). Recent work by Oztas and Kreppel (2022) has re-focused on the Commission's agenda setting power and policy influence arguing that through 'informal networks, epistemic communities, and formal institutional decision-making rules, a myriad of other actors can shape EU legislation before and after it is formally initiated by the Commission' (p. 409). They conclude that 'Instead of consolidating itself as the *political* 'engine of Europe', the Commission appears to have become increasingly reliant on policy congruence with other core EU institutions' (emphasis in original) yet they also find that 'autonomous Commission agenda influence is far from disappearing altogether' (p422).

Krej Laurens (2022) focuses on why EU legislators prefer the creation of a network of national regulatory authorities, with specific concern about the conditions under which new networks are created for policy enforcement 'in contexts that are already institutionalized' (p. 1569) finding that networks can be created to solve resourcing challenges which increased centralization would entail. Yesilkagit and Jordana (2022) focus on the idea of entangled agency, where national regulatory authorities (NRAs) have evolved to be able to participate simultaneously at national and European governance levels whilst maintaining their national angle. They note that NRAs 'habitation' has moved toward the European level and conclude that there is evidence of a 'European transnational policy arena characterized by the occupation of multiple decision-making and advisory positions within key administrative bodies in the EU' (p.1691).

Vantaggiato (2022) considers how European administrative networks may evolve through time with a focus on social capital within the networks deployed to deal with challenges of joint action, where they 'comprise one type of actor (national regulators), from various jurisdictions, whose goal is producing commonly agreed rules and promoting their harmonization' (p. 1632). The purpose of these networks is learning and influencing. Regulators balance interests and concerns with those of other actors in the environment that change over time and networks can evolve 'to a single close-knit community of peers that...focuses primarily on achieving compromise in order to influence policy-making'. (p1647). Vantaggiato et al. (2021) cite evidence from the governance of European telecommunications

where a European administrative network contains competence shared between national and EU level, where cooperation is voluntary and informal. They contend that even in informally constituted networks, their internal structure is equally likely (compared to highly formally structured networks) 'to shape members' perceptions of and engagement in the network' (p587). [Humphreys and Simpson \(2008, pp. 866–867\)](#) in exploring the development of the European telecommunications regulatory framework found evidence of a 'two-level, pluri-dimensional governance order...where a network of mostly technocratically focused actors has assumed responsibility for governance...dominated by quasi-state actors in the shape of national level NRAs and the European Commission.'

EU regulation of internet intermediaries and the DEC – self-regulation and protection from liability

In the late 1990s, the EU's approach to the regulation of electronic commerce reflected much of the self-regulatory perspectives on Internet governance that were prevalent at the time. The DEC trained its focus on so-called information society services defined as the selling of goods online, the provision of online information and commercial communications; the provision of tools to allow search, access and retrieval of data; the transmission of data across a network; provision of network access; and hosting information. The DEC gave specific treatment to the governance of Internet Intermediaries where it argued that 'disparities in Member States' legislation and case law concerning liability of service providers acting as intermediaries prevent the smooth running of the internal market'. Regarding the tackling of illegal information online, the directive argued that 'such mechanisms could be developed on the basis of voluntary agreements between all parties concerned' (para 40).

At the time, the EU was very conscious of the need not to lose pace with developments in the Internet economy, having not been at the forefront of early aspects of the emerging governance arrangements for the Internet, related to its system of naming and addressing, for example. There was a particular concern not to put in place any legislative impediments to the growth of on line commercial activity ([George Christou and Seamus Simpson, 2007](#)) with two main consequences. First, the DEC adopted a protective approach to the role of Internet intermediaries, with a particular focus on limiting their commercial liability. Second, and related to this, intermediaries were largely left to decide the extent to which, if at all, they developed a consideration for – and took action in relation to – content for which they acted as conduits and hosts. The directive noted that its provisions related to exemptions from liability in respect of 'the technical process of operating and giving access to a communication network over which information made available by third parties is transmitted or temporarily stored, for the sole purpose of making the transmission more efficient; this activity is of a mere technical, automatic and passive nature, which implies that the information service provider has neither knowledge of, nor control over, the information which is transmitted or stored' ([European Parliament and Council \(2022\)](#); para 42). It was nevertheless noted that the liability limitation did not preclude the possibility of legal action which might relate to addressing a particular problem, that could include the removal or disabling of access to illegal

information. The directive also made it clear that once a service provider became aware of illegal activity, it was required to act to remove or disable access to the information albeit 'in the observance of the principle of freedom of expression' (DEC 2000, para. 46). The DEC stipulated that prevention of monitoring obligations only pertained to those of what were described as a 'general nature', not those of a 'specific case' thus allowing national discretion over particular matters to take effect. In a further indication of the self-regulatory character of the legislation, the DEC noted that the European Commission and EU Member States should 'encourage the drawing up of codes of conduct' which would 'not impair the voluntary nature of such codes' ([European Parliament and Council \(2000\)](#); para 49).

Articles 12–15 of the DEC set out the specific provisions related to the liability of Internet intermediaries. Article 12 refers to the role of being a 'mere conduit' and states that service providers are not liable for information transmitted across a network as long as they have not initiated the transmission; did not select the receiver of the transmission; and did not select or modify the information being transmitted. Article 13 of the directive refers to 'caching', where a service provider is not 'liable for the automatic, intermediate and temporary storage of that information' as long as the service provider does not modify the information; complies with access conditions to the information; complies with rules in respect to updating the information; does not impede lawful use of technology to obtain data on the use of the information and removes or disables the information quickly in the light of knowledge that the initial source of the information has been removed from the network or access to it disabled or that a court or administrative authority has decreed that such removal or disablement must occur.

Article 14 of the DEC refers to 'hosting' where a service provider was deemed to be not liable for information stored at the request of the recipient of the service as long as it does not have knowledge of illegal activity or information and 'is not aware of the facts or circumstances from which the illegal activity or information is apparent' and, after it has become aware of these circumstances, acts quickly to disable or remove access to the information in question. Article 15 of the directive refers to 'no general obligation to monitor' where States are instructed not to 'impose a general obligation on providers...to monitor the information which they transmit or store, nor a general obligation actively to seek facts or circumstances indicating illegal activity' ([European Parliament and Council \(2000\)](#), article 16, para 1). However, the article does allow Member States to establish obligations on service providers related to informing designated national authorities of such activity, including information which could enable the identification of those receiving their services.

Regarding the specific modalities of governance, the DEC also made an important stipulation regarding cooperation between States in the implementation of the directive where they were asked to 'appoint one or several contact points, whose details they shall communicate to the other Member States and to the Commission'. Here, states were asked that they 'as quickly as possible' provide information that might be requested by another Member State or the Commission. The looseness of the cooperation arrangement specified in the DEC is indicated by the stipulation in article 19(5) that States 'shall encourage the communication to the Commission of any significant administrative or judicial decisions taken in their territory

regarding disputes relating to information society services and practices, usages and customs relating to electronic commerce' (author's emphasis) and that the Commission should communicate this information to fellow Member States. Regarding sanctions to be applied for infringements of the DEC's stipulations, the flexibility of the directive was clear from Article 20 where it was asserted that 'Member States shall determine the sanctions applicable to infringements of national provisions adopted pursuant to this Directive and shall take all necessary measures to ensure that they are enforced'. In line with the thinking of the time, the Directive asked Member States to ensure that they did not take any measures that would discourage the use of out-of-court settlements for disputes arising from engagement between service providers and their customers, and should merely 'encourage bodies responsible for out-of-court dispute settlement to inform the Commission of the significant decisions they take regarding information society services and to transmit any other information on the practices, usages or customs relating to electronic commerce' (author's emphasis) (European Parliament and Council (2000): article 17) indicating the comparatively exploratory and embryonic state of e-commerce at this time.

The new EU governance framework for internet intermediaries: from self-regulation to networked co-regulation and responsibility seeking

Whilst the DEC provided small-though-significant coverage of the role and position of Internet intermediaries, some 20 years later these organizations were, rather differently, nothing short of center-stage in the DSA whose declared aim was 'to contribute to the proper functioning of the internal market for intermediary services' (article 1) comprising so-called mere conduit services, caching services where there is 'automatic, intermediate and temporary storage' of information 'performed for the sole purpose of making more efficient the information's onward transmission to other recipients upon their request', and hosting services comprising 'storage of information provided by, and at the request of, a recipient of the service' (DSA, article 3, para g).

The Act commences with specifications on the exemptions from liability afforded to intermediaries, that are largely in line with those of the DEC. Here, providers of mere conduit services are not liable for the information transmitted or accessed as long as they did not initiate the transmission, select its receiver, and select or modify the information contained in the transmission (article 4). For caching services, there is no liability as long as the service provider does not 'modify the information, complies with conditions on access to the information'; and complies with rules related to updating the information 'specified in a manner widely recognized and used by industry', 'does not interfere with the lawful use of technology, widely recognized and used by industry, to obtain data on the use of the information and acts quickly to remove or disable access to information stored on becoming aware that the information at the source of the initial transmission has been removed from the network in question or had access to it disabled or where there is an order by an administrative or judicial body for this to occur' (article 5). For hosting services, there is no liability as long as the provider 'does not

have actual knowledge of illegal activity or illegal content and...is not aware of facts or circumstances from which the illegal activity or illegal content is apparent' and after obtaining relevant knowledge acts quickly to remove or disable access to the illegal content in question (article 6). The DSA also noted that organizations taking 'own initiative investigations' would not be ineligible from the exemptions from liability specified in the Act. Service providers are required to make publicly available once per year a report on content moderation they have undertaken in the period in question.

In a significant development setting the conditions for the deployment of co-regulated EU-wide networked governance, intermediary service providers are required to nominate a single point of contact for communication with those authorities responsible for the regulation of the DSA's provisions at national and EU level. They are also required to put in place a mechanism to allow users to notify them of any potential illegal content they may be hosting and to take decisions on this quickly. Providers are required to provide justification to service recipients affected by hosters' decisions to restrict information provided by the recipients on the grounds of the illegality or non-compliance with the conditions of service of the content in question.

Section 3 of the Act also stipulates additional provisions for online platform providers. The latter are required to provide recipients of services access to a complaints handling system to be used in cases where the platform takes action against information provided by the service recipients on grounds of illegality or non-compliance with service terms and conditions of the platform (European Parliament and Council (2022) (article 20). In line with the self-regulatory approach of its DEC forbear, service recipients have the right to use an out of court dispute settlement process to resolve disputes related to matters that remain unresolved by the internal complaints handling system. These bodies are to be certified for a 5 year period by a series of Digital Service Coordinators established in each Member State that are required to produce a report biennially on the performance of the out of court dispute settlement body. If the out of court dispute settlement body decides in favor of the platform, the DSA states that the service recipient will not have to reimburse fees and expenses of the platform in relation to the dispute unless the service recipient 'manifestly acted in bad faith' (European Parliament and Council (2022), article 21, paragraph 5).

This co-regulatory system of governance is further embellished by a series of so-called 'trusted flaggers', organizations designated by the Digital Service Coordinators of Member States. These 'trusted flaggers' are required to report annually on notices that they submit during the period in question. Article 23 of the DSA requires platforms to suspend the provision of their services to recipients 'that frequently provide manifestly illegal content' (European Parliament and Council (2022): Article 23, para 1). They are also required to submit to the Commission their decisions (with justifications) related to actions taken against service recipients for 'inclusion in a publicly accessible machine-readable database', indicating the future vital importance of information resources in the governance system for Internet Intermediaries that will unfold across the EU.

The DSA also makes stipulations regarding the responsibilities of platforms to service recipients in relation to advertising (article 26) and recommender systems (article 27). It places responsibility on platforms that facilitate 'consumers to conclude distance contracts with traders' in relation to the traders in question in respect of their

identity and commercial legitimacy and to assess, to the best of their ability, the reliability and completeness of this information, and to suspend traders that do not provide the required information. Platforms are also required to inform affected purchasers of an illegal product or service of the illegality of the service, the trader's identity and any means of redress (DSA 2022: Article 32, paragraph 1).

Beyond these general stipulations, a key part of the DSA is a set of obligations for so-called very large online platforms (VLOPs) and very large online search engines (VLOSEs) that 'have a number of average monthly active recipients of the service in the Union equal to or higher than 45 million' (DSA 2022: Article 33, para 1). Importantly, the designation of VLOPs and VLOSEs is the responsibility of the European Commission, which has been given a central supranational level role in their future governance through the DSA. The Act requires these organizations to undertake annual risk assessments 'stemming from the design or functioning of their service and its related systems, including algorithmic systems, or from the use made of their services' (DSA 2022: article 34, para. 1) and to put in place 'reasonable, proportionate and effective mitigation measures' related to the identified risks paying particular concern to 'fundamental rights' (DSA 2022: article 35, para. 1). Here, the Commission and DSCs have the option to issue guidelines in respect of particular risks. The DSA stipulates a so-called 'crisis response mechanism' where the Commission on the recommendation of the newly established European Board for Digital Services (see below) can require VLOPs and VLOSEs to take particular rectifying measures. The platforms are required to pay for an annual independent audit of their compliance in respect of key measures of the DSA (DSA 2022: article 37) and to respond to concerns arising from the audit through the creation of an audit implementation report cataloguing actions taken or justifying inaction in respect of the audit's recommendation. If the platforms use recommender systems, they are required to provide at least one option for each recommender system 'not based on profiling' (article 38).

VLOPs and VLOSEs are required, on request from DSCs, to provide access to data 'for the sole purpose of conducting research that contributes to the detection, identification and understanding of systemic risks in the Union' (DSA 2022: article 40, para 4). These platforms are also required to create a compliance function 'independent from their operational functions and composed of one or more compliance officers' (DSA 2022: article 41, para.1). The Act contains provisions for transparency whereby the VLOPs and VLOSEs need to provide to their DSC of establishment, the Commission, and make public, a series of reports regarding their auditing and actions that arose from it. The Act specifies charging these large platforms an annual supervisory fee to cover Commission costs related to it and costs related to database setting up and maintenance and the Act's information sharing system.

In a more-self regulatory mode reminiscent of the DEC, the DSA noted that the Commission and the Board should encourage the creation of voluntary codes of conduct related to its application. The Act set a role for the Commission in situations of systemic risk to bring together platforms, other commercial interests and civil society bodies to set up codes of conduct and related reporting measures to address the specified risks. A significant part of the Act supports voluntary standards set by European and other international organizations in respect of a range of matters related to communication

notices and templates related to the DSA, as well as advertising and the protection of minors online.

The implementation and enforcement processes of the DSA signal a significant development of approach from that in the DEC. Here, each Member State designated Digital Services Coordinator is responsible for monitoring and enforcement of matters related to the Act in the Member State in question as well as, importantly, 'contributing to the effective and consistent supervision and enforcement of this Regulation throughout the Union' (DSA, 2022: article 49, para. 2). The DSA stipulates that the DSCs – that were to be created by 17 Feb 2024 and to act 'with complete independence' – 'shall cooperate with each other, other national competent authorities, the Board and the Commission' (DSA, 2022: articles 49 and 50) pointing to the development of an elaborate European transnational governance network in the making. The DSCs are given significant investigatory and enforcement responsibilities (related to the power to accept commitments made, order cessations, impose fines and periodic penalties and adopt interim measures). The cross-border nature of Digital Service Coordinators' work is likely to be very important where, for example, they are responsible for assessing complaints against service providers (in the country of the complainant) and transmitting the complaint to the DSC of establishment of the service provider in question. DSCs must draw up and make public annual reports of their activities. The DSA makes specific reference to competences in enforcement of the legislation where the 'Member State in which the main establishment of the provider of intermediary services is located shall have exclusive powers to supervise and enforce' the DSA except for powers specified in articles 2 (scope), 3 (definitions), and 4 ('mere conduit') of the Act (DSA, article 56: para. 1). The Commission has exclusive supervision and enforcement powers related to Section 5 of the DSA, in respect of VLOPs and VLOSEs.

Overall, it was noted that 'Member States and the Commission shall supervise and enforce the provisions of this regulation in close cooperation' (DSA 2022: article 56, para. 5) including exchange of information between DSCs and DSCs and the Commission; requests for investigation of specific service providers by DSCs to each other; and the undertaking of joint investigations by DSCs. In the case where a service provider is not established in the EU, the Commission holds power to enforce relevant aspects of the DSA, though it is not clear how this might work in practice. In cases of inaction based on requests for investigation or in the case of a disagreement of the Board, the Commission may be called on to assess the matter. The Commission shall then communicate its decision to the DSC of establishment of the service provider in question, which will then undertake an investigation taking 'utmost account' of the views of the Commission within 2 months of the request for the review.

Section 3 of the DSA refers to the European Board for Digital Services (the Board). This new supranational level body shall 'advise the Digital Service Coordinators and the Commission' to contribute to the consistent application of the Regulation; coordinate and contribute to guidelines and analysis of the Commission and DSCs; and assist the DSCs and the Commission in supervising very large online platforms. The Board comprises DSCs, chaired by the Commission in a non-voting capacity, that will also provide administrative and technical support to the Board. This a well established EU governance formula in telecommunications. Indicating how the governance of VLOPs and VLOSEs will incorporate epistemic

expertise, the Board is able to invite experts and observers and can cooperate with other EU bodies and shall ‘make the results of this cooperation publicly available’ (DSA 2022: article 62, para. 5). The Board is assigned key tasks around supporting the coordination of joint investigations; supporting the analysis of reports; issuance of opinions, advice and recommendations to DSCs; provision of advice to the Commission related to Article 66 of the Act (referring to the launching of legal proceedings by the Commission); and support and promotion of the development and implementation of European standards, guidelines, reports and codes of conduct in relation to the legislation.

A very important part of the DSA sets out the Commission’s powers and responsibilities in respect of VLOPs and VLOSEs. Here, in coordination with DSCs, it is required to develop EU expertise and to ‘coordinate the assessment of systemic and emerging issues across the Union in relation to VLOPs and VLOSEs (DSA 2022: article 64, para. 2). Importantly, the Commission can use its investigatory powers before initiating proceedings against a provider, on its own, as well as following a request. The Commission can request support from DSCs in investigating a possible infringement of the Act. It can undertake on site inspections with help from professional experts – a further indication of the incorporation of a complex of private epistemic and public regulatory knowledge in the new system – and can ask for national legal assistance where it encounters opposition to its proposed inspection. The Commission’s investigatory powers are thus significant and it can adopt what are termed no-compliance decisions where the VLOP/VLOSE is required to inform the Commission of measures taken to comply with any decision made by the Commission in respect of an infringement of the legislation. Further, the Commission has the power to impose fines on a VLOP/VLOSE of value ‘not exceeding 6% of its worldwide annual turnover in the preceding financial year’ (DSA 2022: article 74, para. 1) in respect of: infringement of provisions of the DSA; failure to comply with interim rectifying measures specified by the Commission; and failure to comply with a commitment made ‘binding by a decision pursuant to Article 71’. A fine not exceeding 1% of total annual income or worldwide turnover in the preceding financial year can be imposed for: supplying incorrect information, failure to reply to a request for information; failure to rectify misleading information; refusal to submit to an inspection; failure to comply with measures adopted by the Commission pursuant to Article 72 and failure to comply with conditions for access to the Commission’s file pursuant to Article 79(4) of the DSA. As will be seen in the next section of the article, the Commission has lost little time in pressing these powers into action in its regulation of VLOPs and VLOSEs.

The DSA in Article 75 sets out what is referred to as ‘enhanced supervision of remedies’ relating VLOPs and VLOSEs. Here, the VLOP or VLOSE in question is required to create an action plan to terminate or remedy any infringement found to exist, including a commitment to have an independent audit undertaken. The plan in question has to be communicated to the Board, Commission and relevant DSCs. The Board then provides its view on the action plan and the Commission shall then decide if the measures in the plan are sufficient and, if so, it will subsequently monitor the implementation of the action plan, keeping the Board and DSCs informed of this. The DSA gives the option to the Commission of imposing so-called periodic penalty payments on the VLOP or VLOSE of not more than 5% of its average daily income or worldwide turnover in the preceding

financial year per day ‘calculated from the date appointed by the decision’ (DSA 2022: Article 76, para. 1) in order to ensure compliance with requests made in respect of matters such as supplying information, submitting to an inspection and compliance with legally binding commitments arising from the application of the DSA. The power afforded to the Commission in the legislation is clear from the statement in the DSA that ‘where a national court rules on a matter that is already the subject of a decision adopted by the Commission... that national court shall not take any decision which runs counter to that Commission decision’ (DSA 2022: article 82, para. 3). The Commission is required to create an information sharing system to allow communication between itself, DSCs and the Board. The remarkable significance of the extent of delegation of power to the Commission is indicated, paradoxically, by its initial operation for a period of 5 years. In addition, this arrangement can be revoked by the European Parliament or the Council, and any delegated acts taken by the Commission can enter into force only as long as there is no objection from the European Parliament and the Council.

Explaining and accounting for the new EU framework for internet intermediaries

In an analysis of the DSA, Heldt (2022, p. 80) has argued that ‘one thing...is clear: the times of self-regulation are over – at least in the EU’. Instead, the evidence of this article points firmly toward the stipulation and likely development of a public-private trans-European network governance system. This was, in fact, operationalized very soon after the passage of the DSA. Referred to specifically by the Commission as an ‘enforcement network’ (European Commission, 2024a), evidence suggests the emergence of a burgeoning governance system containing public political-administrative and subject specific epistemic actors along the lines highlighted in recent scholarship on the regulatory state in Europe. An important example of this occurred in April 2023 with the creation by the Commission of the European Centre for Algorithmic Transparency, with technical expertise aimed at working with the EU and national Member States in the implementation of the DSA. The ECAT soon signed an agreement with the French data science center Pole d’Expertise du Regulation du Numerique (European Commission, 2024a) whose focus is on issues covered by the DSA and more such agreements are likely to be put in place as the implementation of the DSA continues apace. There is also some evidence that the EU is attempting to promulgate the so-called ‘Brussels effect’ in the implementation of the DSA (Nunziato, 2023) with the signing of administrative agreements with the Australian eSafety Commissioner and the UK media regulator, Ofcom (European Commission, 2024b), a subject that goes beyond the scope of this article.

Since the DSA’s passage, the European Commission has moved swiftly to take action against VLOPs and VLOSEs, sending information requests to as many as 17 of them in January 2024 (AliExpress, Amazon Store, AppStore, Bing, Booking.com, Facebook, Google Search, Google Play, Google Maps, Google Shopping, Instagram, LinkedIn, Pinterest, Snapchat, TikTok, YouTube and Zalando) to specify ‘the measures they have taken to comply with the obligation to give access...to the data that is publicly available on their online interface to eligible researchers’ (European Commission, 2024c).

It has also moved significantly beyond the task of information requests signaling strongly its intent to regulate platforms at the EU level into the future. At the beginning of 2024, it launched an investigation into TikTok in respect of potential DSA breaches related to 'the protection of minors, advertising transparency, data access for researchers, as well as risk management of addictive design and harmful content' (European Commission, 2024d). Less than 2 weeks before this, it was reported that Meta and TikTok had confirmed their intention to sue 'the European Commission over an annual supervisory fee that companies listed under the DSA must pay' (Tar, 2024a). It was reported that Meta was concerned that 'companies that record a loss do not have to pay, even if they have a large user base or represent a greater regulatory burden, which means some companies paying nothing, leaving others to pay a disproportionate amount of the total' (Tar, 2024b).

In December 2023, the Commission launched infringement proceedings against X regarding potential hate speech on its platform and the provision of data access to researchers. It also launched an investigation into AliExpress related to transparency in advertising and its handling of complaints (Rankin, 2024). In April 2024, the Commission launched an investigation into Meta under the DSA over potential insufficient action in respect of Russian disinformation and, in May 2024, it opened a second investigation, expressing concern 'that systems of both Facebook and Instagram...may stimulate behavioral addictions in children, as well as create so-called 'rabbit hole' effects'. The proceedings are also focused on Meta's age assurance and verification methods. In respect of the case, the EU Internal Market Commissioner, Thierry Breton, was quoted as asserting that the EU was 'not convinced that it [Meta] has done enough to comply with the DSA obligations to mitigate the risks of negative effects to the physical and mental health of young Europeans on its platforms Facebook and Instagram' (Rankin, 2024). It is clear that concern over the nurturing of the digital economy that underpinned the treatment of Internet intermediaries in the DEC has been superseded, in the DSA, by concerns over regulating the content that they host and transmit. It has been argued that the DSA's impact can be more significant than other similar pieces of legislation given the EU's market size and the fact that it is now seen as 'more influential as a regulatory power' (Milmo, 2022).

The system of governance specified in the DSA can be regarded as a significant shift by the EU on the regulation of internet intermediaries, more reminiscent of EU telecommunications governance than the self-regulatory norms and practices of Internet governance. Much of this new system can be accounted for by recent literature on contemporary regulatory forms and practices. There is evidence of public regulatory authority within an extended understanding of the concept of the regulatory state. Here, a wide base of European stakeholders is likely to share responsibility for the governance of a vital part of the digital communication sector. The system now reflects the long standing idea of regulatory responsibility taking as much as regulatory responsiveness to public opinion, though clearly what to do about social network platforms has become an issue that has widely reached the public consciousness. What is in development bears core hallmarks of experimentalist governance, where information gathering and responsibility-giving are central. However, as noted in the article, the idea of hierarchy has far from disappeared. The governance of Internet intermediaries is thus likely to display evidence of practical collaboration between what Bellanova and De Goede (2022) describe as private moderators and public

authority, utilizing legal and technical methods of regulatory co-production. The system specified by the EU has also clearly entailed within it a strong networked governance character that moves away from the self-regulatory origins of the Internet. Here, best practice sharing, resource pooling and mutual performance monitoring (after Masterbroek and Schrama, 2022) are likely to be key features of the system when fully operational. This is likely to create the entangled agency highlighted by Yesilkagit and Jordana (2022) with integrated regulatory patterns across national boundaries with a bi-level relationship between national and European actors. Here, the role of the European Commission will be vital, confirming Oztas and Kreppel's (2022) recent assertion that the Commission's agenda influencing is still prominent even if it relies on policy congruence with other EU actors, as evidenced in our case, by the backstop authority held by EU Member States (through the European Council) and the European Parliament. A key feature of the kind of networked governance in the new system is the tightness of its specification, which is far removed from the voluntarism and informality associated with self-regulatory approaches. This will require the development of shared competence and mutual reliance between national and EU level regulatory actors of a political administrative and techno-epistemic variety. Busuioac and Lodge (2016: 248) note how regulators can enhance their accountability by building a good reputation with a range of stakeholders. Steingass (2020) argues that a range of different actors can advocate norms to shape policy practices. The agency of policy actors depends on participation in transnational policy communities and networks (Henriksen and Seabrook, 2016) where the key is the 'discursive construction of the context in which norms are advanced' (p388).

Conclusion

Allen and Stockhem (2022) refer to the governance arrangements set out in the DSA as a layered enforcement regime and express concerns about how it will function, as well as 'the potential politicization of enforcement, enforcement overreach and regulatory independence'. They note the possibility of uneven resourcing of DSCs, and potential tension between the DSC of establishment and the European Commission. They are also critical of the decision not to establish a new EU agency for the enforcement of the DSA and focus on the role of the European Commission, as a consequence. Here, oversight of the Commission, given its highly significant implementation powers is seen as insufficient. They also are concerned about the Board not having its own independent legal character that might weaken its scope to take strong action. Overall, it is argued that the 'DSA has put in place an enforcement regime that may not have taken the leap it truly needed' (Allen and Stockhem, 2022).

At the time of writing, it is too early to assess the performance of the trans-European network that is in development for the governance of Internet intermediaries in the EU. However, the evidence of this article suggests that the network bears much more the characteristics of EU telecommunications governance than the self-regulatory ethos and practices that underpinned the predecessor governance regime for intermediaries expressed in the DEC. Transnational regulatory networks in telecommunications have proven to be both resilient and influential, to the extent that Boeger and Corkin (2017, p. 988) have

provided evidence that this network was able to play an ‘independent role’ in shaping its institutional evolution displaying in the process ‘resilient and even self-reinforcing’ characteristics. The complexity of the regulatory challenges that those charged with the task of implementing the DSA will face suggests that the development of robustness of this kind will not only be desirable but necessary into the future for the EU’s revised policy on Internet intermediaries to be considered a success.

Data availability statement

Publicly available datasets were analyzed in this study. This data can be found here: European Commission website (Directive on E-Commerce; Digital Services Act).

Author contributions

SS: Writing – original draft, Writing – review & editing.

References

- Allen, Asha, and Stockhem, Ophelie (2022). A series on the EU digital services act: ensuring effective enforcement. Center for Democracy & Technology. Available at: <https://cdt.org/insights/a-series-on-the-eu-digital-services-act-ensuring-effective-enforcement/>
- Arras, S., and Braun, C. (2017). Stakeholders wanted! Why and how European Union agencies involve non-state stakeholders. *Journal of European Public Policy*, 25, 1257–1275. doi: 10.1080/13501763.2017.1307438
- Asensio, P. d. M. (2023). “Due diligence obligations and liability of intermediary services: the proposal for the EU digital services act” in *The legal challenges of the fourth industrial revolution*, 29–46.
- Bellanova, R., and De Goede, M. (2022). Co-producing security: platform content moderation and European security integration. *J. Common Mark. Stud.* 60, 1316–1334. doi: 10.1111/jcms.13306
- Bevir, M., and Phillips, R. (2017). Genealogies of European governance. *Comp. Eur. Polit.* 15, 685–704. doi: 10.1057/s41295-016-0080-8
- Boeger, N., and Corkin, J. (2017). Institutional path-dependencies in Europe’s networked modes of governance. *J. Common Mark. Stud.* 55, 974–992. doi: 10.1111/jcms.12546
- Borzelt, T. (1998). Organizing Babylon – on the different conceptions of policy networks. *Public Adm.* 76, 253–273. doi: 10.1111/1467-9299.00100
- Broeders, D. (2015). *The public Core of the internet – An international agenda for internet governance*. Amsterdam: University of Amsterdam Press.
- Buri, Ilaria, and van Hoboken, Joris. (2021). ‘The digital services act (DSA) proposal: a critical overview’, Digital Services Act Observatory, Institute for Information Law, University of Amsterdam, Discussion Paper, 28 October.
- Busuioac, E. M., and Lodge, M. (2016). The Reputational Basis of Public Accountability. *Governance*, 29: 247–263. doi: 10.1111/gove.12161
- Christou, G., and Simpson, S. (2009). New governance, the internet and country code top level domains in Europe. *Governance* 22, 599–624. doi: 10.1111/j.1468-0491.2009.01455.x
- DeNardis, L. (2014). *The global war for internet governance*. New Haven, CT: Yale University Press.
- Drezner, D. (2004). The global governance of the internet: bringing the state back in. *Polit. Sci. Q.* 119, 477–498. doi: 10.2307/20202392
- Dutton, W. (2013). “Internet studies – the foundations of a transformative field” in *The Oxford handbook of internet studies*. ed. W. Dutton (Oxford: Oxford University Press), 1–26.
- European Commission (2024a) Commission sends requests for information to 17 very large online platforms and search engines under the digital services act. Available at: <https://digital-strategy.ec.europa.eu/en/news/commission-sends-requests-information-17-very-large-online-platforms-and-search-engines-under>
- European Commission (2024b) ‘The enforcement framework under the digital services act. Available at: <https://digital-strategy.ec.europa.eu/en/policies/dsa-enforcement>
- European Commission (2024c) Commission opens formal proceedings against TikTok under the digital services act. Available at: https://ec.europa.eu/commission/presscorner/detail/en/ip_24_926
- European Commission. (2024d). Commission opens formal proceedings against Meta under the digital services act related to the protection of minors on Facebook and Instagram. Available at: https://ec.europa.eu/commission/presscorner/detail/en/ip_24_2664
- European Parliament and Council. (2000). Directive 2000/31/EC of the European Parliament and of the council of 8 June 2000 on certain legal aspects of information society services, in particular electronic commerce, in the internal market (directive on electronic commerce)
- European Parliament and Council. (2022). ‘Regulation (EU) 2022/2065 of the European Parliament and of the Council of 19 October 2022 on a single market for digital services amending Directive 2000/31/EC (Digital Services Act)’, 27.10.22, Brussels, OJL277/1–102
- Frosio, G., and Geiger, C. (2023). Taking fundamental rights seriously in the digital services Act’s platform liability regime. *Eur. Law J.* 29, 31–77. doi: 10.1111/eulj.12475
- George Christou and Seamus Simpson (2007) *The New Electronic Economy – European Governance Strategies in a Globalising Economy*. Cheltenham: Edward Elgar.
- Heims, E. (2017). Regulatory co-ordination in the EU: a cross-sector comparison. *J. Eur. Publ. Policy* 24, 1116–1134. doi: 10.1080/13501763.2016.1206141
- Heldt, A. (2022). EU Digital Services Act: The White Hope of Intermediary Regulation. In: T. Flew and F. R. Martin (eds) *Digital Platform Regulation*. Palgrave Global Media Policy and Business. Palgrave Macmillan, Cham.
- Hofmann, J., Katzenbach, C., and Gollatz, K. (2017). Between coordination and regulation: finding the governance in internet governance. *New Media Society* 19, 1406–1423. doi: 10.1177/1461444816639975
- Hohmann, B., and Kelemen, B. K. (2023). Is there anything new under the sun? A glance at the digital services act and the digital markets act from the perspective of digitalisation in the EU. *CYELP* 225 19, 224–248. doi: 10.3935/cyelp.19.2023.542
- Humphreys, P., and Seamus, S. (2005) *Globalisation, Convergence and European Telecommunications Regulation*, Cheltenham: Edward Elgar.
- Humphreys, P., and Simpson, S. (2008). Globalization, the ‘competition’ state and the rise of the ‘regulatory’ state in European telecommunications. *J. Common Mark. Stud.* 46, 849–874. doi: 10.1111/j.1468-5965.2008.00802.x
- Kleinwachter, W. (2006). Internet co-governance: towards a multilayer multiplayer mechanism of consultation, coordination and cooperation (M3C3). *E-Learning* 3, 473–487.
- Koop, C., and Lodge, M. (2020). British economic regulators in an age of politicisation: from the responsible to the responsive regulatory state? *J. Eur. Publ. Policy* 27, 1612–1635. doi: 10.1080/13501763.2020.1817127
- Krej Laurens, V. (2022). Enforcing EU policies: why do EU legislators prefer new networks of national authorities and not existing EU agencies? *J. Eur. Publ. Policy* 29, 1568–1589. doi: 10.1080/13501763.2022.2125045

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- Kruck, A., and Weiss, M. (2023). The regulatory security state in Europe. *Journal of European Public Policy*, 30, 1205–1229. doi: 10.1080/13501763.2023.2172061
- Henriksen, L. F., and Leonard, S. (2016). 'Transnational Organizing: Issue Professionals in Environmental Sustainability Networks', *Organization* 23:722–741.
- Majone, G. (1994). The rise of the regulatory state in Europe. *West Eur. Polit.* 17, 77–101. doi: 10.1080/01402389408425031
- Majone, G. (1997). From the positive to the regulatory state: causes and consequences of changes in the mode of governance. *J. Publ. Policy* 17, 139–167. doi: 10.1017/S0143814X00003524
- Mathiason, J. (2008). *Internet Governance – the New Frontier of Global Institutions*, New York: Routledge.
- Milmo, Dan. (2022). 'Digital services act: inside the EU's ambitious bid to clean up social media', *The Guardian*. Available at: <https://www.theguardian.com/media/2022/dec/17/digital-services-act-inside-the-eus-ambitious-bid-to-clean-up-social-media>
- Monti, G., and Rangoni, B. (2022). Competition policy in action: regulating tech markets with hierarchy and experimentalism. *J. Common Mark. Stud.* 60, 1106–1123. doi: 10.1111/jcms.13304
- Nesti, G. (2018). Strengthening the accountability of independent regulatory agencies: from performance back to democracy. *Comp. Eur. Polit.* 16, 464–481. doi: 10.1057/cep.2016.24
- Nunziato, D. C. (2023). The digital services act and the Brussels effect on platform content moderation. *Chic. J. Int. Law* 24, 115–128.
- Oztas, B., and Kreppel, A. (2022). Power or luck? The limitations of the European Commission's agenda setting power and autonomous policy influence. *J. Common Mark. Stud.* 60, 408–426. doi: 10.1111/jcms.13242
- Rankin, Jennifer. (2024). EU investigates Facebook owner Meta over child safety concerns and mental health concerns, *The Guardian*. Available at: <https://www.theguardian.com/technology/article/2024/may/16/eu-investigates-facebook-owner-meta-over-child-safety-and-mental-health-concerns>
- Reifa, C. (2022). Protecting vulnerable consumers in the digital single market. *Eur. Business Law Rev.* 33, 606–634.
- Rimkute, D., and Mazepus, H. (2023). A widening authority-legitimacy gap in EU regulatory governance? An experimental study of the European medicines Agency's legitimacy in health security regulation. *J. Eur. Publ. Policy* 30, 1406–1430. doi: 10.1080/13501763.2023.2171091
- Sabel, C. F., and Zeitlin, J. (2012). 'Experimentalism in the EU: Common ground and persistent differences', *Regulation and Governance*, 6, 410–26. doi: 10.1111/j.1748-5991.2012.01157.x
- Sabel, C. F., and Zeitlin, J. (2008). Learning from Difference: The New Architecture of Experimentalist Governance in the European Union. *European Law Journal* 14: 271–327.
- Sagar, Sander, and Hoffmann, Thomas. (2021). 'Intermediary liability in the EU digital common market – from the E-commerce directive to the digital services act', *IDP: Internet, law and politics E-journal*, 34, Universitat Oberta de Catalunya
- Schlag, G. (2023). European Union's regulating of social media: a discourse analysis of the digital services act. *Polit. Governance* 11, 168–177. doi: 10.17645/pag.v11i3.6735
- Simpson, S. (2022). "Global internet governance and the digital media economy" in *The sage handbook of the digital media economy*. eds. T. Flew, J. Holt and J. Thomas, 571–590.
- Steingass, S. (2020). Too effective for Europe? The UK, norm advocacy and the case of EU international cooperation. *J. Common Mark. Stud.* 58, 384–401. doi: 10.1111/jcms.12927
- Tar, Julia. (2024a). 'EU Commission opens formal investigation into TikTok, focused on child protection', 19 February, over digital services act fee. Available at: <https://www.euractiv.com/section/platforms/news/eu-commission-opens-formal-investigation-into-tiktok-focused-on-child-protection/>
- Tar, Julia. (2024b). Meta and TikTok sue European Commission over digital services act fee. Available at: <https://www.euractiv.com/section/platforms/news/meta-and-tiktok-sue-european-commission-over-digital-services-act-fee/>
- Tourkochoriti, I. (2023). The digital services act and the EU as the global regulator of the internet. *Chic. J. Int. Law* 24, 129–147.
- van Eeten, M., and Mueller, M. (2012). Where is the governance in internet governance? *New Media Soc.* 15, 720–736. doi: 10.1177/1461444812462850
- Vantaggiato, F. (2022). From learning to influence: the evolution of collaboration in European administrative networks. *J. Eur. Publ. Policy* 29, 1631–1655. doi: 10.1080/13501763.2022.2069843
- Vantaggiato, F., Kassim, H., and Wright, K. (2021). Internal network structures as opportunity structures: control and effectiveness in the European competition network. *J. Eur. Publ. Policy* 28, 571–590. doi: 10.1080/13501763.2020.1737183
- Westlund, N. (2017). Pooling administrative resources through EU regulatory networks. *J. Eur. Publ. Policy* 24, 61–80. doi: 10.1080/13501763.2015.1118147
- Yesilkagit, K., and Jordana, J. (2022). Entangled agencies and embedded preferences: national regulatory agencies in multi-level European governance. *J. Eur. Publ. Policy* 29, 1677–1697. doi: 10.1080/13501763.2022.2103170



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Verifying a new historical stage in the ethics of communication: second generation ethics codes

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Throughout the 20th century, most of the world's countries and international journalistic organizations adopted codes of journalistic ethics with general principles governing the profession. In the 21st century, a significant number of proposals have emerged offering new ethics recommendations relating to the treatment of issues such as gender violence, disability, the environment and climate change, among other matters. The aim of this research is to confirm that we are faced with a second generation of ethics codes or guidelines for social communication. This study, based on the content analysis of 53 guides published in Spain on the three subject areas mentioned, shows the emergence of these codes from 1999 onwards, the existence of common features in relation to their endorsement, their structure, their dissemination and monitoring, and the widespread participation of individuals, experts and groups not professionally related to the field of communication in their promotion or implementation, which is evidence of what we call the social self-regulation of communication and represents the main novelty in this new stage of communication ethics.

KEYWORDS

codes of media ethics, media self-regulation mechanisms, social self-regulation, gender violence, disability, environmental and climate change

1 Introduction

So far this century we have witnessed an extraordinary growth in interest in the ethics of social communication, as will be seen from the data and references provided in what follows. On the one hand, we are witnessing an exponential increase in social interest in the traditional codes of journalism and the need to reinforce compliance with ethical obligations in the face of the recent increase in phenomena such as disinformation, fake-news, hate speech, and so on, and their effects on momentous decisions—such as Brexit in the United Kingdom—and elections—like Donald Trump's victory in the United States in 2016 (Bennett and Livingston, 2018)—in leading countries in the West's democratic history that for this very reason seemed oblivious to these risks. This has revitalized the debate on media accountability, which is essential in established democracies, where in recent years trust in the media has been drastically eroded, along with trust in politics and institutions (Fengler et al., 2024). Accountability is also part of the normative concept of co-regulation or regulated self-regulation (Puppis, 2007), together with professional self-regulation, always subject to how it is implemented effectively (Aznar and Mercado, 2023; Fengler et al., 2015). The term self-regulation designates those practices promoted by communication professionals (media,

associations or groups of journalists) for implementing guidelines for responsible journalistic production practices.

As [Fengler et al. \(2024\)](#) explains, fundamental changes in relation to media usage patterns and the structure of media and revenue markets have made media and journalism more exposed to self-interested criticism and more vulnerable to attempts to influence them for the strategic interests of national and international players. Power is exercised by those who create, harness and direct information flows in ways that modify, enable and disable the action of others in and across a variety of old and new media environments ([Chadwick, 2017](#)). Faced with such a situation, the European Union has launched an unprecedented number and scope of regulatory initiatives aimed at guaranteeing the independence of journalists, media transparency, protection for whistleblowers, and a more responsible use of social media and artificial intelligence. One of the areas in which European activity has been most prolific in terms of communication policies is that of disinformation. In addition to binding regulations, over the last 10 years the European Union has approved more than 30 recommendations, communications, reports, resolutions and legislative proposals, among other things, aimed at curbing disinformation, confirming how concerned European bodies are about this now systemic problem ([Fernández and Cea, 2023](#)).

The scope, dimension and relevance of these initiatives represent a milestone in the history of communication ethics. Although it is true that the fundamental normative content of these codes—the core obligations that must accompany the honest, truthful and independent practice of journalism—was already included, to a large extent, in the traditional codes of journalistic ethics and is not novel in itself, the measures that are now being taken to reinforce it are.

However, despite the significance of these facts, they are not the only new development that has taken place over the last two and a half decades in the field of communication ethics. As journalists continue to act as the gatekeepers and creators of meaning, serving their audiences by selecting and explaining the news that is required for active participation in social life ([Vos and Heinderyckx, 2015](#)), we have witnessed the emergence of a significant number of proposals with new ethics recommendations concerning the informational treatment of a large number of topics: gender violence, the environment, disability, children and young people, immigration, addictive behaviors, eating disorders and behaviors, the image of women, and so forth.

These initiatives have taken shape in guides or codes of ethics which, this time around, represent a new set of ethics recommendations that are unprecedented in the history of communication ethics and represent a novelty worthy of attention and study. The general objective of this research is, therefore, to verify that we are really facing a second generation of ethics codes or recommendations in social communication. The specific objectives are, firstly, to quantify and comparatively date these new codes, guides or recommendations for the media's correct handling of certain thematic areas. Secondly, to characterize them in relation to the type of participants, endorsement, structure, type of admonitions, dissemination and follow-up. Thirdly and finally, to determine the regulatory or self-regulatory mechanism that predominates in these codes based on their observed nature.

Thus, our main hypothesis is the effective existence of a second generation of Ethics Codes for Social Communication, which will be validated by means of the following sub-hypotheses.

Sub-hypothesis 1: A second generation of ethics codes or recommendations has been approved in the last 25 years, with the turn of the century being taken as a reference point.

Sub-hypothesis 2: They share certain common features in relation to type of participants, endorsement, structure, type of admonitions, dissemination and follow-up.

Sub-hypothesis 3: There is widespread involvement of entities, experts and civil society groups not professionally related to the field of communication in their promotion or implementation, which determines their social self-regulation.

Since it is beyond the scope of this research to cover all the areas in which ethics recommendations have arisen, we have selected the initiatives produced, on the one hand, in three thematic areas of special relevance and social scope, namely, the treatment of gender violence, the environment and disability. On the other hand, we look specifically at those produced in Spain ([Seijas Costa et al., 2024](#)), with the expectation that this study, its objective, hypotheses and method can be transferred and applied to other countries.

2 Background

The first stage in the history of communication ethics, together with the first generation of ethics codes it produced, began— isolated precedents aside—around the second decade of the 20th century and most notably in the United States. The first two decades of the new century marked the culmination of a series of transformations that had been taking place in the Western world since the end of the 19th century and that would end up shaping the society, politics, consumer economy and world characteristic of the new 20th century. Thus:

- a Political democratization, which had been gaining weight throughout the 19th century with the expansion of the census, including—in the 1920s—women's suffrage; giving increasing prominence to mass parties and electoral processes. With the importance of these, the political weight of journalism and propaganda expanded, as did the prominence of public opinion ([Lippmann, 2003](#); [Pulitzer, 2011](#)).
- b The success and socio-political impact of the industrial press, whose circulation at the turn of the century would reach several hundred thousand copies. Its owners acquired enormous power to influence political and socio-cultural life, even in the most significant political decisions, such as war. In addition to the English press *barons*, Pulitzer and Hearst in the United States were particularly prominent. In its quest for mass circulation and influence, this press lacked journalistic ethics, and is

what has become known as *yellow* or tabloid journalism (Campbell, 2001).¹

- c In this context, two global events took place that would transform the world: World War I and the Soviet Revolution. Both highlighted the problem of propaganda, manipulation and the difficulty of being well informed and forming adequate opinions on distant phenomena, which depended on somewhat lax journalistic information, and journalists who, with a few exceptions, lacked the necessary training and ethics to cover events of this type (Axelrod, 2009; Creel, 2011; Lasswell, 1938; Lippmann, 2011; Lippmann and Merz, 1920).
- d Finally, in a less perceptible but more pervasive way, the establishment of what Graham Wallas along with Lippmann called the *Great Society* was also taking place: an increasingly developed and complex world, where large corporations, the emerging public administration, globalization and other new powers and phenomena of singular scope were giving rise to a society very different from the local world that had prevailed up to that point. In this new society, individuals no longer depended on their own personal experience, instead they were at the mercy of what was transmitted to them by journalism, advertising and propaganda (Bernays, 1928; Dewey 1976; Lippmann, 2003, 2011).

The result of all this was the questioning of the predominant Enlightenment liberalism tradition and its naïve view of public opinion and the role of information and journalism (Aznar, 2020) by, among others, two of the most prominent and influential authors of the time: Lippmann (2011), Lippmann (2003) and Dewey (1976), well acquainted both with these novel developments, as well as with the newly emerging world and the gap that mainstream journalism was exhibiting in relation to them.

The emerging society and particularly democracy needed reliable and suitable information to address collective problems—both domestic and increasingly international—and to make appropriate decisions (Schudson, 2001). This made it necessary to rethink the activity of journalism so that it could respond to the new challenges of the emerging society and world (Lippmann, 2011; Mason, 2017; McChesney, 2013).

Faced with the naïve notion of public opinion inherited from the Enlightenment liberalism tradition; faced with growing publicity, public relations and propaganda; faced with ideological manipulation and the instrumentalization of the media by the editors and owners of the newspapers; and in the face of the habitual routines and simple ignorance and lack of preparation and rigor of journalists—aspects denounced in Lippmann's works of that decade—a series of essential measures and corrections of journalism were required, which were to form the fundamental nucleus of the incipient journalistic ethics: (1) to define the criteria of truth and objectivity, and the methods for achieving them, that would validate and ensure the rigor of journalistic information so that it could be useful, such as attributing and verifying

information, contrasting sources, linguistic rigor, and so on; (2) to improve the preparation and professional selection of journalists, increasing their training, professional rigor and ethics, in addition to their responsibility in the preparation of information, starting by signing articles as a minimum commitment to quality; and (3) to increase the social demand for the responsibility of media owners, as far as possible.

This led to the truth, objectivity and rigor of information being placed at the center of journalism as the fundamental key to the training and professionalization of journalists; a criterion—that of objectivity—that had been proposed since the end of the 19th century and that would now come to define professional journalism throughout the new century (Schiller, 1981; Schudson, 1978, 2001).

2.1 The first generation of codes of journalistic ethics

In this way, the demands of the principle of truth were formulated, which would come to form the fundamental core of the emerging journalistic ethics: the demands of veracity or objectivity; of verification, substantiation and attribution of information; of identifying the journalist and the use of honorable methods; and so forth. As a whole, these were to form the inescapable nucleus required of journalism. Therefore, both because of their constitutive nature—without their being fulfilled, there would be no journalism—and their ethical and historical prevalence, we can speak of these requirements as the *first stage of journalistic ethics*; and the codes that began to include them as the *first generation of ethics codes* would become the key contributing factor in this field for the whole of the 20th century.

With some isolated precedents,² such as the code of the Kansas Publishers Association, approved in 1910, or the “Creed of the Industrial Press” of the Federation of Trade Press Associations in the United States, approved in 1913, it was in the 1920s when there was the first generalization of ethics codes. For example, the Missouri and Oregon publishers' associations approved their codes in 1921 and 1922, respectively. Very important for their scope and representativeness was the 1923 approval of the “Canons of Journalism” by the powerful ASNE (American Society of Newspaper Editors, United States), formed just a year earlier.³

Journalists' organizations also approved their first codes. Thus, in 1918, the “Charte des devoirs professionnels des journalistes français” (Charter of professional duties of journalists) was adopted by the French National Union of Journalists. And in 1926, the “Code of Ethics” was approved by the American brotherhood of professional journalists Sigma, Delta, Chi (which in 1988 would change to its current name, the Society of Professional Journalists), an organization set up in

¹ The colorful denomination comes from a comic strip in Hearst's New York newspaper that was used to attract the public, *The yellow kid*.

² For what follows, see Aznar (2005a): 32 et seq. and the bibliography therein.

³ As a result of some articles strongly criticizing the journalistic conduct of the media published in *The Atlantic Monthly* (Boston) in January 1922. In 1919, Upton Sinclair's *The Brass Check* was published, in which he revealed the unethical and lax practices of some media, agencies and magazines in the United States, a work that would be widely distributed and which the author always considered to be his most critical work.

1909 with the aim, among other things, of improving journalistic practices. Concern for the ethical standards of journalists began to become more common in the 1920s with the appearance of the first university schools of journalism in the United States, following the pioneering initiative of the school promoted by Pulitzer at Columbia University in 1912. In Europe, the first codes were also enacted, including those of Sweden in 1923 and Finland in 1924. And the first radio code was adopted by the US National Association of Broadcasters in 1928.

Although at this early stage the codes remained a minority phenomenon—due to their limited number and dissemination, they had already established the basic obligations underpinning journalistic ethics, thus laying their fundamental foundations, as evidenced by the fact that many of them—with the appropriate updates—are still in force today.

This marked the birth of the first generation of codes of journalistic ethics, and all that remained was for them to expand globally throughout the 20th century. Consequently, after the Second World War, a new wave of codes was approved by a considerable number of countries. With the process of decolonization, from the 1960s and 1970s onwards, many more codes were added by newly independent countries.

During this period, the concern for journalistic ethics was also transferred to international journalism organizations, with, for example, the approval of the IFJ code of ethics in 1954 and the 1983 approval, mediated by UNESCO, of the “International Principles of Professional Ethics in Journalism.” Finally, although they were actually already in place, the Fall of the Berlin Wall in 1989 prompted a final wave of new codes of journalistic ethics in the countries freed from Soviet domination.

By the end of the 20th century, most of the world’s countries and international journalism organizations had codes of journalistic ethics, thus completing the first stage in the history of journalistic ethics. The ethical obligations of journalism were thus clearly established and shared internationally by journalists. Studies carried out since then have demonstrated the common content of this first generation of codes, such as the comparative study of European codes by Laitila (1995); the establishment of a structured thesaurus of this set of ethical obligations by the team led by Alsius (2010); and the more recent comparative studies of their level of acceptance and monitoring by journalists in Europe (Fengler et al., 2015) and the rest of the world (Fengler et al., 2024).

The 1993 adoption by the Council of Europe of its *Resolution 1,003 on journalistic ethics*—sometimes referred to as the *European Code of Ethics for Journalists*—can probably be considered a transitional document between the first and second generation codes. Thus, it reflects the traditional obligations of journalistic ethics, as they were set out in the first generation of codes. However, it also raises new ethical questions regarding the influence and power of the media in today’s society; the effects of its business structure on its content and on journalistic activity; and a commitment to the mechanisms of journalistic self-regulation. Finally, it addresses the responsibility of the media and its professionals in relation to a number of new social and political issues that were not common in the documents of the previous generation, such as responsibility for children, the image of women, immigration, terrorism,

intercultural conflicts, and so on. It is, therefore, a document of unique historical value. Firstly, because it reflects the Council of Europe’s own focus on the issue of journalistic ethics, which made a significant contribution to the reopening of the debate on journalistic ethics in Europe. But also because of the novelty of some of its approaches, which helped to bring to the forefront certain specific issues related to journalistic ethics that would become part of the debate on communication ethics at the beginning of the new century, thus contributing to triggering a second stage or generation of initiatives and recommendations on journalistic ethics.⁴

3 Methodological design

To provide responses to the hypotheses and objectives posed, a content analysis was performed, the quintessential technique for research into communication, according to Wimmer and Dominick (1996). Content analysis is, in a broad sense, a set of interpretative procedures and hypothesis testing, and verification techniques applied to communicative products (messages, texts or speeches) or to communicative interactions that, previously recorded, constitute a document, with the aim of extracting and processing relevant data (Gaitán and Piñuel, 1998). Through a systematic reading it is possible to make deductions after a process of data reduction and interpretation. According to Neuendorff (2002), content analysis makes it possible to obtain descriptions of messages of very varied natures, and all kinds of variables or indicators can be identified in these: manifest versus latent and formal features versus content attributes.

Once the research objectives have been defined and the hypotheses formulated, the first step in the application of content analysis is to determine the universe of analysis, in other words, the total number of documents that can be analyzed. In our case, it would be all the guides with recommendations on how to report an undetermined number of issues of social interest; therefore, in view of the need to limit the study (Krippendorff, 1990), we have analyzed the guides produced in Spain in three thematic areas that guarantee sufficient information. The key words for document searches on the Internet were combinations of the following terms in Spanish: “recomendaciones y/o códigos y/o guías y/o códigos y/o decálogos para informar y/o comunicar sobre discapacidad o violencia de género o medio ambiente y/o cambio climático” (recommendations and/or codes and/or guidelines and/or codes and/or 10-point guidelines for reporting on and/or communicating disability or gender-based violence or environment and/or climate change). The documents were located using Google. In relation to the study objectives, an analysis period of 25 years was covered, from 1999 to June 2024, determined by the emergence of these initiatives. A review of the search results yielded 53 documents with

⁴ Unfortunately, this initiative was not followed up by the Council of Europe or the European Union until the 2020s, when the *quasi* emergency situation surrounding disinformation phenomena led the EU to propose a number of initiatives related to social communication, as we mentioned at the beginning of this article.

recommendations for reporting on the three selected thematic areas, which became the units of analysis used to apply the categories and variables proposed in the analysis sheet:

Category	Variables
Identification and origin of the code	1. Name, date and place of approval. 2. Responsible or promoting entity(ies) 3. Scope 4. Type of participants: communication or thematic expert 5. Trigger for the initiative
Type of mechanism	6. Professional self-regulation, social self-regulation, co-regulation or regulation
Content endorsement	7. Implementation of a prior study or research or activity 8. Reference to background information, other sources or documents 9. Experts consulted in addition to those involved in the preparation of the document 10. Discussion of content
Structure and normative burden	11. The context is provided in the Introduction or Preamble 12. The causes or reasons for the code are set out 13. Contains notions and/or terminology related to the subject 14. Predominant normative burden: imperatives or admonitions (positive or negative)
Dissemination of the code	15. Public presentation of the Code 16. Publication. 17. Type of dissemination: among professionals, civil society groups or associations and the general public.
Code follow-up / enforcement	18. Planned monitoring mechanisms 19. Planned content review 20. Provision for sanctions or warnings in case of non-compliance. If so, what type and by whom.

The “type of mechanism” variable is determined according to the entities that promote the codes or guidelines. When it is the public institutions at any level (national, regional or local), in line with what we find in Spain, we are dealing with regulatory mechanisms. When it is the media itself or professional organizations of journalists such as associations, colleges or unions, we speak of media or professional self-regulation. Co-regulation occurs when the administration collaborates with, on the one hand, the professional organizations of journalists or the media; and on the other hand, when initiatives are shared with civil society organizations such as NGOs, foundations, stakeholder associations or associations of independent experts, social researchers from the university (academia). What we refer to as social self-regulation is that where civil society itself takes the initiative to elaborate codes or recommendations for communicators.

4 Results

The application of the search requirements yielded 53 documents to be analyzed published since 1999, the year in which the “Decálogo

de recomendaciones a los medios de comunicación para el tratamiento de la violencia contra las mujeres” (10 recommendations for the media in dealing with violence against women) of the Andalusian Regional Government was published.⁵ The number of guides varies across the three selected thematic areas. For instance, the informative treatment of gender-based violence is the area with the most recommendations (27), almost twice as many as that dedicated to coverage of the environment and climate change (15). Eleven documents focus on the issue of disability in the media.

As shown in Figure 1, attention to gender-based violence was particularly prominent in the first decade of the 21st century: more than half of the documents analyzed on the subject emerged between 1999 and 2009 (63%). The early appearance of codes on this topic in Spain was triggered by the so-called ‘Ana Orantes case’, a catalyst for the reporting of violence against women that also affected how this is treated in the media. On December 4, 1997, Ana Orantes told a program on Andalusian public television (Canal Sur) about the mistreatment she had received during the 40 years of her marriage and criticized the fact that the judicial decision taken after filing a report against her husband forced her to share a house with him, just on different floors. Thirteen days later, her husband and abuser murdered her by burning her alive in the home they shared. After the murder, women’s and feminist associations mobilized and, in turn, unleashed political backlash and responses. This case not only raised public awareness of this reality, which until then had been relegated to the privacy of the home, but also opened up new spaces for debate and reflection, starting with the inability of the system to provide protection for victims of this violence (Edo, 2022) and the inadequate coverage in the media.

In the field of disability, in 2006, Spain’s Royal Board on Disability published the “Guía de estilo sobre discapacidad para profesionales de los medios de comunicación” (Style guide on disability for media professionals) as a tool for generating a responsible image of disability, respectful of diversity, which favors awareness and the social inclusion of these people. This document was updated in 2019 with the support of the Spanish Ministry of Social Affairs. Meanwhile, it was in 2009 when the first two guides focused on environmental issues appeared: the “Guía para periodistas sobre cambio climático y negociación internacional” (Guide for journalists to climate change and international negotiation) from the Spanish Government and the EFE Verde agency and the “Guía del periodismo ambiental” (Guide to environmental journalism) promoted by the local government in the Toledo province. In this case, eight of the 15 guides or 10-point plans under study have been published over the last 5 years, from 2019 to 2024.

In recent years, the appearance of new recommendations on environmental issues stands out due to the significance that climate change is acquiring in social and media terms. In 2020, there was an unprecedented increase in the frequency of extreme weather events, as predicted by the Intergovernmental Panel on Climate Change (IPCC) reports. In Spain, that year was “extremely warm” and 2021 saw abnormally high temperatures in the winter months together with the most intense heat wave since 1975, during which the absolute

5 <https://www.juntadeandalucia.es/servicios/publicaciones/detalle/44096.html>

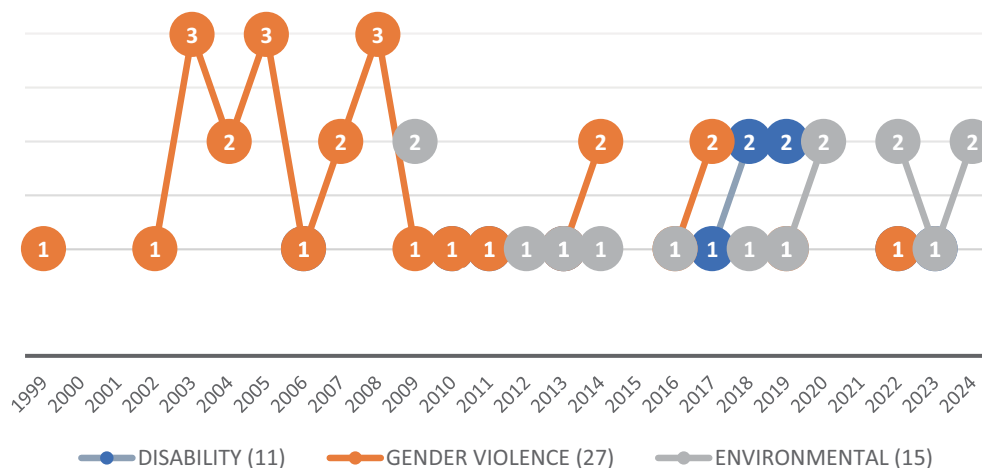


FIGURE 1
Codes and year of appearance (1999–2024). Source: Own elaboration.

maximum temperature record was broken, with 47°C being recorded in Alcantarilla (Murcia). In the Spanish context, interest in climate change increased with the holding of the Climate Summit in Madrid in 2020, under the presidency of Chile, where it was originally due to be held. In short, experience of climate change impacts and the COP25 international negotiations highlighted the urgent need for better communication on climate change and environmental issues, which may explain the creation of more guides in 2022.

The results, in percentage terms, of the analysis of variables 3 to 20 are detailed below:

Scope: the majority of the recommendation guides are addressed to professional communicators, the media and journalists (85 percent of the total). In one case in the area of gender violence, the guidelines concern only one newspaper, *Público*, the same one that approves them. In the environmental field, all the documents analyzed are aimed at communicators, while in the area of disability there is a higher proportion of guidelines aimed at society as a whole (37.3 percent). For example, the Spanish Confederation of People with Physical and Organic Disabilities (COCEMFE) publishes the “Manual de Lenguaje Inclusivo” (Inclusive Language Manual) to offer society guidelines on how to use correct, respectful and consensual language to refer to people with physical and organic disabilities and communicate in a non-sexist manner.⁶

Participants: in the development of the guides, 35.8 percent involved communications experts or professionals, while 22.7 percent relied on experts in the specific subject matter. In 30.2 percent, both communications and industry experts collaborated in the creation of the guides (Figure 2).

Trigger: the majority, 67.9 percent of the 53 documents analyzed, do not expressly indicate a specific fact that motivated their development beyond the general situation, which, as we will see below, is included in the statement of context and reasons in the section on the structure of the codes.

6 https://www.cocemfe.es/wp-content/uploads/2019/02/20181010_COCEMFE_Lenguaje_inclusivo.pdf

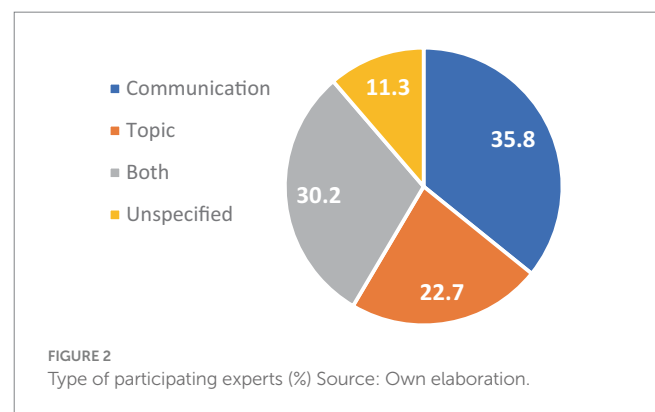


FIGURE 2
Type of participating experts (%) Source: Own elaboration.

Promoting entities and type of regulatory mechanism (Figure 3): different types of mechanisms coexist in the 53 guides analyzed. A total of 26.4 percent of the guidelines involve administrative regulations, that is, they are recommendations established by governmental entities or competent authorities. Professional self-regulation is promoted in 7.5% of the guidelines, i.e., professional organizations and associations play the main role in the creation and application of their own rules. In 37.7% of the guides, co-regulation is the predominant mechanism, which implies, on most occasions, professional organizations or social entities collaborating with the Administration, which is responsible for financing or implementing the initiative. The proposals from the various civil society entities, mainly NGOs, foundations or universities, either directly or in collaboration with professional organizations, are included in what we have called social self-regulation. This mechanism means that organizations not belonging to the communications sector or to the Administration, specialized in different topics of social interest, feel the need to provide citizens with recommendations on how to improve the professional practice of communication and journalism (28.4%).

Due to the particularities of each thematic area addressed, certain differences can be observed related to the predominant mechanisms of regulation or self-regulation.

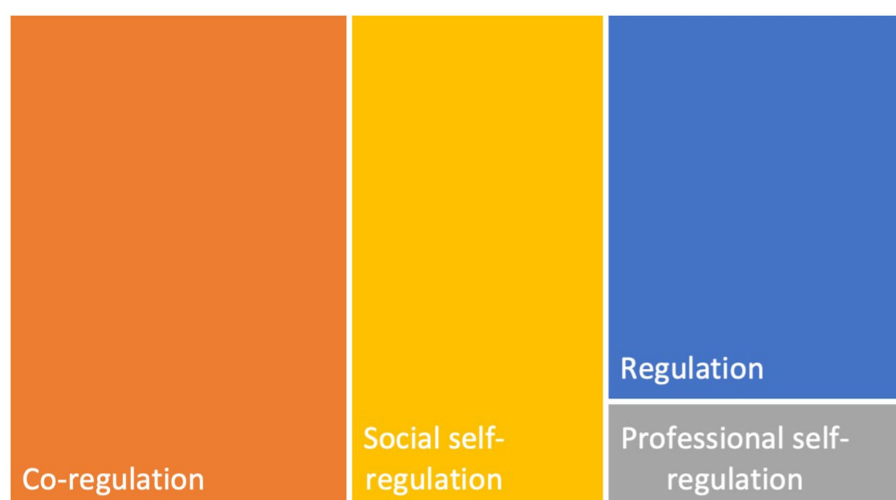


FIGURE 3
Type of mechanisms (%). Source: Own elaboration.

In terms of improving coverage of gender-based violence, there is an equal proportion of administrative regulation and co-regulation (i.e., promoted by the media with funding from public entities, with 37 percent of the documents belonging to each type of mechanism). Journalistic organizations only act without the support of the Administration in 11.1 percent of the initiatives. Within co-regulation, it should be noted that there are proposals from the audiovisual councils of both Catalonia and Andalusia. Although these councils are co-regulation mechanisms by their very nature, the document from the Andalusian Audiovisual Council (CCA) explicitly mentions the working team that drew up the recommendations, comprising experts from civil society in a range of disciplines: a lawyer, a professor of history at Pablo de Olavide University, professors of Communication and trade unionists, as well as representatives of professional associations and journalists, responsible for the CCA, the president of the Andalusian Institute of Women, the general director of gender violence in Andalusia, the delegated prosecutor for Violence against Women, the spokeswomen of the Equality Commission from different political parties, and representatives of public media (RTVE-Andalusia, CSRTV and Multimedia) and private media (Vocento).

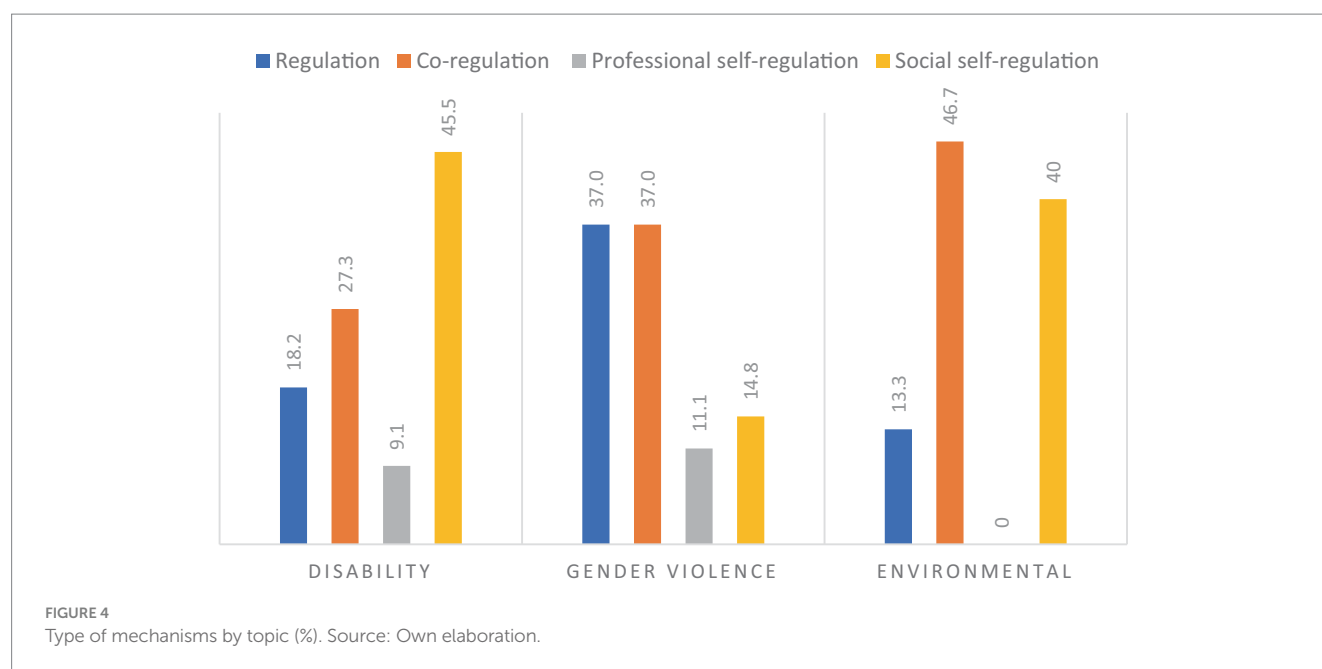
The collaboration of society is also noteworthy in other proposals prepared jointly by the Administration and journalistic organizations. For example, in the last document analyzed, the “Protocolo para el Tratamiento Informativo de la Violencia de Género” (Protocol for the Informative Treatment of Gender Violence) prepared by the La Rioja Press Association on behalf of the Directorate General of Justice and the Interior of the Government of La Rioja (2022), it is explained that during its preparation interviews were held with representatives of different sectors: social agents, members of the judiciary, prosecutors, psychosocial teams, lawyers, social workers, health workers, forensic experts, teachers, women’s and feminist organizations.

In the field of disability, the involvement of civil society organizations related to the topic stands out, with nearly half of the documents analyzed (45.5%) being social self-regulation, by far the highest percentage in the three areas analyzed,

demonstrating the importance of associations for people with disabilities. These include the documents “Diez consejos para informar de una forma adecuada sobre la discapacidad en los medios de comunicación” (10 tips for appropriate reporting on disability in the media) and the “Decálogo para un uso apropiado de la imagen social de las personas con discapacidad” (10 guidelines for appropriately portraying the social image of people with disabilities). The first was created by FEPROAMI, a non-profit organization, declared of public utility, made up of a total of 22 associations within the associative movement Plena Inclusión España. The second is from the Spanish Committee of Representatives of People with Disabilities (CERMI), the platform for representation, defense and action of Spanish citizens with disabilities.

Social self-regulation also stands out in environmental issues (40%), although in this case it is lower than co-regulation. As in the area of gender violence, the Administration finances numerous initiatives that are then published by specialized journalistic entities such as the environmental section of the EFE agency, EFE Verde, and the Journalists’ Associations for Environmental Information (APIA). There is no exclusively journalistic proposal without the financial backing of the Administration or of social entities such as the European Climate Foundation, which commissioned APIA to carry out the ‘Interview Guide on Climate Change’ (2024).⁷ As an example of social self-regulation, the Ecology and Development Foundation (ECODES) supported the development of the “Decálogo de la Declaración de los medios de comunicación frente al cambio climático” (10 Guidelines of the Media Declaration on Climate Change), the most advanced project of this type of self-regulation from civil society that incorporates the Communication Sciences research perspective thanks to the Complutense University of Madrid (UCM). In September 2024, 76

⁷ <http://www.apiaweb.org/guia-de-cambio-climatico/>



professional organizations (media, agencies, and journalists' associations) signed the Declaration.⁸

Content endorsement: with respect to a study conducted prior to the approval or drafting of the recommendations, 60.6 percent of the documents do not indicate that such a study was carried out. However, more than half (54.7%) refer to sources consulted and nearly 70 % refer to expert advice (69.8%), beyond those involved in the drafting process. Finally, the discussion of the topics dealt with in the documents is explicit in the documents in 20 % of the cases. A paradigmatic case with respect to scientific endorsement is the aforementioned “Decálogo de recomendaciones para informar sobre el cambio climático” (10 recommendations for reporting on climate change) which arose at the initiative of the Ecology and Development Foundation (ECODES) with the collaboration of the Dialectical Mediation of Social Communication Research Group (MDCS) at the UCM after launching the Observatory of Climate Change Communication (OBCCC), comprising expert researchers on the subject who facilitated the meetings and debate necessary to bring the guidelines to life (Figure 4).

Structure and type of normative burden: a large majority of the guides analyzed, 73.6 percent, provide adequate context for the recommendations presented. Even higher is the percentage of documents that clearly state in the presentation or preamble the reasons (81.1%), associated with the social concern for these issues and the crucial role social communication plays in them. As they were largely prepared by those affected or experts in the thematic areas considered, more than half of the guides (64.2%) include specific concepts and terminology, generally in the form of a glossary. As an example, in the field of disability, the glossary of the most common terms in the “Guía de estilo sobre discapacidad para profesionales de

los medios de comunicación” (Style Guide on Disability for Media Professionals) of the Royal Board on Disability (2019) stands out. With more than 100 entries, the list is “not exhaustive, but tailored to the most frequent concepts, allowing the user to become familiar with the semantic field related to both disability and disease or dependence,” to help communications professionals and the general public avoid abstractions and lack of clarity.⁹

Positive admonitions: all, without exception, include recommendations that involve positive admonitions, i.e., constructive guidelines for action or improvement in relation to the informative treatment of the three thematic areas addressed, unlike traditional codes whose normative content was mostly limited to establishing basic actions and imposing negative obligations for actions that should not be carried out.

Dissemination: almost half (43.4%) of the guidelines were presented, especially when government entities were involved in financing the initiative. The guidelines were predominantly disseminated in the professional communications field (81.1%), while the number of occasions on which they were disseminated to other groups was significantly fewer (24.5%). Dissemination to the general public is quite limited: 94.3 percent of the documents are not widely disseminated beyond public access through the respective websites of the entities. All the documents are available on the Internet.

Follow-up: since these are not deontological or mandatory documents adopted by professional organizations or editors (although they may have participated in their gestation and given their approval), 98.1 percent of the recommendations do not include mechanisms for their follow-up or implementation. Only one initiative, the 10 guidelines of the “Media Declaration on Climate Change,” promoted by ECODES and the Dialectical Measurement of Social Communication Research Group (MDCS) at the UCM,

⁸ <https://ecodes.org/hacemos/cambio-climatico/movilizacion/medios-de-comunicacion-y-cambio-climatico>

⁹ <https://www.sis.net/documentos/ficha/544014.pdf>

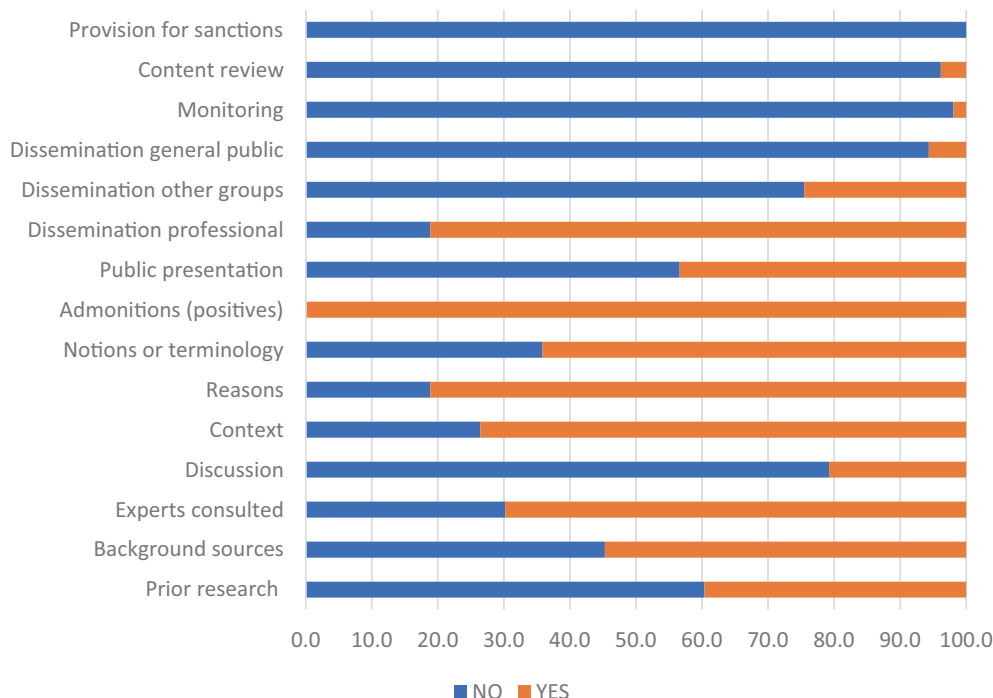


FIGURE 5
Type of mechanisms by topic (%). Source: Own elaboration.

annually monitors compliance with the guidelines through a report that analyzes the coverage of the issue (Teso et al., 2024). In its 2022 update, the OBCCC ran focus groups, online questionnaires and a meeting involving a Phillips 66 debate in which 49 professionals and experts participated in person, together with the research team. Lastly, none of the guidelines establish penalties for non-compliance (Figure 5).¹⁰

5 Discussion and conclusion

The results of the study make it possible to verify the general hypothesis of this research and thereby be able to speak of an authentic *second stage in the history of communication ethics* and, in the case of these new codes or recommendations, of a *second generation of communication ethics codes*, insofar as the latter represent a novelty in the normative field of communication ethics, besides the isolated precedents that may always have existed.

The analysis shows the emergence of these codes since 1999 (sub-hypothesis 1), the existence of certain common features related to their endorsement, structure, dissemination and monitoring (sub-hypothesis 2) and the participation to a large extent in their promotion or implementation of individuals, experts and groups not professionally related to the field of communication, which determines a social type of self-regulation (sub-hypothesis 3).

It can be affirmed, therefore, that since the end of the last century and particularly in this one, we have witnessed the

emergence of a new development in communication ethics. If the first generation of ethics codes set out the basic requirements with the principle of truth being the fundamental basis for journalistic activity, the new generation complements these basic duties—often minimal, i.e., obligations of abstention—with a series of new ethics guidelines. With the first codes that appeared at the beginning of the 21st century, the foundations on which they were based were already discernible: the recognition of the current importance of the media, the awareness of the enormous negative impact that can result from inappropriate media practices, the appeal to the ideal of the media's social responsibility, compatibility with the freedom of expression of both the media and journalists, the understanding of the demanding and complex context of current media work, the criticism of the ideal of journalistic neutrality, the reinforcement of the ideal of the journalist's ethical commitment, and the promotion of a journalism of solutions, mobilization and service (Aznar, 2005b).

This new generation of codes has certain distinctive features, but its common axis is the development of conduct guidelines—in this case positive, like the duty to act—associated with the principle of justice or responsibility being an additional principle of communication, and more specifically because of its priority focus on vulnerability: both of certain individuals and groups, as well as of certain common goods and issues (Aznar, 2020; Aznar et al., 2024). This common denominator, together with the large number of initiatives of this type, allows us to affirm that we are dealing with a *second generation of communication ethics codes*.

The wide variety of issues on which ethical recommendations are emerging with respect to their treatment in the media that could not be analyzed constitutes the first limitation of this study, as does the fact that it is limited to a single country. However, this is a first approach

¹⁰ <https://observatoriocomunicacc.es/decalogo/#origen>

that we intend to extend, in the first instance, to the Hispanic-American environment. The results of this work add another perspective to previous research in the field of information ethics in terms of gender violence (Zurbano-Berenguer and Martínez-Fábreas, 2011; Zurbano-Berenguer and García-Gordillo, 2017; Edo, 2017; Edo and Zurbano-Berenguer, 2019; Edo, 2022; Sánchez-Ramos et al., 2024), disability (Álvarez-Villa et al., 2024; Álvarez-Villa and Mercado-Sáez, 2015) and the environment (Mercado-Sáez and Monedero-Morales, 2024; Monedero-Morales and Mercado-Sáez, 2024).

The reason this second generation of codes of communication ethics has emerged is related to the evolution of the power and influence of social-mediated communication at the turn of the century. In this respect, a striking parallel can be drawn between what happened at the turn of the 19th century and the change from the 20th to the 21st century. At the turn of the previous century there was, as we have noted above, a qualitative leap in the importance and influence of the media—mainly the press, but also soon radio, cinema and magazines, and through them advertising and propaganda—contributing to the debate that gave rise to the first generation of journalistic ethics and its codes. In the final decades of the 20th century and throughout this one to date, we have witnessed a new qualitative change in the role and importance of social communication, this time due to the appearance and tremendous influence of the Internet and social media, without forgetting the previous contribution of television. This change prompted people to speak of the information and communication society, thus emphasizing the central role acquired by social communication (Castells, 2001).

And just as in the early years of the last century and especially in the 1920s the traditional Enlightenment-liberal view of the role of journalism and public opinion was in crisis, promoting debate and the first ethical initiatives, in recent years we have also seen the deterioration of the promises of the information society until it has become more common to speak of the society of digitalization, post-truth and disinformation (Iranzo-Cabrera et al., 2022), this change being, in turn, one of the reasons to call for new advances in communication ethics. As Bennett and Livingston (2018) point out, the more recent volatile mix of institutional corrosion and abundance of alternative media has allowed counterpolitics to assume corrosive and anti-democratic forms in many societies where countercultural narratives circulate that challenge the very principles of democratic freedom and tolerance and undermine the norms of reason and evidence on which rational public debate in democracies depends.

In this way, social communication has definitively come to occupy the central position in our mediatized societies (Krotz, 2009; Strömbäck and Esser, 2014; Hjarvard, 2016). Thus, from being just another voice in the public sphere, social-mediated communication is now definitively shaping the *new virtual public arena* of our societies, which is to a large extent global. This new media environment is therefore key to the configuration of identity, self-image and self-understanding of the individuals and groups that comprise it, as well as a large part of their daily activity; and also to the different subsystems of our complex societies and the collective challenges we face as advanced societies. In Spain, the General Law on Audiovisual Communication passed in 2022

expressly includes the promotion of self-regulation and co-regulation through the voluntary adoption of codes of conduct drawn up by audiovisual media services providers, in cooperation, if necessary, with other stakeholders such as industry, commerce or professional, or user associations or organizations in the three areas—in a broad sense—under study in this research, people with disabilities, the dignity of women, and the environment and climate change, as well as others such as public health, the protection of minors, and racial or ethnic minorities (Ovejero, 2023).

This new step forward means that social-mediated communication, from being just another relevant social agent or power in our societies—something that was already important—now shapes the very environment in which the other agents appear and manifest themselves, substantially affecting their performance. Its mediation activity turns its different mediums into relevant and even determining agents in practically all matters of collective interest, substantially affecting the patterns of action of both individuals and the rest of the social subsystem, not only politics, but also the economy, culture, daily life patterns and lifestyles, the education of children, science, art, and so on.

This activity often not only powerfully influences the functioning of the other subsystems, affecting the way they perceive their concerns, their operating patterns, their challenges and the way they confront these. It also frequently produces distortions by extrapolating the mechanisms, routines and operating criteria of the media—and now also those of social media—to these other subsystems, damaging their activity by colonizing them in this way; something that had already been highlighted at the end of the 20th century in relation to television, but which has now been extended to the power of social media.

It is this central role of social-mediated communication that has provoked renewed interest in communication ethics, although this time it has emerged as a concern for each of the different spheres affected by this communication. For this very reason, a large part of these initiatives arose from the affected sectors themselves, i.e., from civil society not directly linked to the work of the media, which, as affected stakeholders, have tried to define new ethics guidelines for this communication activity. Fengler et al. (2024) also highlighted the action of civil society as one of the five groups of professional, organizational, social, political and international players involved in media accountability, especially with respect to the work of NGOs, as well as that of journalism institutes and mass communication academics.

On the other hand, aware of the importance of social communication and particularly of the work of the media in relation to them, these guidelines seek to go beyond the ethical minimums of the first generation of codes to establish positive guidelines based on greater responsibility in relation to the issues and those affected by their activity. It is these initiatives and the resulting texts that make up this *second generation of ethics codes*, as we have shown through the study of three thematic areas and the documents produced in them. In short, these initiatives launched by civil society, by groups of people affected or stakeholders in the thematic areas considered, reflect the historical reason for their emergence as outlined in the presentation of this new historical stage of communication ethics.

Data availability statement

The raw data supporting the conclusions of this article will be made available by the authors, without undue reservation.

Author contributions

HA: Writing – original draft, Writing – review & editing. MM-S: Writing – original draft, Writing – review & editing. AA-V: Writing – original draft, Writing – review & editing.

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References

- Alsius, S. (2010). The ethical values of journalists. Field research among Media Professionals in Catalonia. Catalonia: Generalitat de Catalunya.
- Álvarez-Villa, A., Femenía-Almerich, S., and Ausin-Azofra, J. M. (2024). The best advertising strategy to communicate about the Paralympic games? *Commun. Soc.* 37, 91–106. doi: 10.15581/003.37.3.91-106
- Álvarez-Villa, A., and Mercado-Sáez, M. T. (2015). La representación mediática del deportista con discapacidad en el reportaje televisivo. Informe Semanal, un estudio de caso. *Revista Mediterránea de Comunicación* 6, 27–43. doi: 10.14198/MEDCOM2015.6.1.03
- Axelrod, A. (2009). Selling the great war. The making of American propaganda. US: Plagrove Macmillan.
- Aznar, H. (2005a). Ética de la comunicación y nuevos retos sociales. Barcelona: Paidós.
- Aznar, H. (2005b). Comunicación responsable. Ariel: La autorregulación de los medios.
- Aznar, H. (2020). Truthfulness, beneficence, and vulnerability as key concepts in communication ethics. *Ecum. Rev.* 72, 270–283. doi: 10.1111/erev.12510
- Aznar, H., Femenía, S., and Suárez-Villegas, J. C. (2024). Comunicación social y vulnerabilidad. Tirant lo Blanch: Aportes internacionales.
- Aznar, H., and Mercado, M. T. (2023). “Noción y retos de la autorregulación en el marco global de la lucha contra la desinformación” in *Autorregulación de la comunicación social*. eds. H. Aznar and M. T. Mercado (Madrid: Tecnos), 29–58.
- Bennett, L., and Livingston, S. (2018). The disinformation order: disruptive communication and the decline of democratic institutions. *Eur. J. Commun.* 33, 122–139. doi: 10.1177/0267323118760317
- Bernays, E. (1928). Propaganda. Europe: Melusina.
- Campbell, W. J. (2001). Yellow journalism: Puncturing the myths, Defining the legacies. US: Praeger.
- Castells, M. (2001). La Galaxia Gutenberg. Spain: Plaza y Janés.
- Chadwick, A. (2017). The hybrid media system: Politics and power. 2n Edn. Oxford: Oxford University Press.
- Creel, G. (2011). How we advertised America. The first telling of the amazing story of the Committee on public information that carried the gospel of Americanism to every corner of the globe. Carolina: BiblioLife.
- Dewey, J. (1976) in “Public opinion” in the middle works, 1899–1924. ed. J. Dewey, vol. 13 (Southern Illinois: Southern Illinois University Press), 337–344.
- Edo, A. (2017). “Estudio comparativo de los códigos deontológicos sobre violencia de género y comunicación. Bases para un manual de estilo fundamental” in *La desigualdad de género invisibilizada en la comunicación*. ed. J. C. Suárez-Villegas (Madrid: Dykinson), 34–48.
- Edo, A. (2022). Comunicación y violencia contra las mujeres. Análisis de la deontología periodística española (1999–2018) y latinoamericana (2004–2017) específica en violencia contra las mujeres (2020). Gobierno de España, Ministerio de Igualdad. Available at: https://violenciagenero.igualdad.gob.es/wp-content/uploads/Tesis13_Comunicacion_y_violencia.pdf (Accessed May 28, 2024).
- Edo, A., and Zurbano-Berenguer, B. (2019). Deontología periodística sobre violencias contra las mujeres. Un estudio retrospectivo (1999–2018). *Profesional De La información* 28:19. doi: 10.3145/epi.2019.jul.19
- Fengler, S., Eberwein, T., Alsius, S., Baisnée, O., Bichler, K., Dobek-Ostrowska, B., et al. (2015). How effective is media self-regulation? Results from a comparative survey on European journalists. *Eur. J. Commun.* 30, 249–266. doi: 10.1177/0267323114561009
- Fengler, S., Eberwein, T., Karmasin, M., Barthel, S., and Speck, D. (2024). Media accountability: A global perspective. US: Taylor & Francis.
- Fernández, M. J., and Cea, N. (2023). “European union legislation on disinformation: progress and challenges” in *Communication in the digital era*. eds. F. J. Martínez and A. Miguel (Valencia, Spain: Tirant), 61–76.
- Gaitán, J. A., and Piñuel, J. L. (1998). Técnicas de investigación en comunicación social. Elaboración y Registro de datos. Spain: Síntesis.
- Hjarvard, S. (2016). Mediatización: La lógica mediática de las dinámicas cambiantes de la interacción social. *La Trama de la Comunicación* 20, 235–252. doi: 10.35305/lt.v20i1.572
- Iranzo-Cabrera, M., Calvo, D., and Valera-Ordaz, L. (2022). La esfera pública en la encrucijada: fragmentación, crisis del periodismo y desinformación. *Estudios sobre el Mensaje Periodístico* 28, 729–738. doi: 10.5209/esmp.84506
- Krippendorff, K. (1990). Metodología de análisis de contenido. Paidós: Teoría y Práctica.
- Krotz, F. (2009). “Mediatization: a concept with which to grasp media and societal change” in *Mediatization: Concept, changes, consequences*. ed. K. Lundby (Germany: Peter Lang), 21–40.
- Laitila, T. (1995). Journalistic codes of ethics in Europe. *Eur. J. Commun.* 10, 527–544. doi: 10.1177/0267323195010004007
- Lasswell, H. (1938). Propaganda Techniques in the World War. Germany: Peter Smith.
- Lippmann, W. (2003). La opinión pública. San Lorenzo del Escorial: Cuadernos de Langre.
- Lippmann, W. (2011). Libertad y prensa. Madrid: Tecnos.
- Lippmann, W., and Merz, C. (1920). A test of the news. *New Republic* 296, 1–42.
- Mason, L. E. (2017). The “Dewey-Lippmann” debate and the role of democratic communication in the trump age. *Dewey Stud.* 1, 79–110.
- McChesney, R. W. (2013). “Aquello es hora, y esto fue entonces: Walter Lippmann y la crisis del periodismo”, *CIC. Cuadernos de Información y Comunicación* 18, 39–49. doi: 10.5209/rev_CIIYC.2013.v18.41713
- Mercado-Sáez, M. T., and Monedero-Morales, C. R. (2024) in *Deontología profesional para informar sobre medio ambiente y cambio climático en Ética de la comunicación ambiental y del cambio climático*. eds. M. T. Mercado and G. Teso (Madrid: Tecnos), 103–130.
- Monedero-Morales, C. R., and Mercado-Sáez, M. T. (2024) in *Deontología y periodismo ambiental: análisis de códigos éticos o de conducta Para informar sobre la naturaleza y el entorno in Comunicación social y vulnerabilidad: Aportes internacionales*. eds. H. Aznar, S. Femenía and J. C. Suárez (Valencia: Tirant).
- Neuendorf, F. (2002). The content analysis guidebook. UK: Sage Publications.

- Ovejero, M. (2023) in El papel de la ley 13/2022, de 7 de julio, general de Comunicación audiovisual Para afrontar los retos actuales de la comunicación social. Especial referencia a la autorregulación y corregulación in Autorregulación de la comunicación social. eds. H. Aznar and M. T. Mercado (US: Tecnos), 59–72.
- Pulitzer, J. (2011). “El poder de la opinión pública” in Sobre el periodismo. ed. J. Pulitzer (Italy: Gallo Nero), 113–137.
- Puppis, M. (2007). Media governance as a horizontal extension of media regulation: the importance of self-and co-regulation. *Communications* 32, 330–336. doi: 10.1111/j.1753-9137.2010.01063.x
- Sánchez-Ramos, M., Zurbano-Berenguer, B., and Edo-Ibañez, A. (2024). Tratamiento ético de la violencia de género en los medios. US: Tecnos.
- Schiller, D. (1981). Objectivity and the news. The Public and the Rise of Commercial Journalism. US: University of Pennsylvania Press.
- Schudson, M. (1978). Discovering the news: A Social History of American Newspapers. US: Basic Books.
- Schudson, M. (2001). The objectivity norm in American journalism. *Journalism* 2, 149–170. doi: 10.1177/146488490100200201
- Seijas Costa, R., Barredo Ibáñez, D., and Cea Esteruelas, N. (2024). Evolutionary regulatory dynamics in a pluralist and polarized journalism landscape: a case study of the normative framework in Spanish media. *Front. Commun.* 9:1424096. doi: 10.3389/fcomm.2024.1424096
- Strömbäck, J., and Esser, F. (2014). Mediatization of politics: Understanding the Transformation of Western Democracies. US: Palgrave Macmillan.
- Teso, G., Gaitán, J.A., Mercado, MT., and Piñuel, JL., Lozano, C., and Barranquero, A. (2024). V Informe del Observatorio de la Comunicación del Cambio Climático. ECODES. Available at: <https://ecodes.org/hacemos/cambio-climatico/movilizacion/medios-de-comunicacion-y-cambio-climatico/presentacion-v-informe-del-observatorio-de-comunicacion-del-cambio-climatico> (Accessed June 11, 2024).
- Vos, T. P., and Heinderyckx, F. (2015). Gatekeeping in transition. UK: Routledge.
- Wimmer, R. D., and Dominick, J. R. (1996). La investigación científica de los medios de comunicación: Una introducción a sus métodos. Germany: Bosch.
- Zurbano-Berenguer, B., and García-Gordillo, M. (2017). Propuesta metodológica para la evaluación de la calidad deontológica de las noticias sobre violencias contra las mujeres. *Commun. Soc.* 30, 73–85. doi: 10.15581/003.30.1.sp.73-85
- Zurbano-Berenguer, B., and Martínez-Fábreas, J. (2011). “Periodismo y violencia de género: la necesidad de un compromiso” in La ética de la comunicación a comienzos del siglo XXI. ed. J. C. Suárez-Villegas (Italy: Eduforma), 124–139.



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The relationship between the most consumed digital media in Portugal and audience participation mechanisms

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Introduction: Digital journalism is well established in Portugal. However, the Portuguese public tend to opt for traditional media websites over those of a digital native nature. This research will confirm whether the reason for the national success of the former type of media is that their websites offer more participation mechanisms for the publics.

Methods: Based on a qualitative methodology, an ad hoc methodological instrument was designed that allows for the evaluation of the ways in which audiences can interact with brands and content.

Results and discussion: The results are highly surprising, since it is not possible to verify any type of relationship between preferred media and the number of audience participation mechanisms. Experts on a Delphi panel attribute media selection to the audiences' interest in the stories covered and to the trust placed in the media.

KEYWORDS

digital media, audience, public, participation, interaction, brand

1 Introduction

A quarter century of research into digital journalism has confirmed that it is an established yet still developing discipline within the modern-day information ecosystem (Salaverría, 2019). The most important changes in the digital field have been taking place for just over a decade, once the distinction between analog and digital was finally completed, especially with the incorporation of new architectures, highlighting hypertext as one of the most significant (Canavilhas, 2014). Today, all media can be found online, regardless of the medium (press, radio or television), and the only possible distinction is between legacy digital media and digital native media. The foundation of the former is a traditional medium that also has a presence online (Cebrián-Herreros, 2009), whereas the latter were born on and for the Internet. The importance of digital media has been demonstrated, for example, in crisis situations such as the COVID-19 pandemic, since it has been proven that they gained significant momentum around the world (Papadopoulou and Maniou, 2021). It was within this type of media where more news was published (Lázaro-Rodríguez and Herrera-Viedma, 2020), while traditional media are going through a crisis of loss of trust, disconnection from the public, and decreased income (Fei, 2021).

“Digital environments play a central role in the news making process. Seeking new ways to interact with people previously seen as the audience is a big challenge for media and journalists today, especially in local contexts, where journalists are more embedded in the community, physically and digitally, through social media and from mobile devices” (Jerónimo et al., 2020, p. 1). Digital media provides the social audience (Quintas-Froufe and González-Neira, 2014) with a space to satisfy their desire for dispersed and fragmented consumption (Benassini, 2014; Rauchfleisch et al., 2020), in such a way that this search for informative-selective experiences and diverse content has also contributed to the growth of digital media (Sánchez-García and Amoedo-Casais, 2021).

The first two decades of online journalism in Portugal can be divided into three major phases: implementation (1995–1998), expansion (1999–2000) and depression, followed by relative stagnation (2001–2014). Since the end of the first decade of this 21st century, the conditions for investment in cyber-journalism have become even more difficult (Bastos, 2023), which implied a prevalence of digital versions of traditional media over native digital media. One previous investigation (Bastos, 2016) diagnosed the structural difficulty of journalism in adapting to digitization, while another pointed out that the digitization of the Portuguese media meant the establishment of a new, more hyperlocal proximity network (López-García et al., 2016) in which the commitment to self-produced work is a determining factor in digital native media's quest to secure credibility (Rivas-de-Roca, 2022).

If digital journalism is the consequence of both the new ecological conditions for the circulation of news content in contemporary society, and the collapse of the pyramidal news model that prevailed since the beginning of industrial journalism (Waisbord, 2019), Portuguese digital media have demonstrated a particular emphasis on promoting public participation (Tourel et al., 2015). Indeed, there have also been indications of co-creation that transcend citizen participation. However, these have not involved the audiences in the creation, development and use marketing of journalistic products, but co-creation models are limited to text corrections, sending of UGC or audience questions on Instagram. There are spaces for co-creation, but collective knowledge, innovation and the platform economy are not utilized as effectively as in other sectors, despite the fact that opportunities for sharing value creation (Sixto-García et al., 2020; Sixto-García et al., 2021; Sixto-García et al., 2022).

The development of web analytics (Coddington et al., 2021) and the inclusion of social networks in journalistic practice (Humayun and Ferrucci, 2022) provide unprecedented access to the user profile in detail, allowing for the generation of content that matches their preferences and interests (Corzo-Archila and Salaverría-Aliaga, 2019). Digital news media are influenced like never before by their audiences, though this does not imply that they renounce their editorial principles. Rather, the representation of the audiences is based on participation and on the content that they disseminate (Negredo and Kaufmann-Argueta, 2021). It is in digital native media where the search for new narrative formulas and interaction with the audience reflects a significant degree of experimentation because they are not so conditioned by the most rigid models of the traditional industry (Vázquez-Herrero, 2021). Nonetheless, it could also be said that this implies the need to reinvent journalistic education and the work of media professionals (Goggin, 2020).

A study on Spain and Portugal concluded that digital media assign great importance to audience participation in information production,

though it also exposed the lack of curation of content (Sixto-García et al., 2020; Sixto-García et al., 2021; Sixto-García et al., 2022). All of this is part of a context of uncertainty characterized by the redefinition of the traditional business model of journalism. New formulas for the integration of newsrooms, commercial strategies (such as the coexistence of free and paid access or subscriptions) and multimedia products are all being created (Casero-Ripollés, 2016). In addition, it has been discovered that Portuguese digital media publish content that is valid for more than 1 day, which reduces time and economic costs (Méndez and Nogueira, 2018). This decrease in production costs has also made room for the emergence of entrepreneurial initiatives or small information companies that are generating high-quality journalism (O'Brien and Wellbrock, 2021).

With an understanding of the current state of the digital communication ecosystem, this study first identifies the most consumed digital media in Portugal, according to the Newman et al. (2022). Then, in order to find a possible explanation for why these media outlets are preferred by the Portuguese audience, the mechanisms that these media offer for participation and interaction with the public are explored. The results are presented according to a series of questions based on a methodological instrument designed *ad hoc*, the validation of which is verified by following parameters similar to those used by the authors to evaluate co-creation in digital media (Sixto-García et al., 2020; Sixto-García et al., 2021; Sixto-García et al., 2022). However, descriptive results are validated following the Delphi method. This investigation seeks to identify, therefore, the possible relationship between consumption rates and participation options offered.

The need for this research is justified by the general scarcity of scientific papers that analyze the mechanisms of interaction in digital media and, in particular, by the fact that there is no to be found that evaluates the situation in Portugal at the present time. Already in 2008, Zamith warned of the need to extend the audience's ability to monitor digital media (Zamith, 2008). The relevance of the research is grounded in the fact that the scientific community advocates a more radical audience turn that pushes journalism studies forward beyond normative and industry concerns, and starts from the perspective of audiences themselves, in which they are understood as active agents (Swart et al., 2022). This trend began a few years ago in digital journalism studies and has often been dominated by perspectives from the social sciences. It seeks to reinforce the connections between empirical investigations and the conceptual discussions that prevail within the journalistic field (Steensen et al., 2019), so the main objective of this study is to determine whether there is a relationship between the most consumed Portuguese media and alternative media outlets.

2 Participation, audiences, and digital media

It has been said that journalism is an “structure of public communication that is enacted through the practices of various actors at sites that go beyond the newsroom” (Ahva, 2016, p. 1). For just over a decade, virtual public spaces have increasingly improved their participation mechanisms (Harlow and Harp, 2012; Halpern and Gibbs, 2013). As a result, the participation opportunities for public engagement have become a factor that influences the decision to choose one medium over another. The evolution of interactivity and two-way communication processes in digital media has made it

possible to integrate content receivers as an essential part of communication strategies (Barredo and Díaz, 2017). As such, paying attention to audiences is now an essential part of professional journalism (Costera, 2020). Today, the concept of participation holds significant weight in providing insight into the state of our democracy and the role of the media in its construction and scrutiny (Budarick, 2023).

There exists a line of thought that associates the concept of participation with its potential for political activism, as well as the role of the media (Carpentier, 2011) and their interaction with the audiences. “Identifying the different domains that citizens become part of when they participate in journalism, helped to acknowledge the pluralistic nature of participation in empirical terms” (Ahva and Wiard, 2018, p. 74). While some more purist scholars link the concept of participation to the quest for a balance of power (Pateman, 1970) that goes beyond the idea of access or interaction, others view participation as a social and cultural practice. This duality can be somewhat reduced to a minimalist versus maximalist view of the term (Carpentier, 2011; Theocharis et al., 2023). Nonetheless, the concept of participation remains far from being settled in academic discourse, with ongoing proposals to renew its meaning (Bergillos, 2019; Sixto-García et al., 2020; Sixto-García et al., 2021; Sixto-García et al., 2022).

The theories of audience studies involve various dimensions of participation, specifically within and through the media (Wasko and Mosco, 1992). This encompasses participation within the production process, content creation and engaging with media outlets and other audiences. Media outlets provide audiences with platforms to express their voices, exchange ideas with other stakeholders, and reproduce and share news, perhaps even more prominently in digital media, especially through social networks (Lázaro-Rodríguez, 2020).

Jenkins (2011) presents a perspective that interprets participation as a social and cultural process deeply embedded in everyday life, with implications for media convergence and a vision of audiences as spaces for community building. Torres da Silva et al. (2017) “portray a moment of change that results from the emergence of new everyday practices and spaces of media consumption associated with the progressive generalization of mobile technologies, convergence, personalization and reconfiguration of user paper” (p. 194).

The most positively received media participation formats are geared towards low-intensity interaction, such as commenting on news pieces, while other forms of participation often go unnoticed (Suau et al., 2019). Today, audience participation can be specified in four fundamental mechanisms (ordered from lowest to highest degree of involvement):

- a) Interaction: spaces focused on the user and their relationship possibilities with the platform.
- b) Participation: process of public involvement in decision-making through ICT.
- c) Engagement: level of commitment of the audience with the medium.
- d) Co-creation: a form of collaborative innovation that ranges from ideation to marketing. Users and media work together to define the objectives of the project and the needs of the community. Media should continue to invest in participatory formulas that truly involve the public in all processes — development, production and marketing— (Malmelin and Mikko, 2015) because co-creating should allow audiences to

co-construct their own experience in their own context (Aitamurto, 2013; Cuenca-Amigo and Zabala-Inchaurreaga, 2018; Prahalad and Ramaswamy, 2004).

For example, in local French-speaking media, the search for strengthening the link with audiences has been investigated (Pignard-Cheynel and Amigo, 2023). It can be argued that the media outlet’s ability to attract audiences directly correlates with its capacity to attract advertising investments (Perlado-Lamo-de-Espinosa et al., 2019). Therefore, within the attention economy, audiences can be considered commodities (Garcia, 2021), enabling media organizations to generate funds for their production expenses.

This can be considered a form of indirect or passive audience participation, as it attributes value to media outlets. The act of sharing informative or news content can be seen as a slightly more active form of participation, as it can signify recognition of the news value and also serves as a means of social recognition within the reader/listener/viewer’s network. In fact, some audiences go beyond mere consumption and actively produce informative content themselves (Kouki-Block and Wellbrock, 2022).

Traditionally, journalistic studies have focused primarily on the news production process, paying less attention to how audiences consume and perceive news. However, Swart and his team (2022) propose a shift in perspective, regarding audiences as active participants in the process. This perspective entails an important reorientation from solely considering what qualifies as news to understanding how information is perceived and experienced. The authors go so far as to present three thought-provoking truths: (1) they argue that news produced by journalists may not always be inherently interesting or relevant; (2) that the use of news or information may not necessarily align with journalistic intent; and (3) that the act of consuming news is not always beneficial for audiences because “while more news use might benefit news producers, this might not always be in the interest of news audiences or society” (p.11).

The inclusion of audience participation is frequent in European media (Hermida, 2011). Beyond the opportunities for participation that a media outlet offers, the publics’ choice can be determined by the interest that the medium holds for the audiences (Diez-Gracia and Sánchez-García, 2022), the trust placed in journalists (Assmann, 2022) or by trust in the medium and information brands (Tan, 2023). In Portugal, 61% of people claim to have trust in news in general (Newman et al., 2022). Despite previous studies indicating that trust in the media has plummeted to almost historic lows (Wilner et al., 2022), possibly due to the differences in expectations between journalists and audiences (Abdenour et al., 2021), media trust continues to provide additional credibility and remains a significant factor in the choosing of one news outlet over another (Morales-Vargas et al., 2022). The level of trust increases when the information is participatory (Esser and Pfetsch, 2020), prompting the need to assess how opportunities for participation influence the selection of digital media by audiences to fulfill their informational needs.

Knowing these gaps, the RQ that motivates this research is:

RQ: Is there a relationship between the most consumed digital media and those that offer greater possibilities for audience participation?

3 Sample and methodology

The *Reuters Institute Digital News Report 2022* (Newman et al., 2022) identifies the following Portuguese online media outlets as “top brands” based on their weekly usage percentage, indicating that they are visited by a significant number of readers more than three times per week (listed in descending order):

- 1 Sic News Online/Sic Notícias.
- 2 Notícias ao Minuto.
- 3 Correio da Manhã online.
- 4 Sapo.
- 5 Jornal de Notícias Online.
- 6 Correio da Manhã TV Online.
- 7 Observador.
- 8 TVI News online.
- 9 CNN Portugal Online (TVI24).
- 10 Expresso Online.
- 11 Público Online.
- 12 RFM Online.
- 13 MSN News.
- 14 Diário de Notícias Online.
- 15 RTP News Online.
- 16 Rádio Comercial Online.

Therefore, these media are representative of the most relevant media in Portugal. It is important to note that this list does not only include online newspapers, but also newspaper websites (Notícias ao Minuto; Correio da Manhã online; Sapo; Jornal de Notícias Online; Observador; Expresso Online; Público Online; and Diário de Notícias Online), radio (RFM Online; RTP News Online; and Rádio Comercial Online), television (Sic News Online/Sic Notícias; Correio da Manhã TV Online; TVI News online; CNN Portugal Online/TVI24 and RTP News Online) and even a news aggregator (MSN News). Therefore, the results of this investigation will refer to the state of digital journalism in Portugal regardless of the specific origins of the brand, since, in reality, all apart from Sapo and Observador (both of which are digital native media) were previously established media brands that have existed since before the advent of the internet, that also now have a website.

Based on the review of the scientific literature and the previous experience of the authors in this field of specialization and the validated methodological instruments (Sixto-García et al., 2020; Sixto-García et al., 2021; Sixto-García et al., 2022), we have aimed to answer the RQ by creating and implementing *ad hoc* patterns of the different interaction mechanisms between media-audiences that currently exist (see Table 1).

Mechanisms were divided between passive and active, so that the former, though facilitating interaction, are based on the fact that the interaction arises from the media outlet: the user essentially receives it, even though the media outlet permits a fully active interaction (distribute, co-create, participate in person). The different mechanisms were ordered from the lowest to the highest degree of participation and each variable was assigned a score, in such a way that the higher the degree of interaction, the higher the score. Web comments were not taken into account as they are a fully consolidated mechanism in the web architecture of all digital media, and therefore, they do not constitute a differentiating factor.

TABLE 1 Pattern analysis of the potential for participation in a modern digital media outlet.

		Score	
Passive mechanisms	SMS	1	
	Email marketing	2	
	Newsletter	3	
	WhatsApp	4	
Active mechanisms	Social networks	5	+1 for each active social media. An additional + 1 for combining traditional networks with innovative platforms like TikTok or Twitch. An additional + 1 for corporate presence on LinkedIn.
	Face-to-face meetings with the public	6	
	Basic co-creation (correction of texts, sending suggestions, etc.)	7	
	Full co-creation (creation + development + marketing journalistic products)	8	

Source: own elaboration.

In the specific case of social networks, having a single active, interactive and appropriate social network for the target audience is valued at 5 points, while the score can be increased based on three particular cases: (1) an additional point for each additional social network after the first, as long as it is of similar characteristics; (2) an additional point for participating in each highly innovative network like TikTok or Twitch; (3) one point for considering networks with an eye on business or corporate communication such as LinkedIn.

Computing the interaction mechanisms offered by each medium means that we can verify if the media preferred by the audiences are those in which they can participate the most and with whom they can interact the most. The study adopts an interpretivist approach and is based on the qualitative method (Maxwell, 2013). We opted to become public consumers of these media for 6 months (from November 2022 to April 2023) and record the results. First-hand information was collected on ways to interact with these media and ways that these media contacted us through newsletter or emails. Furthermore, an exploratory web scan of both the corporate websites and the social networks in which the Portuguese media have a presence was carried out. This was done to evaluate their activity and detect any

participation mechanism that could go unnoticed by a participant observer, but not for a researcher.

The data collected was analyzed according to the criteria established in the pattern (Guest et al., 2011), though some items included in the analysis instrument were not located in the Portuguese media. In terms of sampling, the selection was intentional (Emmel, 2013). It was compromised of a specific group of participating media, with uniform and relevant characteristics in terms of consumption levels and percentage of weekly visits.

The findings from participant observation were corroborated using the Delphi method (2 rounds), a predictive system that strategically leverages expert opinions (see Table 2) to derive solutions to a problem (Strasser, 2019). We extended invitations to Portuguese academics to participate in the Delphi panel, though only those listed below agreed participate. Although not all of them are exclusively focused on digital media, all are renowned specialists with studies in the field of media on communication, media or journalism. In the case of the 'top brands,' despite having requested on several occasions the participation of all the media, only one person accepted the invitation. We were also conscious of gender equality in our approach, resulting in participation from four men and four women.

The Delphi panel was developed between October and November 2023. Questionnaires were designed as semi-structured interviews. Open questions and Likert scales were used to evaluate the previous descriptive results.

4 Results

The Portuguese digital media preferred by the public implement six mechanisms that facilitate audience participation (see Figure 1):

- Passive mechanisms: SMS, email marketing, newsletter and WhatsApp (interaction and participation).
- Active mechanisms: social media and basic co-creation (engagement and co-creation).

In Portugal, there was no evidence of the use of other instant messaging applications such as Telegram, innovative networks like Twitch, or other highly interactive options such as cafes with audiences or buses for face-to-face meetings.

TABLE 2 Expert panel.

Expert	Institution/media
Expert 1	Miguel Torga Institute of Higher Education (Coimbra)
Expert 2	University of Minho (Braga)
Expert 3	University Fernando Pessoa (Porto)
Expert 4	University of Minho (Braga)
Expert 5	Catholic University of Portugal (Lisbon)
Expert 6	ISCTE – University Institute of Lisbon (Lisbon)
Expert 7	University Fernando Pessoa (Porto)
Expert 8	Bauer Media Audio Portugal (Rádio Comercial Online)

4.1 Can I receive an SMS?

Media outlets can leverage SMS to disseminate breaking news notifications, important alerts, subscription updates or special promotions. This is exemplified by Sapo, the only Portuguese media outlet that employs SMS, perhaps due to its association with the MEO group, a company that provides Public Telecommunications Network in Portugal. Sapo offers MEO customers the opportunity to receive exclusive alerts, free of charge, via SMS.

Despite Sapo being the only media outlet to utilize SMS, the adoption of this mechanism could also be extended to allow readers to send SMS to newspapers, enabling them to share comments or reports through the platform. SMS messages are typically private and do not facilitate reader-to-reader interaction or provide visibility into other public opinions. This characteristic restricts the usage of SMS, apart from in the case of Sapo, a media organization integrated within a telecommunications group.

4.2 Can I receive an email? What if I prefer a newsletter?

Observador, Público Online, and MSN News employ email marketing as a means to engage directly with their readership and promote their publications. Media segment their contact lists based on interests, geographic location, or other criteria to enhance message relevance and improve open rates and engagement. These media outlets employ email marketing to send newsletters, news digests, and breaking news alerts, but also to promote their publications or events, offer special subscription promotions, or solicit reader feedback.

Portuguese media outlets seem to understand that email marketing can be perceived as invasive or unwanted by readers if used excessively or inappropriately. Consequently, none of the media outlets within the top 5 preferred by the public actively make use of email marketing as a strategy.

Notícias ao Minuto, Sapo, Jornal de Notícias Online, and Público Online all embrace a more advanced model of email marketing known as newsletters. These media outlets employ newsletters as a means to provide their readers with an overview of the most important news of the day or week, encompassing breaking news, in-depth analysis, exclusive interviews, and opinion columns. Their information architecture is designed to drive traffic to the newspaper's website or to promote other publications or services. The frequency of these newsletters, whether weekly or monthly, is carefully chosen to ensure they remain relevant and avoid being overlooked or ignored.

4.3 Can I participate in instant messaging applications?

Observador employs WhatsApp to distribute newsletters via messages, while MSN Notícias and Portal Sapo perform news sharing through the same platform. Additionally, WhatsApp is also utilized for reader interaction, allowing the consumer to send questions, comments, and feedback to the media outlet, thereby aiding in a better understanding of user needs and interests.

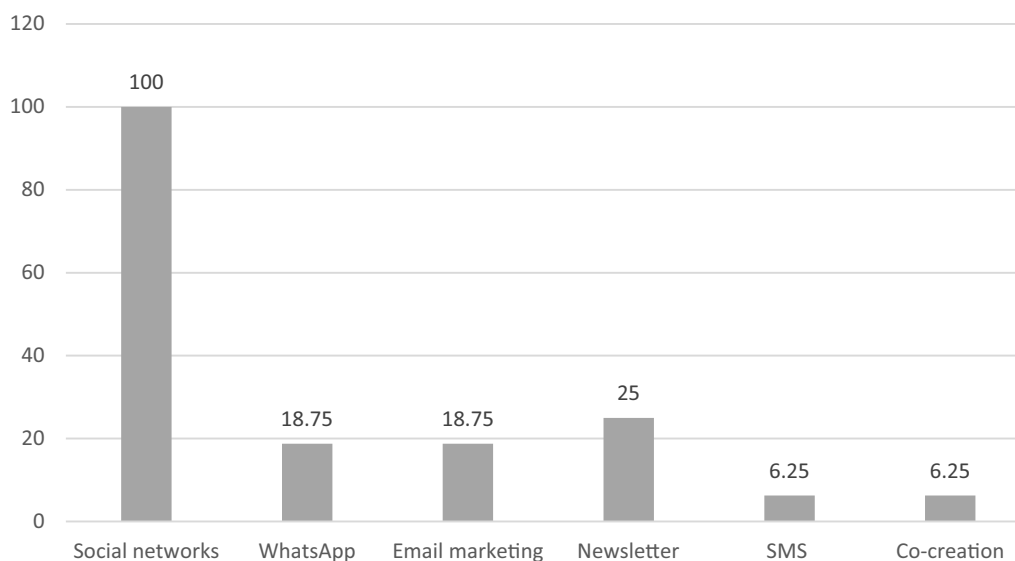


FIGURE 1

Mechanisms (in %) for audience participation in Portuguese online media. Source: own elaboration.

Media outlets must obtain users' permission before adding them to groups or distribution lists, and they must ensure that users have the ability to leave these groups or lists at any time. Based on publicly available information on corporate websites, it has been verified that Portuguese media outlets using this application respect user privacy and adhere to data privacy laws.

Portuguese digital newspapers avail of WhatsApp to foster and enhance audience engagement. Sometimes they employ WhatsApp to conduct surveys and polls, allowing readers to vote and express their opinions on certain topics. This helps facilitate a more open and engaging dialogue between the newspaper and its readers, while also providing valuable insights into audience preferences and opinions.

As a result of the observation as participants, it is evident these media outlets monitor audience participation on WhatsApp and ensure that comments and opinions expressed by readers are respectful and constructive. All media organizations have clear policies in place to address inappropriate behavior such as harassment or hate speech, and to ensure that all users can participate in the community safely and inclusively.

From a viral perspective, audiences themselves act as advertising agents for journalistic brands. Strategies adopted include the incorporation of sharing buttons, as seen in MSN News and Sapo, and the distribution of newsletters through the application, as done by Observador. Although WhatsApp also offers the option to create discussion groups for readers with shared interests and engage with the audience through chats, Portuguese media outlets have yet to fully utilize these features.

Hence, these three digital media outlets (Observador, MSN News, and Sapo) are utilizing WhatsApp as a medium to reach and engage with their readership. Interestingly, none of the top three most consumed digital media outlets in Portugal employ WhatsApp, nor do any of the preferred Portuguese media outlets avail of other instant messaging applications such as Telegram.

4.4 Can I interact on social networks?

All of the most consumed Portuguese digital media outlets have some social media presence (see Table 3). This is not surprising given that newspapers are increasingly using social media as a means to reach and engage with their audience, thereby enabling newspapers to expand their readership, foster interactivity, and establish a stronger online presence (Humayun and Ferrucci, 2022).

Though there is a general spread across social networks, some platforms are particularly prevalent (see Figure 2). Facebook and Twitter continue to be the preferred networks for disseminating news, as previous studies such as (Sixto-García et al., 2020; Sixto-García et al., 2021; Sixto-García et al., 2022) have found. On the other hand, more visual networks such as Instagram or YouTube continue to be utilized to a lesser extent. Furthermore, there is even less commitment to participation on corporate networks such as LinkedIn, or in more innovative formats such as TikTok.

However, why does this occur? Within the realm of Facebook, media outlets create pages dedicated to disseminating news, photos, and videos, while also engaging with their readers through comments and private messages. On Twitter, media organizations utilize the platform not only for real-time news dissemination but also to engage with their readers and other news sources. As for Instagram, digital media outlets share captivating visuals in the form of photos and videos, accompanied by compelling stories and highlights.

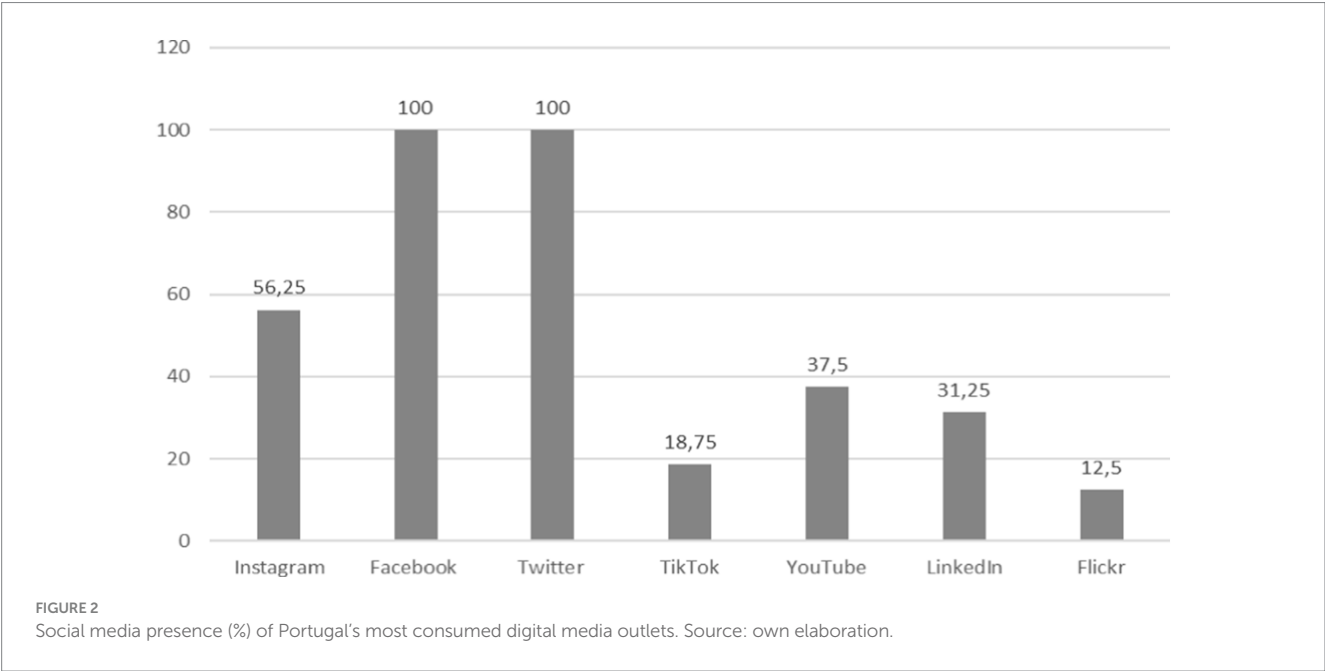
Moreover, digital platforms also leverage other social media networks such as LinkedIn and YouTube to disseminate news and establish an online presence. LinkedIn is primarily utilized to share business-related news and engage with other professionals, whereas YouTube is employed to share videos and documentaries produced by the media outlets.

More recently, TikTok has emerged as one of the most popular social media platforms among young Portuguese people. TVI News online, Diário de Notícias Online, and Rádio Comercial Online have been utilizing TikTok to create more relaxed and entertaining content

TABLE 3 Social media presence of Portugal’s most consumed digital media.

	Instagram	Facebook	Twitter	TikTok	YouTube	LinkedIn	Flickr
Sic News Online/Sic Notícias	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Notícias ao Minuto	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Correio da Manhã online	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sapo	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jornal de Notícias Online	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Correio da Manhã TV Online	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Observador	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
TVI News online	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
CNN Portugal Online (TVI24)	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Expresso Online	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Público Online	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
RFM Online	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
MSN News	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Diário de Notícias Online	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
RTP News Online	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Rádio Comercial Online	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Source: own elaboration.



that is tailored to TikTok’s target audience. They produce short videos covering current news, internet trends, trivia, and intriguing facts, which are shared on the platform. These videos are generally of a lighter tone and more informal compared to the content published on other social media platforms.

Engaging with the audience appears to be the primary advantage that social media offers to digital media outlets. Through social media, these outlets connect with their audiences by listening to their opinions, addressing their queries, and receiving feedback on their articles and stories. This audience interaction enables media outlets to gain a better understanding of their readership and adapt to evolving behavioral patterns and preferences.

It has been established that audience interaction is also key in the building of trust between media outlets and the public. Readers feel heard and valued by the media. This is often the case on platforms like Facebook and Twitter, though not necessarily on other social

networks. As a result, media outlets with a strong social media presence are not necessarily the most consumed ones (see Table 1). Audiences are more likely to share and recommend content from media outlets they identify with and value their opinions.

4.5 Can I co-create?

Despite several previous studies (Ostrom et al., 2010; Prahalad and Ramaswamy, 2004) confirmed that products are more valuable if the audiences participate in their development, adprosumers could not co-create if the digital media did not establish spaces designed for this kind of participation. Only Observador offers what can be considered basic co-creation options, providing journalists’ email so that audiences can connect and propose corrections within texts, if they wish. However, given that only the journalist’s email is provided,

this practice is far from being considered a full co-creation mechanism that involves audiences in the creation, development and marketing of journalistic products.

In addition, to be a basic co-creator (by voting, commenting or participating in the social community), registration via email or social networks is required. Contributions undergo an automatic scoring system and are then evaluated by the newspaper's moderation team. On the other hand, the editorial policy warns that the content generated by users implies a transfer of copyright, so content is the exclusive property of the media and, therefore, is protected by the intellectual property rights stipulated by Portuguese and European legislation. All in all, the mechanisms implemented by this media outlet are seen as basic co-creation. Of all the Portuguese media analyzed, it is the one that most involves the public in the creation and configuration of the news.

5 Discussion and conclusions

With respect to the RQ that motivated this research, we cannot establish any strong correlation between more participation mechanisms for audiences and greater consumer preference. None of the digital media sources that obtained the highest scores for participation mechanisms appear in the top 3 digital media preferred by the Portuguese, while in the top 5, only one is found (Sapo), which is in second position in terms of score (see Table 4). Again, it bears repeating that this is a digital native media outlet.

The outlet that most involves the public is Observador. It is a digital native news source that ranks just 7th in terms of consumption by the Portuguese public. Nevertheless, it is possible to identify differences based on types of outlets. Television websites are the ones that offer the least participation mechanisms to the public, coming just above radio stations' websites. Newspapers' websites (not only of the digital natives, but also of the legacy media) are the ones that most involve the audiences. We agree with Salaverría (2019) that digital journalism is a fully consolidated reality in Portugal. However, as the work of Bastos (2016) has pointed out, it is still the case that the digital media preferred by the Portuguese tend to be the digital versions of traditional legacy media, rather than digital native media. Only 2 (Sapo and Observador) of the 16 online media most consumed by the Portuguese are outlets born in and for the internet, that thus constitute digital native media.

Even though these two media are the ones that offer the most participation mechanisms to the audiences (see Table 4), they are not among the digital options most consumed by the Portuguese public. This finding allows us to ratify two ideas pointed out in previous studies. Firstly, it is confirmed once again that over the past decade, social audiences have found in digital media a space to satisfy their desire for dispersed and fragmented consumption (Benassini, 2014; Quintas-Froufe and González-Neira, 2014; Rauchfleisch et al., 2020). Secondly, and as Vázquez-Herrero (2021) had discovered, it is still the case that digital native media is the space that promotes seeking new formulas for interaction with the audience, and where there is evidence of experimentation. Now, 2 years after that investigation, digital native media have achieved some level of consolidation. Indeed, Observador is the only Portuguese digital media that allows co-creation, even if in an incipient and embryonic way without actually involving audiences in the creation, development and

marketing of journalistic pieces (Sixto-García et al., 2020; Sixto-García et al., 2021; Sixto-García et al., 2022).

This research once again highlights extent to which social networks have become integrated into journalistic practice (Humayun and Ferrucci, 2022), especially Facebook and Twitter. They serve as platforms to seek interaction with audiences (Coddington et al., 2021; Corzo-Archila and Salaverría-Aliaga, 2019). All Portuguese online media use at least two social networks (see Tables 1, 3), which allows information content to be transferred from corporate websites (where they have to be searched for) to the platforms accessed daily by the audiences (where the contents look for the users). Of additional benefit is that here, the public can share and viralize information according to their tastes and interests (Negredo and Kaufmann-Argueta, 2021).

Despite the fact that a previous study concluded that digital media attach great importance to audience participation in news production (Sixto-García et al., 2020; Sixto-García et al., 2021; Sixto-García et al., 2022), the truth is that by now using participant observation and exploratory web crawling, it can be concluded that the media's intentions and the reality of the situation are two different things. Although all Portuguese digital media use social networks as a space for interaction with audiences, only three use networks of an innovative nature such as TikTok, and only five use the networks for corporate communication on LinkedIn. The use of instant messaging applications is still limited since only three media utilize WhatsApp, as is the case with loyalty strategies, as only four media send a newsletter by email to their readers (see Table 3).

If it is not possible to establish a direct correlation between public preference and tools for audience participation, what are the reasons behind the popularity of these digital media? The consulted experts (see Table 2) agree that those media offering extensive participation options are not the most consumed because this call for participation often remains invisible, with no appeal to motivation, and challenging to exercise. Immediate and sensationalistic consumption is preferred over reflective engagement. Additionally, audiences feel discouraged by journalists' rarely utilizing their contributions, leading to media outlets favoring token participation.

The experts also believe that well-informed citizens often do not feel the need to share their opinions, nor do they consider the information provided by fellow citizens as trustworthy or relevant. So, what determines one media's higher consumption over another?

On Likert scales (where 0 is the lowest and 5 is the highest), the experts prioritize the interest of the news to the audience as the most crucial factor when choosing a particular media (4.63), followed by trust in the media (4.38), trust in the brand (4.25), trust in the journalists (4.13), while placing mechanisms for audience participation at the bottom (2.38).

We can assert, according to the experts, that media credibility, longevity, content quality, consumption habits, and editorial stance are decisive for selection. The fact that traditional media continues to be more consumed than digital native media, despite the latter offering more participation options, confirms that historical presence in the media landscape is a determining factor in conferring credibility and shaping consumption habits. The topics discussed in the news are also determining factors in the choice of one medium or another.

Our findings align with Tan (2023) since Portuguese citizens choose their news sources based on the trust they have towards these brands. This decision is grounded in social knowledge of the brand, its history, tradition, and ideological or informational alignment. This

TABLE 4 Score achieved by each digital media outlet based on public participation mechanisms offered.

Digital media	SMS	Email	Newsletter	Whats	Presence + n° of networks	TikTok	LinkedIn	Co-creation	Total
Sic News Online/Sic Notícias					5 + 1 = 6				6
Notícias ao Minuto			3		5 + 1 = 6				9
Correio da Manhã online					5 + 1 = 6				6
Sapo	1		3	4	5 + 2 = 7				15
Jornal de Notícias Online			3		5 + 1 = 6				9
Correio da Manhã TV Online					5 + 1 = 6				6
Observador		2		4	5 + 5 = 10		+1	7	24
TVI News online					5 + 4 = 9	+1			10
CNN Portugal Online (TVI24)					5 + 2 = 7				7
Expresso Online					5 + 1 = 6				6
Público Online		2	3		5 + 4 = 9		+1		15
RFM Online					5 + 4 = 9		+1		10
MSN News		2		4	5 + 2 = 7		+1		14
Diário de Notícias Online					5 + 3 = 8	+1			9
RTP News Online					5 + 4 = 9				9
Rádio Comercial Online					5 + 5 = 10	+1	+1		12

Source: own elaboration.

also explains why none of the other news companies that produce high-quality journalism (O'Brien and Wellbrock, 2021) appear on the list of the most consumed media.

As the most consumed media have already secured their ability to attract advertising investment (Garcia, 2021), they are neglecting other approaches that could improve their relationships with audiences by considering them as active and engaged participants. This observation seems to support an argument presented by Swart et al. (2022). Commitment to self-produced content is crucial for the credibility of digital media (Rivas-de-Roca, 2022), though in this case all of the most consumed media outlets produce their own content. Promoting the visualization of these spaces and improving transparency policies is necessary to audiences become aware of the value of their contributions. The media outlets, for

their part, must improve the recognition of authorship of citizen participation.

In conclusion, although the main limitation of this study is based on the fact that the sample is restricted to Portugal, the research could prove very useful were it to be used as part of a comparative analysis with other countries. On the other hand, the time limitation of the study (6 months) must also be considered. In addition, the investigation presents a situation that both academics and information companies must know in order to understand how to guide relationships with audiences. This process must be considered not only from a consumption standpoint, but should also integrate a more socially responsible vision centered in the journalism of the third millennium, enabling an analysis of this same phenomenon throughout Europe and

throughout the world in the near future, that might prove crucial to their own survival.

Data availability statement

The raw data supporting the conclusions of this article will be made available by the authors, without undue reservation.

Ethics statement

Ethical approval was not required for the studies involving humans because Delphi participants showed their informed consent with the participation. The studies were conducted in accordance with the local legislation and institutional requirements. The participants provided their written informed consent to participate in this study.

Author contributions

JS-G: Conceptualization, Data curation, Formal analysis, Funding acquisition, Investigation, Methodology, Project administration, Resources, Supervision, Validation, Visualization, Writing – original draft, Writing – review & editing. AD-M: Conceptualization, Data curation, Investigation, Supervision, Writing – original draft. JA: Data curation, Software, Supervision, Visualization, Writing – original draft.

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References

- Abdenour, J., McIntyre, K., and Smith, N. (2021). Seeing eye to eye: a comparison of audiences' and journalists' perceptions of professional roles and how they relate to trust. *Journal. Pract.* 15, 329–347. doi: 10.1080/17512786.2020.1716828
- Ahva, L. (2016). How is participation practiced by “In-Betweeners” of journalism? *Journal. Pract.* 11, 142–159. doi: 10.1080/17512786.2016.1209084
- Ahva, L., and Wiard, V. (2018). Participation in local journalism. Assessing two approaches through access, dialogue and deliberation. *Sur Journal.* 7, 64–76.
- Aitamurto, T. (2013). Balancing between open and closed: co-creation in magazine journalism. *Digit. Journal.* 1, 229–251. doi: 10.1080/21670811.2012.750150
- Assmann, K. (2022). Whistleblowers and their faith in journalism. *Journal. Pract.* 1:20. doi: 10.1080/17512786.2022.2161067
- Barredo, D., and Díaz, E. (2017). Interactivity in Latin American digital journalism. An analysis of the main digital media of Colombia, Mexico and Ecuador (2016). *Rev. Lat. Comun. Soc.* 72, 273–294. doi: 10.4185/RLCS-2017-1165
- Bastos, H. (2016). “Portugal” in Cyberjournalism in Latin America. ed. R. Salaverria (Fundación Telefónica & Editorial Ariel), 329–346.
- Bastos, H. (2023). History of online journalism in Portugal: the first twenty-five years: LabCom.
- Benassini, C. (2014). From audiences to prosumers conceptual approach. *Rev. Luciérnaga* 6, 16–29. doi: 10.33571/revistaluciernaga.v6n12a2
- Bergillos, I. (2019). Participation as a talisman: a metaphorical and theoretical reflection on the conceptualization of participation. *Comun. Soc.* 36, 207–221. doi: 10.17231/comsoc.36(2019).2352
- Budarick, J. (2023). Media, democracy and pluralism: exploring a radical response to the crisis of journalism. *Journal. Stud.* 24, 594–611. doi: 10.1080/1461670X.2023.2173959
- Canavilhas, J. (2014). Webjournalism: 7 characteristics that make a difference: LabCom.
- Carpentier, N. (2011). Media and participation: a site of ideological-democratic struggle. *Intellect.* doi: 10.26530/OAPEN_606390
- Casero-Ripollés, A. (2016). “Between uncertainty and experimentation: new business models of journalism in the digital environment” in New challenges for the journalist. Innovation, creation and entrepreneurship. ed. H. M. Sánchez (Tirant Humanidades), 18–41.
- Cebrián-Herreros, M. (2009). Interactive communication in the cybermedia. *Comunicar* 17, 15–24. doi: 10.3916/c33-2009-02-001
- Coddington, M., Lewis, S. C., and Belair-Gagnon, V. (2021). The imagined audience for news: where does a Journalist's perception of the audience come from? *Journal. Stud.* 22, 1028–1046. doi: 10.1080/1461670X.2021.1914709
- Corzo-Archila, S., and Salaverria-Aliaga, R. (2019). “Medios nativos digitales y analíticas web: cómo interviene el conocimiento de la audiencia en la construcción de noticias” in *La innovación de la innovación: del medio al contenido predictivo*. eds. V. A. En, O. Martínez-Fernández, I. Juanatey-Boga, M. M. Puentes-Rivera, E. Rodríguez-Fernández, C. Sánchez-Amboage and M. Membiela-Pollán, Actas del III Simposio Internacional sobre Gestión de la Comunicación (Xescom, 2018) Universidade da Coruña & XESCOM. 233–247.
- Costera, I. (2020). Understanding the audience turn in journalism: from quality discourse to innovation discourse as anchoring practices 1995–2020. *Journal. Stud.* 21, 2326–2342. doi: 10.1080/1461670X.2020.1847681
- Cuenca-Amigo, M., and Zabala-Inchaurrea, Z. (2018). Reflections on participation as co-creation in the museum. *Her Mus* 19, 122–135.
- Díez-Gracia, A., and Sánchez-García, P. (2022). The news gap in the «triple digital agenda»: the different interests of media, audience and networks. *Commun. Soc.* 35, 63–80. doi: 10.15581/003.35.1.63-80
- Emmel, N. (2013). Sampling and choosing cases in qualitative research: a realist approach: SAGE.

- Esser, F., and Pfetsch, B. (2020). "Political communication" in Comparative politics. ed. D. Caramani (Oxford: Oxford University Press), 336–358.
- Fei, W. (2021). A new exploration of journalism: strengthen the connection with its audience. *Soc. Sci. China* 42, 169–183. doi: 10.1080/02529203.2021.1924468
- García, D. (2021). Journalism in the attention economy: the relation between digital platforms and news organizations. *Braz. Journal. Res.* 17, 4–27. doi: 10.25200/BJR.v17n1.2021.1332
- Goggin, G. (2020). Digital journalism after mobility. *Digital. Journalism* 8, 170–173. doi: 10.1080/21670811.2019.1711434
- Guest, G., McQueen, K. M., and Namey, E. E. (2011). Applied thematic analysis. Cham: SAGE.
- Halpern, D., and Gibbs, J. (2013). Social media as a catalyst for online deliberation? Exploring the affordances of Facebook and YouTube for political expression. *Comput. Hum. Behav.* 29, 1159–1168. doi: 10.1016/j.chb.2012.10.008
- Harlow, S., and Harp, D. (2012). Collective action on the web. *Inf. Commun. Soc.* 15, 196–216. doi: 10.1080/1369118X.2011.591411
- Hermida, A. (2011). Fluid spaces, fluid journalism: The role of the "active recipient" in participatory journalism. *Particip. Journal.*, 177–191. doi: 10.1002/9781444340747.ch10
- Humayun, M. F., and Ferrucci, P. (2022). Understanding social Media in Journalism Practice: a typology. *Digit. Journal.* 10, 1502–1525. doi: 10.1080/21670811.2022.2086594
- Jenkins, H. (2011). Convergence culture. Where old and new media collide. *Rev. Aust. Cienc. Soc.* 20, 129–133.
- Jerónimo, P., Correia, J. C., and Gradim, A. (2020). Are we close enough? Digital challenges to local journalists. *Journal. Pract.* 16, 813–827. doi: 10.1080/17512786.2020.1818607
- Kouki-Block, M., and Wellbrock, C. (2022). Influenced by media brands? A conjoint experiment on the effect of media brands on online media planners' decision-making. *J. media Bus. Stud.* 19, 29–52. doi: 10.1080/16522354.2021.1899741
- Lázaro-Rodríguez, P. (2020). Covid-19, digital media, and Facebook: interactions, treatment, and content analysis based on keywords of news. *Prof. Inform.* 29:09. doi: 10.3145/epi.2020.jul.09
- Lázaro-Rodríguez, P., and Herrera-Viedma, E. (2020). News about Covid-19 and 2019-nCoV in the Spanish media: the role of digital media in times of confinement. *Prof. Inform.* 29:e290302. doi: 10.3145/epi.2020.may.02
- López-García, X., Negreira-Rey, M.-C., and Rodríguez-Vázquez, A.-I. (2016). Iberian hyperlocal cybermedia: the birth of a new proximity network. *Cuadernos* 39, 225–240. doi: 10.7764/cdi.39.966
- Maxwell, J. (2013). Qualitative research design: An interactive approach. Cham: SAGE.
- Méndez, S., and Nogueira, M. (2018). Journalistic production of novelty and news validity in Iberian cybermedia. *Estud. Sobre Mensaje Periodístico* 24, 1459–1471. doi: 10.5209/ESMP.62228
- Morales-Vargas, A., Pedraza-Jiménez, R., and Codina, L. (2022). Website quality in digital media: literature review on general evaluation methods and indicators and reliability attributes. *Rev. Lat. Comun. Soc.* 80, 39–60. doi: 10.4185/RLCS-2022-1515
- Negredo, S., and Kaufmann-Argueta, J. (2021). "Digital native news media audiences: competing among the big journalistic brands" in Digital native media in Spain. eds. R. Salaverria and P. Martínez-Costa (Comunicación Social), 123–141.
- Newman, N., Fletcher, R., Robertson, C. T., Eddy, K., and Nielsen, R. K. (2022). Reuters institute digital news report 2022. Reuters Institute for the Study of Journalism. Available at: https://reutersinstitute.politics.ox.ac.uk/sites/default/files/2022-06/Digital_News-Report_2022.pdf (Accessed October 11, 2022).
- O'Brien, D., and Wellbrock, C.-M. (2021). How the trick is done – conditions of success in entrepreneurial digital journalism. *Digit. Journal.* 12, 121–148. doi: 10.1080/21670811.2021.1987947
- Ostrom, A., Bitner, M. J., Brown, S., Burkhard, K., Goul, M., Smith-Daniels, V., et al. (2010). Moving forward and making a difference: research priorities for the science of service. *J. Serv. Res.* 13, 4–36. doi: 10.1177/1094670509357611
- Papadopoulou, L., and Maniou, T. A. (2021). 'Lockdown' on digital journalism? Mapping threats to press freedom during the COVID-19 pandemic crisis. *Digit. Journal.* 9, 1344–1366. doi: 10.1080/21670811.2021.1945472
- Pateman, C. (1970). Participation and democratic theory. Cambridge: Cambridge University Press.
- Perlado-Lamo-de-Espinosa, M., Papi-Gálvez, N., and Bergaz-Portolés, M. (2019). From media planner to media expert: the digital effect in advertising. *Comunicar* 27, 105–114. doi: 10.3916/C59-2019-10
- Pignard-Cheynel, N., and Amigo, L. (2023). (re)connecting with audiences. An overview of audience-inclusion initiatives in European French-speaking local news media. *Journalism* 24, 2612–2631. doi: 10.1177/14648849231173299
- Prahalad, C. K., and Ramaswamy, V. (2004). Co-creation experiences: the next practice in value creation. *J. Interact. Mark.* 18, 5–14. doi: 10.1002/dir.20015
- Quintas-Froufe, N., and González-Neira, A. (2014). Active audiences: social audience participation in television. *Comunicar* 22, 83–90. doi: 10.3916/C43-2014-08
- Rauchfleisch, A., Vogler, D., and Eisenegger, M. (2020). Transnational news sharing on social media: measuring and analysing twitter news media repertoires of domestic and foreign audience communities. *Digit. Journal.* 8, 1206–1230. doi: 10.1080/21670811.2020.1835511
- Rivas-de-Roca, R. (2022). Quality and business models in the middle of proximity. Study of cases in Germany Spain and Portugal. *Estudios Comun.* 34, 81–96. doi: 10.25768/1646-4979n34-07
- Salaverria, R. (2019). Digital journalism: 25 years of research. *Review* 28. doi: 10.3145/epi.2019.ene.01
- Sánchez-García, P., and Amoedo-Casais, A. (2021). "Native generalist and specialized digital media" in Native digital media in Spain. eds. R. Salaverria and P. Martínez-Costa (Comunicación Social Ediciones y Publicaciones), 55–70.
- Sixto-García, J., López-García, X., and Toural-Bran, C. (2020). Oportunidades para la cocreación de contenidos en los diarios nativos digitales. *Profesional de la Inform.* 29, e290426. doi: 10.3145/epi.2020.jul.26
- Sixto-García, J., Rodríguez-Vázquez, A. I., and López-García, X. (2021). Verification systems in digital native media and audience involvement in the fight against disinformation in the iberian model. *Rev. de Comunicación de la SEECI.* 54, 41–61. doi: 10.15198/seeci.2021.54.e738
- Sixto-García, J., Rodríguez-Vázquez, A. I., and Soengas-Pérez, X. (2022). Co-creation in North American and European digital native media: Web, social networks and offline spaces. *Rev. Lat. Comun. Soc.* 23, 1955–1974. doi: 10.1177/1464884920984698
- Steensen, S., Grøndahl, A. M., Benestad, Y., and Kjos, B. (2019). What Does Digital Journalism Studies Look Like? *Digit. Journal.* 7, 320–342. doi: 10.1080/21670811.2019.1581071
- Strasser, A. (2019). Design and evaluation of ranking-type Delphi studies using best-worst-scaling. *Tech. Anal. Strat. Manag.* 31, 492–501. doi: 10.1080/09537325.2018.1521956
- Suau, J., Masip, P., and Ruiz, C. (2019). Missing the big wave: citizens' discourses against the participatory formats adopted by news media. *Journal. Pract.* 13, 1316–1332. doi: 10.1080/17512786.2019.1591928
- Swart, J., Groot, T., Costera, I., and Broersma, M. (2022). Advancing a radical audience turn in journalism. Fundamental dilemmas for journalism studies. *Digital. Journalism* 10, 8–22. doi: 10.1080/21670811.2021.2024764
- Tan, L. P. (2023). Customer participation, positive electronic word-of-mouth intention and repurchase intention: the mediation effect of online brand community trust. *J. Mark. Commun.* 1–18. doi: 10.1080/13527266.2023.2177709
- Theocharis, Y., Boulianne, S., Koc-Michalska, K., and Bimber, B. (2023). Platform affordances and political participation: how social media reshape political engagement. *West Eur. Polit.* 46, 788–811. doi: 10.1080/01402382.2022.2087410
- Torres da Silva, M., Figueiras, R., Brites, M. J., and Pacheco, L. (2017). Audience and cross-media: study of news consumption patterns in Portugal. *Stud. Commun.* 25, 177–199. doi: 10.20287/ec.n25.v1.a11
- Toural, C., López, X., and Limia, M. (2015). Rethinking the classic values of journalism: the challenge of a tangled-up profession. In Proceedings of the Communications Presented at the XXI International Congress of the Spanish Society of Journalism (pp. 700–720).
- Vázquez-Herrero, J. (2021). "Reference digital native media" in Digital native media in Spain. eds. R. Salaverria and P. Martínez-Costa (Comunicación Social), 83–94.
- Waisbord, S. (2019). The 5Ws and 1H of digital journalism. *Digit. Journal.* 7, 351–358. doi: 10.1080/21670811.2018.1545592
- Wasko, J., and Mosco, V. (1992). Democratic Communications in the Information age: Garamond Press & Ablex.
- Wilner, T., Wallace, R., Lacasa-Mas, I., and Goldstein, E. (2022). The tragedy of errors: political ideology, perceived journalistic quality, and media trust. *Journal. Pract.* 16, 1673–1694. doi: 10.1080/17512786.2021.1873167
- Zamith, F. (2008). Online journalism: The potential of the internet in Portuguese news sites: Afrontamento.



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The COVID-19 pandemic and journalistic ethics: Spanish citizens' demand for external control of health communication in the media

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The disinformation that threatened media coverage in Spain during the COVID-19 pandemic was perceived as a serious threat by the population, which became a crucial ethical challenge for health information. This nationwide study is part of a global research project whose primary objective was to know and delve further into the behavior of citizens in the face of journalistic information related to COVID-19, to determine the channels used by audiences to learn about the pandemic and their personal informative interaction through social networks (Twitter, Facebook, Instagram). The field sample (June 2022) comprised 1,800 online surveys (carried out using the CAWI system) of persons aged 18 years and older residing in the country. Quotas were established by sex, age and Autonomous Community. The sampling error is ± 2.34 , with a confidence level of 95.5% and $p = q = 0.5$. The data collected were processed with the IBM SPSS Statistics 26 package. The results confirm a majority belief (values 4 + 5/5) that journalism pursues the truth (59.5%). They also show in adults the predominance of a high confidence in their ability to detect falsehoods, as opposed to the low self-perception confessed by young people. Inversely proportional is the verifying effort of these population groups. There is no homogeneous agreement that discrimination against vulnerable groups (obese people, smokers, the elderly, migrants) was encouraged despite the medium-high caliber of the assessment (3.35/5.00). The most notorious finding was to confirm the majority social demand (values 4 + 5/5 = 72.6%) to implement some external control on the professional collective that guarantees ethical adequacy and quality in the informative coverage of health issues, which suggests a system of journalistic co-regulation.

KEYWORDS

health communication, disinformation, media ethics, self-regulation, COVID-19, Spain

1 Health and information: a necessary connection of rights in the age of infodemics

1.1 Poor journalistic product harms health and weakens society

Over the last 5 years, 2020–2024, the world has endured a double and terrifying health pandemic (COVID-19) and an information pandemic (infodemic¹) (García-Marín, 2020; López-Pujalte and Nuño-Moral, 2020; Sánchez-Duarte and Magallón Rosa, 2020; Gallotti et al., 2020; Quian, 2023). Disinformation on COVID-19 (*disinfodemia*) created confusion about medical science, with an immediate impact on every person on the planet and on entire societies that was more toxic and lethal than disinformation on other subjects and is in direct opposition to verifiable and reliable information, proper to science and journalism (Posetti and Bontcheva, 2020). The reliability and accuracy of the contents of health information available on the Internet has long been a matter of concern (Eysenbach, 2002). It is understandable, therefore, that the combination of these threats should have aroused great concern in society and that society should have demanded the maximum protection from the Administrations, an action-reaction correspondence that is customary at times of serious crises of whatever nature (epidemics, terrorism, natural disasters, public insecurity...). Infodemic assumes that “a few facts, mixed with fear, speculation and rumor, amplified and relayed swiftly worldwide by modern information technologies, have affected national and international economies, politics and even security in ways that are utterly disproportionate with the root realities” (Rothkopf, 2003). It should be combated by facilitating an accurate translation of knowledge, strengthening verification processes, promoting health literacy and monitoring misinformation on social networks and web platforms (Eysenbach, 2020).

At the height of the health emergency, it is no exaggeration to say that the survival of the population literally depended on the quality and veracity of the information disseminated in the media. The fear of the undesirable consequences of misinformation was already on the agendas of all world leaders (Pomeranz and Schwid, 2021; Heiss et al., 2021) and alarm had already spread among the population due to the circulation of hoaxes, especially and notably through the dominant social networks such as Twitter (nowadays X), Facebook, WhatsApp, YouTube, Instagram or TikTok (Gisondi et al., 2022).

Therefore, guaranteeing to the maximum the excellence of the journalism offered by the media was a crucial commitment (Casero-Ripollés, 2020), especially when the population's trust in the news does not even reach 40% (Reuters Institute for the Study of Journalism, 2024). Ensuring and combining scientific truth and informative truth -the right to health with the right to information- was and continues to be an inescapable challenge in all spheres of any country (Vasconcellos-Silva and Castiel, 2020), following in the wake of the ethical recommendations that proliferated in the most critical moments of the pandemic (Mauri-Ríos et al., 2020).

Studies on a worldwide level show that audiences' faith in the media is based, above all, on transparency regarding how messages are prepared (72.0%) and on maintaining high ethical standards (69.0%) (Reuters Institute for the Study of Journalism, 2024). On the other hand, the need for a climate that enables and fosters an ethical environment in the news organization among those who make up the news organization (ownership, leadership, management, workers and audiences) in the current changing ecosystem of newsrooms (Council of Europe, 2015a) is not questioned (Luengo et al., 2017).

Health is the basic foundation for the recognition of the inherent dignity and inalienable rights of all members of the human family and the foundation of freedom, justice and peace in the world: “Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services,” states Article 25.1 of the Universal Declaration of Human Rights (United Nations, 1948). At the European level, the Charter of Fundamental Rights of the European Union states: “Everyone has the right of access to preventive health care and the right to benefit from medical treatment under the conditions established by national laws and practices. A high level of human health protection shall be ensured in the definition and implementation of all Union policies and activities” (art. 35) (European Union, 2009). The current Spanish Constitution, (1978) also proclaims the recognition of the right to health protection (art. 43).

In the field of information, similar prominent recognition is conferred: “Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers” (art. 19) (United Nations, 1948). This right is a foundation of democratic Europe (art. 11.1) (European Parliament, 2009). In the case of Spain, it is enshrined in Article 20 (Spanish Constitution, 1978).

We are therefore faced with the confluence and interrelation of two fundamental rights that must be administered and preserved with the greatest possible stringency and responsibility. Consequently, the simultaneous concern of governments, media companies, the professional group of journalists and the public was to correctly articulate this inescapable purpose of protecting public health, while protecting freedom of expression and the right to information, and to consolidate the obligation to investigate reality and report it honestly (Valenti et al., 2023). The disinformation generated, as a main effect, an increase in distrust toward the media and politicians among Spanish citizens (Casero-Ripollés et al., 2023).

1.2 Increasing the study of ethics in health communication is a priority

Certainly, analyses that have been carried out on the link between journalistic coverage and the COVID-19 pandemic are numerous and exhaustive on a global scale. The correlations of thematic keywords in health journalism research converge preferentially on terms such as “journalism,” “covid-19,” “social media,” “content analysis,” “science journalism,” “health communication” and “ethics,” but the latter at a secondary level (Feng, 2024). The number of research studies and the dissemination of their respective results has grown exponentially in recent years. However, in the case of Spain, although relevant, studies

¹ An excessive amount of information makes it difficult for people to find reliable sources and trustworthy guidance when they need it.

dealing with the specific approach from journalistic deontology are infrequent, whatever aspect they deal with, be it journalistic self-regulation and deontological codes (Mauri-Ríos et al., 2020; Díaz-Campo et al., 2021), manipulation and social networks (Catalán-Matamoras, 2020), television (Rosique and Crisóstomo, 2022), photojournalism (Maciá-Barber, 2020) or consumption habits (Bernal-Triviño, 2020). Even less work exists in relation to the specific health information disseminated by the media in that country: case studies and bibliometrics (Peñafiel-Saiz et al., 2020), crisis communication (Costa-Sánchez and López-García, 2020; Elías, 2020), specialized journalism (Velásquez, 2023), the danger of alternative sources (Elías and Catalán-Matamoras, 2020), the relevance of the contribution of institutional, scientific and health information sources by Spanish verification platforms (Newtral, Maldita and VerificaEFE) (Sanahuja-Sanahuja and López-Rabadán, 2022) or the consumption of information during the COVID-19 pandemic (Quian et al., 2023).

2 Method

2.1 Objectives

The main objective of this research was to examine in depth how Spanish citizens behaved in the face of the news related to the COVID-19 pandemic and to ascertain their perception of the ethics of the media coverage to which they were exposed on a daily basis: their personal assessments (positive/negative/neutral), their evaluation of the quality of the information (veracity) and their demands in this regard to increase and strengthen it (regulation, control).

This global purpose was subdivided into a battery of research questions that would make it possible to accurately capture, through closed questions (Q), the perspectives of the interviewees on the work of information professionals (mission of journalism, conception of quality, dysfunctions detected); their self-perception of their level of media literacy (discernment of the truth, proactive information contrast); their perception of possible abuses (discrimination against vulnerable groups); and, finally, their individual position on the surveillance and intervention of news organizations and messages in the field of the health system and individuals' wellbeing (external control, self-regulation, co-regulation).

Simultaneously, two hypotheses were established to be validated or refuted. The first, that media coverage during the COVID-19 pandemic in Spain generated or increased stigma and discrimination against disadvantaged social groups, such as obese people, the elderly, migrants or smokers. The second conjecture, in response to this harmful treatment, is that society demanded control and supervision to verify the quality of the health content disseminated by the media as a whole.

2.2 Research questions (RQ) and hypotheses (H)

In relation to the information provided by the people interviewed ($n = 1,800$) we sought to:

RQ1. Determine their opinion on the main mission of journalism ("Journalism aims to seek the truth and make it public").

RQ2. Establish the degree of personal self-perception about their level of media literacy ("It is easy for me to identify news or information about the COVID-19 pandemic that distorts reality or is even false").

RQ3. Determine the level of social concern about misinformation about the COVID-19 pandemic ("The existence of news or information about the COVID-19 pandemic that distorts reality is a problem for our country").

RQ4. Know the personal habit of contrasting and verifying informative messages related to COVID-19 ("When faced with news or information that generates doubts in my mind, I turn to web portals, online resources or computer verification tools to contrast information about COVID-19 (Maldita.es, Newtral, VerificaEfe, Verifica RTVE, First Draft News, Latam Chequea, Salud sin bulos...)").

RQ5. Map citizens' assessment of the ethical assumptions present or absent during the media coverage of COVID-19 in Spain ("During the pandemic, journalists have covered COVID-19 following the ethical principles of truthfulness and impartiality").

RQ6. Discover their estimation on whether media coverage during the pandemic generated or increased discrimination against certain social groups ("Media coverage during the COVID-19 pandemic has generated or increased stigma and discrimination against certain groups (obese people, the elderly, migrants, smokers)").

RQ7. Determine the profile of those who favor a tighter control of health information and external regulation for the practice of journalism ("It is desirable that there should be external control over journalistic work to monitor the quality of the content disseminated by the media on health issues").

The research proposed two correlated hypotheses: (H1) the feeling of the Spanish population was that the Spanish media coverage during the COVID-19 pandemic generated or increased the stigma and discrimination against certain social groups (obese people, the elderly, migrants, smokers) and, therefore, society considers it advisable that there should be some external control over journalistic work aimed at supervising the quality of the content disseminated by the media on health issues (H2).

2.3 Field sample

To verify or refute both conjectures, a nationwide sample was designed by means of 1,800 online surveys (using the CAWI system) carried out on persons over 18 years of age residing in Spain. Quotas were established by sex, age and autonomous community. The fieldwork was carried out from June 6 to 22, 2022. The sampling error is ± 2.34 with a confidence level of 95.5% and $p = q = 0.5$. Weighting was applied to adjust the population data by autonomous communities, sex and age. Used the Likert scale (1-not at all in agreement; 5-totally agree). The quality control of the work complied with the ISO 20252 standard and the CCI/ESOMAR Code of Conduct. The absolute anonymity of the respondents' answers has been guaranteed, and they are used only in the preparation of statistical tables. This technique was chosen for its speed, improved quality of response and lower cost.

The population of Spain at the date of the research fieldwork (the second quarter of 2022, April 1) was 47,609,145 people (Spanish Statistical Office, 2023), with a gender distribution of 49.03% male and 50.97% female. To ensure the reliability of the data, the sample was adjusted as much as possible to the consistency of these percentages

(49.40 and 50.60%, respectively). Seven ranges were estimated to be representative of social age segmentation: 18–24 (11.1%), 25–34 (16.3%), 35–44 (21.7%), 45–54 (20.4%), 55–64 (15.5%), 65–74 (10.7%) and over 74 (4.3%). The mean age of the participants was 45.58 years. The basic features of the profiles of the respondents are detailed (Figure 1) according to their geographical area of residence, educational background and ideological affiliation:

3 Results

With respect to determining the respondents' feelings about the main mission of journalism (RQ1), 59.5% of the answers (values 4–5, out of 5) showed substantial agreement with the idea that journalism pursues the ideal of seeking the truth and disseminating it to society. For 25.9%, this mission would not be so clear to them. Some 14.7% disagreed with this supposed institutional mission. These overall assessments offer interesting features. The analysis of the values of variable Q16 (“The objective of journalism is to seek the truth and make it public”) shows significant correlations with other variables, such as age ($r = 0.122$). Belief in this function manifests itself inversely: it is lower among young people (around 50%, between 18 and 44 years of age) and increases with age (around 2–3, after 45 years of age). The indices and proportion of values show a very similar curve when compared with the evaluation of the ethicality of COVID-19 coverage ($r = 0.591$) in accordance with the ethical principles of truthfulness and impartiality: the frequency of the maximum value (5/5) decreased 13 points, the same proportion in which the low-intermediate rating (2–3/5) increased. It is worth noting that the defense of the desirability of external supervisory control of health information ($r = 0.087$) in the face of an estimated stigmatization of certain groups ($r = -0.070$) is reflected in the age indicators.

The second inquiry (RQ2) sought to establish the degree of personal self-perception on the level of media literacy (Q21. “It is easy for me to identify news or information about the COVID-19 pandemic that distorts reality or is even false”). The mean score was on a medium-high scale: 3.57 ($\sigma = 0.963$). The percentage of the population recognizing severe difficulty in discovering misinformation was at low values (1 = 2.5%; 2 = 9.2%). The majority were in the medium-high range (3 = 34.2%; 4 = 36.8%), with 17.2% convinced of their full capacity to detect manipulation and lies in COVID-19 information messages. The age correlation, although low, is significant (-0.066): the 55 and older age group declares confidence in its abilities (predominance of 5/5); between 25 and 54, this conviction decreases (4/5), while the youth sector expresses its doubts clearly (3/5).

In correspondence with the previous variable, it was useful to know the personal habit of contrast and verification of informative messages related to COVID-19 of the respondents (RQ3) (Q22. “When faced with news or information that generates doubts in me, I turn to web portals, online resources or computer verification tools to contrast information on COVID-19”). The responses scale up to a mean indicator of 3.45/5.00 ($\sigma = 1.212$) with a low significant correlation ($r = -0.118$). The fit between self-perception and personal effort to verify information is remarkable. The higher the belief of being an easy target of misinformation, the lower the effort to resolve this weakness among young people; this is not the case with adults (over 45 years of age) (Table 1). Deviations are observed only at the extremes: adults who are aware of their fragility reinforce vigilance ($M = \Delta 5.3\%$) and increase

their habit notably as their age rises; on the contrary, those who exhibit full security in this group tend to lower their guard palpably ($M = \nabla 8.1\%$).

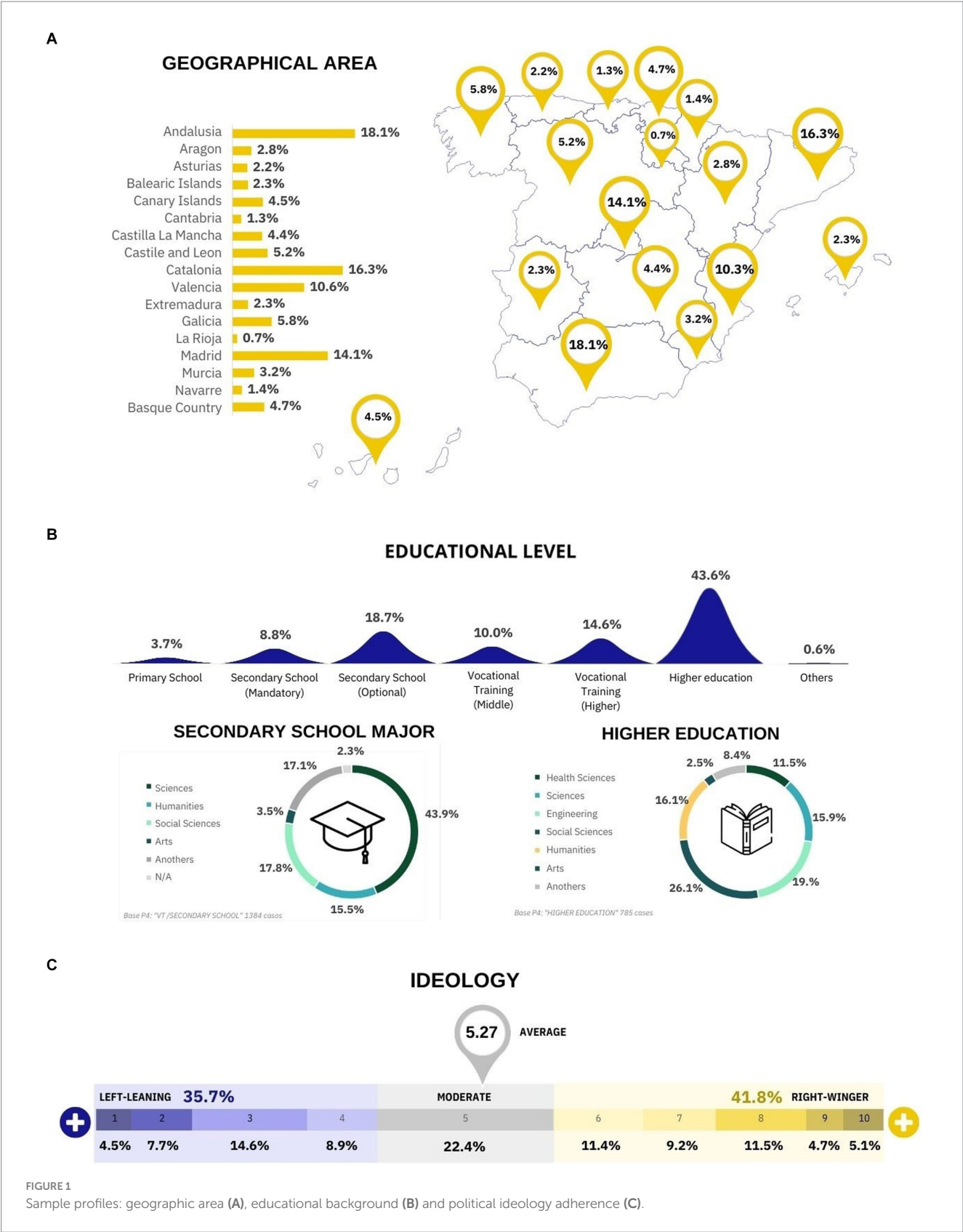
The level of social concern in Spain regarding misinformation about the COVID-19 pandemic was undoubtedly high 41.0% (value 5) and 35.9% (value 4) (RQ4) (Q23. “The existence of news or information about the COVID-19 pandemic that distorts reality is a problem for our country”). This unease is perceptible among those who followed the news very closely ($r = 0.135$) and is clearly linked to the perception that the news coverage generated or enhanced discrimination against certain vulnerable groups ($r = 0.220$) and, above all, points to the desirability and desire for external control in health information ($r = 0.318$). The profiles of uneasy respondents are not integrated in a pattern linked to age, gender, place of residence, educational level and ideology.

The mapping of citizen assessment of the ethical assumptions present or absent during media coverage of COVID-19 in Spain (RQ5) (Q18. “During the pandemic, journalists have covered COVID-19 following the ethical principles of truthfulness and impartiality”) shows a clear disaggregation. One of the questions in which the lowest degree of agreement was detected among the respondents was the evaluation of the ethical quality of the journalistic work disseminated. The percentage of people who were satisfied (ratings of 4–5) represented 44.4%, while 33.0% considered it mediocre (3) and 22.6% openly criticized it (1–2). Judgment appears strongly linked to three factors: eagerness to obtain information ($r = 0.301$), endeavoring to verify ($r = 0.276$), and a solid belief in the mission of journalism in the pursuit of truth ($r = 0.591$). The remaining variables have little or practically no impact, including ideology, with comparable response rates (left: 46.4%, right: 47.7%). The level of academic training or the branch of studies offer very similar results. Nevertheless, some specific data should be highlighted. For example, the majority approving judgment in the 25–34-year-old segment, located at 51.1%, compared to the disapproval of those over 74 years of age, with a minimum of 37.8% affirmative.

Finally, the profile of those who favor stricter control of health information and external regulation of the practice of journalism (RQ7) was investigated (Q19. “It is desirable that there be external control over journalistic work to supervise the quality of the content disseminated by the media on health issues”). The mean points to a majority agreement in favor of external control ($M = 3.96/5.00$).

The data reflecting the feelings of respondents who favor greater information control (values 4–5) do not reflect the existence of a specific citizen profile (Figure 2). Thus, there is no imbalance in the gender variable (percentages 70.3 and 73.6%), nor in age (figures that meet in the age ranges between 70 and 75%, approximately). Regarding the geographical areas of residence, the values are similar. In the main information nuclei, –by population, by information consumption and by being poles which group together the headquarters of information companies– they range between 70.3% in the Valencian Community and 75.3% in Andalusia. In the rest of the country as a whole it reaches 70.5%. Political identification does not show any disparity either, between the left (73.4%), the center (70.7%) and the right (71.5%). In the same way, proximity can be seen in the values related to educational level: basic education (76.4%), intermediate studies (72.4%) and university graduates (70.4%).

However, there are two averages that deviate significantly, in opposite directions: people over 74 years of age (65.1%) and young people between 25 and 34 years of age (82.0%). Another striking feature



is detected in the average level of education between science (67.2%) and the arts (77.6%). This ten-point gap is halved at the university level.

There is a parallelism between the people most exposed to social networks (both in number and hours of consumption) with the audience that resorted to alternative sources to traditional media (legacy media) to learn about the COVID-19 pandemic (for example, programs such as Cuarto Milenio, Milenio Live, La Estirpe de los Libres...). These people: (a) consider disinformation to be a serious problem; (b) have a high

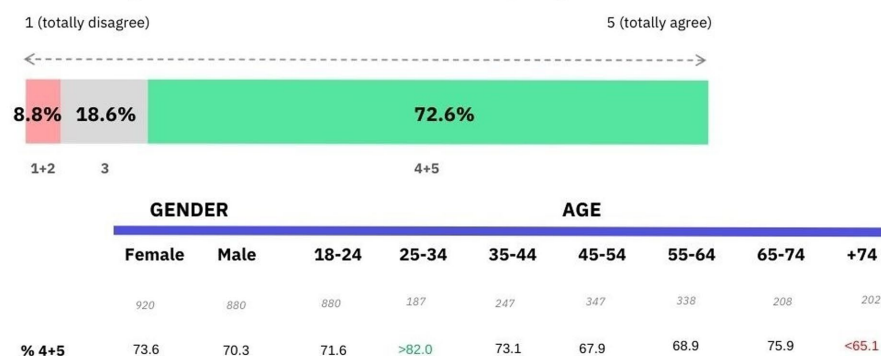
TABLE 1 Self-perception of media literacy (RQ2) and verification habit during the COVID-19 pandemic (RQ3), by age (percentage).

Value	18–24 yrs		25–34 yrs		35–44 yrs		45–54 yrs		55–64 yrs		65–74 yrs		+74 yrs		M	M
	RQ2	RQ3	RQ2	RQ3	RQ2	RQ3	RQ2	RQ3	RQ2	RQ3	RQ2	RQ3	RQ2	RQ3	RQ2	RQ3
1	6.5	5.0	5.1	4.8	7.7	8.7	6.2	11.7	6.1	12.2	5.7	17.6	3.9	18.2	5.9	11.3
2	13.5	17.0	10.9	7.2	8.2	8.7	9.8	12.5	5.0	8.2	6.2	8.8	7.7	14.3	8.8	10.9
3	34.0	25.0	29.0	20.8	27.9	24.3	21.7	24.4	24.0	26.2	23.8	26.3	22.1	28.6	26.1	25.1
4	27.0	32.0	33.4	41.3	33.6	37.4	35.7	34.8	29.4	35.1	29.0	25.5	31.2	24.6	31.3	32.9
5	19.0	21.0	21.6	25.9	22.6	20.9	26.6	16.6	35.5	18.3	35.3	21.8	35.1	14.3	27.9	19.8

The data highlighted in bold indicates the highest percentage value in each of the sequences.

CITIZEN DESIRE FOR INFORMATION REGULATION

External control of the work of journalists is desirable to monitor the quality of health-related media content



Significant difference in relation to the total > Higher than the total < Lower than the total

FIGURE 2

Citizens demand for external regulation of health information (Spain, 2022).

perception of their personal capacity to discern manipulations; (c) their proactivity in informative contrast is low; and (d) support greater external control and supervision of journalistic work. The range of media being offered, whether on television or via the Internet, traditionally included in themes of mystery and esotericism, was estimated for its notable audience impact during the pandemic and for its eminent monographic character around COVID-19 between February and June 2020. It allowed for the exposure to official or expert sources and the monitoring of interpretative versions or stories to be situated face to face, if not in confrontation, at least in a complementary or critical way.

Regarding the hypotheses to be confirmed or refuted, the estimation on whether media coverage during the pandemic generated or increased discrimination against certain social groups (RQ6) (H1) (Q20. “Media coverage during the COVID-19 pandemic has generated or increased the stigma and discrimination against certain groups (obese people, the elderly, migrants, smokers)”) yields descriptive figures similar to those of other fields ($M = 3.35/5.00$ and $\sigma = 1.170$). Assent is established in mean figures with an upward trend (3 = 29.5%; 4 = 31.8%). The correlation (r) is seen at a weak level, in similar figures and in variables such as age (-0.110), the degree of self-defense against misinformation and the verification effort (in both, 0.168), the demand for external control (0.212) and the perception of the problem posed by pandemic falsehoods (0.220). The figures on whether society

considers it advisable to have external control over journalistic work (H2) are conclusive, as previously indicated.

Consequently, both hypotheses are confirmed, although the results obtained suggest that the overall descriptive statistics of the estimates are close - the increase in discrimination ($M = 3.35/5.00$) and the desirability of control ($M = 3.96/5.00$) - and there is sufficient correlation ($r = 0.212$).

4 Conclusions and discussion

Most of the Spanish population (59.5%) is convinced that journalism seeks the truth in order to disseminate it to society. However, a significant percentage (25.9%) remains uncertain in this regard. Among citizens, there is a polarization with respect to their perception to detect and discover disinformation, since most of them confess doubts about their real ability to perceive falsehoods in the media and social networks ($M = 3.57/5.00$), a recognition that is more common among young people than among adults, with a high level of self-perception. Young people, aware of the risk, tend to verify; on the contrary, those over 45 years of age especially are fully confident of their ability to detect misinformation and neglect verification. In this sense, this study contributes to provide field data that contribute to delve deeper into the study of the “nobody-fools-me perception”

concept, a cognitive bias consisting of overconfidence in one's own ability to detect disinformation, associated with the belief that one is more immune to false content than almost everyone else," previously studied in focus groups (Martínez-Costa et al., 2022).

From the beginning of the pandemic, the crucial role of the media in providing reliable information to facilitate the understanding of the reality and to collaborate in the demand for transparency and accountability of those in power was detected (Kleis et al., 2020). But this zeal in the search for truth was not followed unanimously by the citizenry, nor accepted without opposition. The first mention in the respondents' answers when asked about their information channels, 9.2% pointed to family and friends they followed through social networks as sources, and 4.8% pointed to other alternative sources (programs broadcast on television or over the internet), linked to a proposal related to the esoteric, with the presence of characters close to conspiracy theories. The profiles were focused on a 25–44 age group (7.2% or more), ideologically leaning to the right (5.9% vs. 3.5% left and 4.9% center) and reluctant to be vaccinated to a greater extent than the average (>9.1%). This dual disjunctive sector considers disinformation to be a serious problem; they have a high perception of their personal capacity to decipher manipulations; their proactivity in contrasting information is low; and they support greater external control and supervision of journalistic work.

Although the predominant feeling was to applaud the quality of coverage (44.4%), the majority showed dissatisfaction to varying degrees. In fact, although it was not a forceful position, there was dissatisfaction with the negative consequences for groups that are susceptible to being victims of discrimination by attributing to them responsibility for the spread of the pandemic, such as obese people, smokers, and migrants. Beyond constituting a population at risk, there is no evidence that their participation was the cause of the spread of the virus, but their direct or indirect stigmatization by their representation in the media exists (Flint, 2020). Previous studies have revealed a clear duality in relation to this informative disorder in the Spanish press during the pandemic (Camacho Markina et al., 2023): in the contents that focus on obesity, the framing of individual responsibility prevails, which attributes the cause of obesity to the person who suffers from it, spreading the idea that being overweight is a personal choice. On the contrary, in those messages focused on COVID-19, the collective responsibility frame predominates. Future studies should be designed to corroborate whether journalistic coverage in the field of health reproduces identical patterns in other human groups (smokers, drinkers, gambling addicts, etc.). And, since it is essential to have a specialized vision and interpretation, it is proposed to follow the path that leads to the integration of specialists in newsrooms that deal with environmental and health news coverage (One Health²), a majority feeling in Spain and Portugal (García-Avilés et al., 2023).

Perhaps the least consistent outcome, according to the results, is the evaluation of the ethicality of journalistic work in the coverage of COVID-19. The disagreement is significant. The results do not unequivocally confirm that the perception of an increase in discriminatory treatment of vulnerable groups (H1) derives from the violation of the principles of journalistic ethics, the knowledge of which

on the part of the audience is not contrasted. The study was not aimed at determining the degree of citizen knowledge on aspects related to media literacy, a limitation of the study to be taken into account. The main interest consisted in estimating the subjective perception of the population regarding the quality of the work carried out by journalism professionals. In Spain, there is no educational program on the media in primary and compulsory secondary education, so the degree of media literacy is deficient, as attested by teachers (Cucarella and Fuster, 2022). The adult population suffers from the same deficiency. We highlight the need for media literacy as a weapon to educate citizens and fight disinformation: the key is to have a citizenry that understands the importance of obtaining quality information from reliable sources, that is capable of identifying potentially false content and that values the truth (Sádaba and Salaverría, 2023). There is consensus on the need to empower society, regardless of political ideologies (Correyero-Ruiz and Baladrón-Pazos, 2023), as can be seen in the fact that the European Parliament has long urged the inclusion of media literacy as an integral part of education at all levels (European Parliament, 2008).

On the contrary, it is striking to note the clear majority feeling of the public regarding the desirability of establishing some form of external control to ensure the quality of health care coverage in the media. This would confirm the second hypothesis proposed (H2), although there is uncertainty as to whether the only cause is the perception of discriminatory information treatment as postulated (H1). It is possible that the crisis context derived from the pandemic caused a certain exacerbation in the face of the scarce or erroneous information circulating in networks and the media. Perhaps this demand responds to the specific fear and concern that plagued society. Three years after the crisis, the population relegated 10 years from now this concern of information problems, disinformation, false news and hoaxes without a margin of doubt (1.7%); the first was wars (33.6%) (Centro de Investigaciones Sociológicas, 2023).

There are no absolute rights. Some restrictions on freedoms are aimed precisely at ensuring that certain rights are not violated in favor of others. A fair and reasonable balance is sought. The study did not specifically inquire into regulatory systems (external control, co-regulation), a feature to be considered. It was felt that the public lacks sufficient knowledge of the industry and the profession to give value to possible unfounded answers. Hence, the reflection on regulatory measures is exploratory in this case. Previous studies have shown that the Spanish population has a balanced commitment to mechanisms to combat disinformation, considering legislation to be a reliable formula (Casero-Ripollés et al., 2023).

We live in an ever-changing information environment that seeks a sustainable business model both economically and ethically. As Carratalá (2022) points out, the attempts at regulation carried out in recent years in various European countries show that legislating or establishing control tools over a digital reality that is constantly changing, and whose new disinformation strategies are unknown or impossible to foresee, poses continuous difficulties and, on the other hand, opens the door to the restriction of fundamental rights such as freedom of expression or privacy (Seijas, 2020). It could be interpreted that this citizen request was aimed at possible co-regulation, if not on a global scale, perhaps in certain sensitive thematic areas that affect fundamental rights, such as health information. This middle way between legislators (direct regulatory authorities) and media self-regulation is a possibility that has been explored and debated, and which is defended by professional unions (Yanel, 2023) and demanded

² One Health is an integrating and unifying approach that aims to balance and optimize the health of people, animals and ecosystems in a sustainable way, according to the World Health Organization.

by consumer associations (Perales, 2023). Even though there is currently no network that supports this option in Spain, there are previous experiences such as the Code of Regulation for the quality of audiovisual content (2009), of the now defunct Audiovisual Council of Navarra (COAN) (2001–2011). The main challenge is to overcome the deep-rooted suspicion that regulatory bodies are not free and independent from political and governmental powers, or that they escape commercial pressures, a belief that prevails in Spain: 61.0% compared to 46.0% in the EU28 as a whole (European Commission, 2016). The other challenge is how to structure the sanctioning institution in a country where the profession of journalism is not regulated by law and where there is no obligation to belong to a professional association to perform this decisive task.

The debate on the possible implementation of co-regulatory systems in the field of journalism is a long-standing one (Marsden, 2004). And, from the outset, an unresolved issue is addressed: the existence of a commonly accepted concept for this mixture of internal and external control: “This term is particularly ambiguous. The concept is not clearly defined and does not refer to any one particular regulatory model. “Co-regulation” is normally used as a generic term for co-operative forms of regulation that are designed to achieve public authority objectives. It contains elements of self-regulation as well as of traditional public authority regulation” (Closs and Nikoltchev, 2003: 4). This option is presented as a possible, desirable, but autonomous complementary regulatory alternative (Council of Europe, 2015b: paragraph 12). The main threat derives from the difficulty of reaching agreements on the matter by the governments of the States, given the current political polarization; and, even more, of those with the media, especially because the basic mission of journalism is the criticism and control of political power. Moreover, the media are often disunited due to the virulent business competition, especially among the large media groups.

The results of this study cannot simply be extended to other countries. Legislative systems vary significantly despite the legislative umbrella of the European Union, which covers most of the continent’s nations. Added to this is the diverse structure and diversity of media systems (concentrated, to a greater or lesser extent; more regional or local, etc.). It is also necessary to consider the nuances that make up the various journalistic cultures that mark the ways in which journalism is understood and practiced (Hallin and Mancini, 2012). Finally, to verify this possibility and extrapolate it would require reproducing the study in other national populations, but with the bias that the social and informative context experienced during the post-pandemic period no longer exists.

However, an opportunity to set up co-regulatory bodies lies in the higher interest of protecting the most vulnerable social groups (minors, migrants, the elderly...), which can facilitate global agreements between the democratic powers -Executive, Legislative, Judiciary- and the collective of information companies. Of course, an agreement in the field of health information would be of interest in Spain, as in any other nation, being a priority issue because it affects the entire population and because of how harmful disinformation in this area is.

Addressing the coregulation in depth, from an interdisciplinary approach, extending it to other controversial areas of information (gender, migration, ageism, minors, racism...) that require a scrupulous deontological treatment, constitutes a future priority line of research.

Data availability statement

The raw data supporting the conclusions of this article will be made available by the authors, without undue reservation.

Ethics statement

The studies involving humans were approved by Ethics Committee of the Carlos III University of Madrid. The studies were conducted in accordance with the local legislation and institutional requirements. The participants provided their written informed consent to participate in this study. Written informed consent was obtained from the individual(s) for the publication of any potentially identifiable images or data included in this article.

Author contributions

CM-B: Conceptualization, Data curation, Formal analysis, Funding acquisition, Investigation, Methodology, Supervision, Validation, Writing – original draft, Writing – review & editing, Visualization.

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The author declares that the research was conducted in the absence of any commercial or financial relationships that could be construed as a potential conflict of interest.

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The author(s) declare that no Generative AI was used in the creation of this manuscript.

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References

- Bernal-Triviño, A. (2020). Habits and feelings regarding Covid-19 news coverage during lockdown in Spain. *Tripodos*. 49, 169–183. doi: 10.51698/tripodos.2020.49p169-183
- Camacho Markina, I., Goikoetxea Bilbao, U., and y Marauri Castillo, I. (2023). Social stigmatization in the news coverage of obesity in the Spanish press during the pandemic. *Rev. Lat. Comun. Social*. 81, 250–274. doi: 10.4185/RLCS-2023-1895
- Carratalá, A. (2022). En busca de grietas en la estructura mediática de la desinformación. *Rev. Int. Comun. Desarro*. 4:17. doi: 10.15304/ricd.4.17.8787
- Casero-Ripollés, A. (2020). Impact of Covid-19 on the media system. Communicative and democratic consequences of news consumption during the outbreak. *Prof. Inform*. 29:e290223. doi: 10.3145/epi.2020.mar.23
- Casero-Ripollés, A., Doménech-Fabregat, H., and Alonso-Muñoz, L. (2023). Percepciones de la ciudadanía española ante la desinformación en tiempos de la Covid-19. *Icono* 21:21. doi: 10.7195/rii4.v21i1.1988
- Catalán-Matamoros, D. (2020). La comunicación sobre la pandemia del COVID-19 en la era digital: manipulación informativa, fake news y redes sociales. *Rev. Esp. Comun. Salud*. 5:8. doi: 10.20318/recs.2020.5531
- Centro de Investigaciones Sociológicas (2023). Encuesta sobre tendencias sociales (III). Available at: <https://www.cis.es/documents/d/cis/es3424mar-pdf>
- Closs, W., and Nikoltchev, S. (2003). IRIS special: Co-regulation of the Media in Europe. Strasbourg: European Audiovisual Observatory.
- Correyero-Ruiz, B., and Baladrón-Pazos, A. J. (2023). Capítulo 7. Antídotos contra la epidemia desinformativa. Hacia un estado de la cuestión en la lucha contra la desinformación en España. *Espejo de Monografías de Comunicación Social*. 10, 127–144. doi: 10.52495/c7.emcs.10.p96
- Costa-Sánchez, C., and López-García, X. (2020). Comunicación y crisis del coronavirus en España. Primeras lecciones. *Prof. Inform*. 29:e290304. doi: 10.3145/epi.2020.may.04
- Council of Europe (2015a). Parliamentary Assembly. Resolution 2066. Media responsibility and ethics in a changing media environment. Available at: <https://assembly.coe.int/nw/xml/XRef/Xref-XML2HTML-en.asp?fileid=21960&lang=en> [Accessed November 11, 2024]
- Council of Europe (2015b). Parliamentary Assembly. Recommendation 2075. Media responsibility and ethics in a changing media environment. Available at: <https://assembly.coe.int/nw/xml/XRef/Xref-XML2HTML-en.asp?fileid=21961&lang=en> [Accessed October 02, 2024]
- Cucarella, L., and Fuster, P. (2022). Informe sobre alfabetización mediática: contexto actual, legislación, casos de éxito, herramientas y recursos, y percepción y propuestas de especialistas y profesores. Fundación Luca de Tena: Laboratorio de Periodismo.
- Díaz-Campo, J., Gómez-García, S., Segado-Boj, F., and Remacha-González, L. (2021). Ética periodística y Covid-19: análisis de contenido de los códigos deontológicos. *Interface: Comunicação, Saúde, Educação*. 25:e200716. doi: 10.1590/Interface.200716
- Elías, C. (2020). Expertos/as científicos/as y comunicación gubernamental en la era de las fake news. Análisis de la estrategia informativa del Covid-19 en España. *Prisma social*. 31, 6–39.
- Elías, C., and Catalán-Matamoros, D. (2020). Coronavirus in Spain: fear of 'official' fake news boosts WhatsApp and alternative sources. *Media Commun*. 8, 462–466. doi: 10.17645/mac.v8i2.3217
- European Commission (2016). Media pluralism and democracy. Available at: <https://europea.eu/eurobarometer/surveys/detail/2119> [Accessed September 29, 2024]
- European Parliament (2008). Media literacy in a digital world. European Parliament resolution of 16 December 2008 on media literacy in a digital world (2008/2129(INI)). Available at: <https://op.europa.eu/en/publication-detail/-/publication/aa25676b-a98c-4f30-b813-698fa076d035/language-en> [Accessed October 02, 2024]
- European Parliament (2009). Charter of fundamental Rights of the European Union. Available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:12012P/TXT> [Accessed September 17, 2024]
- European Union. (2009). Charter of Fundamental Rights of the European Union. Available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:12012P/TXT> (Accessed September 17, 2024).
- Eysenbach, G. (2002). Infodemiology: the epidemiology of (mis)information. *Am. J. Med*. 113, 763–765. doi: 10.1016/s0002-9343(02)01473-0
- Eysenbach, G. (2020). How to fight an infodemic: the four pillars of infodemic management. *J. Med. Internet Res*. 22:e21820. doi: 10.2196/21820
- Feng, S. (2024). Health journalism: a bibliometric analysis of research themes and future directions. *Front. Commun. Sec. Health Commun*. 9:1400753. doi: 10.3389/fcomm.2024.1400753
- Flint, S. W. (2020). Stigmatizing media portrayal of obesity during the coronavirus (COVID-19). *Pandemic Front. Psychol*. 11:2124. doi: 10.3389/fpsyg.2020.02124
- Gallotti, R., Valle, F., Castaldo, N., Sacco, P., and De-Domenico, M. (2020). Assessing the risks of 'infodemics' in response to Covid-19 epidemics. *Nat. Hum. Behav*. 4, 1285–1293. doi: 10.1038/s41562-020-00994-6
- García-Avilés, J. A., Arias, F., De Lara, A., Paisana, M., Carvajal, M., Foá, C., et al. (2023). Analysis of trends and innovations in the media ecosystem in Spain and Portugal (2025–2030). *Pamplona: IBERIFIER*. doi: 10.15581/026.006
- García-Marín, D. (2020). Infodemia global. Desórdenes informativos, narrativas fake y fact-checking en la crisis de la Covid-19. *Prof. Inform*. 29:4. doi: 10.3145/epi.2020.jul.11
- Gisondi, M. A., Chambers, D., La, T. M., Ryan, A., Shankar, A., Xue, A., et al. (2022). A Stanford conference on social media, ethics, and COVID-19 misinformation (INFODEMIC): qualitative thematic analysis. *J. Med. Internet Res*. 24:e35707. doi: 10.2196/35707
- Hallin, D. C., and Mancini, P. (2012). Comparing media systems. Three models of media and politics. Cambridge: Cambridge University Press.
- Heiss, R., Waser, M., Falkenbach, M., and Eberl, J.M. (2021). How have governments and public health agencies responded to misinformation during the COVID-19 pandemic in Europe? European Observatory on Health Systems and Policies. Available at: <https://eurohealthobservatory.who.int/monitors/hsrc/analyses/hsrc/how-have-governments-and-public-health-agencies-responded-to-misinformation-during-the-covid-19-pandemic-in-europe>
- Kleis, R., Fletcher, R., Newman, N., Scott, J., and Howard, P.N. (2020). Navigating the 'infodemic': how people in six countries access and rate news and information about coronavirus. Available at: <https://reutersinstitute.politics.ox.ac.uk/infodemic-how-people-six-countries-access-and-rate-news-and-information-about-coronavirus#sum9>
- López-Pujalte, C., and Nuño-Moral, M. V. (2020). La "infodemia" en la crisis del coronavirus: Análisis de desinformaciones en España y Latinoamérica. *Rev. Esp. Doc. Cient*. 43:e274. doi: 10.3989/redc.2020.3.1807
- Luengo, M., Maciá-Barber, C., and Requejo-Alemán, J. L. (2017). Evaluating organisational ethics in Spanish news media. *Journalism*, 18, 1142–1162. doi: 10.1177/1464884916643682
- Maciá-Barber, C. (2020). COVID-19 en portada: radiografía ética de la cobertura fotográfica de la pandemia en España. *Rev. Esp. Comun. Salud*. 42:58. doi: 10.20318/recs.2020.5435
- Marsden, C. T. (2004). "Co- and self-regulation in European media and internet sectors: the results of Oxford University's study www.selfregulation.info" In The media freedom internet cookbook. eds. C. Möller and A. Amoroux (Vienna: Organization for Security and Co-operation in Europe), 76–100.
- Martínez-Costa, M. P., López-Pan, F., Buslón, N., and Salaverría, R. (2022). Nobody-fools-me perception: influence of age and education on overconfidence about spotting disinformation. *Journal. Pract*. 17, 2084–2102. doi: 10.1080/17512786.2022.2135128
- Mauri-Ríos, M., Ramon-Vegas, X., and Rodríguez-Martínez, R. (2020). Media coverage of the Covid-19 crisis: recommendations and proposals for self-regulation. *Prof. Inform*. 29:e290622. doi: 10.3145/epi.2020.nov.22
- Peñafiel-Saiz, C., Ronco-López, M., and Castañeda-Zumeta, A. (2020). Ecología comunicativa en tiempos del coronavirus SARS-CoV-2. Del momentum catastrófico al virtus veritas. *Rev. Esp. Comun. Salud*. 328:338. doi: 10.20318/recs.2020.5466
- Perales, A. (2023). "La correulación, ¿amenaza u oportunidad para el periodismo? La desinformación como ejemplo" in Autorregulación de la comunicación social. eds. H. Aznar and M. T. Mercado (Madrid: Tecnos), 195–208.
- Pomeranz, J. L., and Schwid, A. R. (2021). Governmental actions to address COVID-19 misinformation. *J Public Health Pol*. 42, 201–210. doi: 10.1057/s41271-020-00270-x
- Posetti, J., and Bontcheva, K. (2020). Disinfodemic: deciphering COVID-19 disinformation. UNESCO Policy brief 400. Available at: <https://unesdoc.unesco.org/ark:/48223/pf0000374416>

- Quian, A. (2023). (Dis)infodemic: lessons from the COVID-19 crisis. *Revista de Ciencias de la Comunicación e Información*, 28, 1–23. doi: 10.35742/rcci.2023.28.e274
- Quian, A., Elías, C., and Soengas-Pérez, X. (2023). Consumption of information and citizen's perception of the sources consulted during the Covid-19 pandemic: a study of the situation based on opinion polls. *Prof. Inform.* 32:4. doi: 10.3145/epi.2023.jul.13
- Reuters Institute for the Study of Journalism (2024). Digital News Report. 2024. Available at: <https://reutersinstitute.politics.ox.ac.uk/digital-news-report/2024>
- Rosique, G., and Crisóstomo, P. A. (2022). Analysis of COVID-19 news coverage by television Espanola (TVE1). *Commun. Soc.* 35, 17–28. doi: 10.15581/003.35.1.17-28
- Rothkopf, D.J. (2003). 'When the buzz bites Back', Washington Post, 11 may, B01.
- Sádaba, C., and Salaverría, R. (2023). Tackling disinformation with media literacy: analysis of trends in the European Union. *Rev. Lat. Comun. Social.* 81, 17–33. doi: 10.4185/RLCS-2023-1552
- Sanahuja-Sanahuja, R., and López-Rabadán, P. (2022). La gestión de fuentes como criterio de Calidad en el periodismo de verificación. Uso y tendencias en la cobertura de la COVID-19 en España. *Hipertext.Net.* 24, 9–22. doi: 10.31009/hipertext.net.2022.i24.02
- Sánchez-Duarte, J. M., and Magallón Rosa, R. (2020). Infodemia y COVID-19. Evolución y viralización de informaciones falsas en España. *Rev. Esp. Comun. Salud.* Sup1, 31–41. doi: 10.20318/recs.2020.5417
- Seijas, R. (2020). Las soluciones europeas a la desinformación y su riesgo de impacto en los derechos fundamentales. IDP: Revista de Internet. *Derecho y Política.* 31, 1–14. doi: 10.7238/idp.v0i31.3205
- Spanish Constitution (1978). Boletín Oficial del Estado, 311, de 29/12/1978. Available at: https://www.congreso.es/constitucion/ficheros/c78/cons_ingl.pdf
- Spanish Statistical Office (2023). Available at: https://www.ine.es/dyngs/INEbase/es/categoria.htm?c=Estadistica_P&cid=1254734710984
- United Nations (1948). Universal Declaration of Human Rights. Available at: <https://www.un.org/sites/un2.un.org/files/2021/03/udhr.pdf>
- Valenti, A., Mirabile, M., Cannone, E., Boccuni, F., Dionisi, P., Fortuna, G., et al. (2023). The impact of COVID-19 pandemics on the development of health risk communication: challenges and opportunities. *Int. J. Env. Res. Pub. He.* 20:1. doi: 10.3390/ijerph20010645
- Vasconcellos-Silva, P. R., and Castiel, L. D. (2020). COVID-19, fake news, and the sleep of communicative reason producing monsters: the narrative of risks and the risks of narratives. *Cad. Saude Publica* 36:7. doi: 10.1590/0102-311X00101920
- Velásquez, C. M. (2023). El miedo como insumo mediático: El periodismo y la comunicación de calidad durante la covid-19. *Comunicación y Hombre.* 19, 141–155. doi: 10.32466/eufv-cyh.2023.19.771.141-155
- Yanel, A. (2023). "La corregulación como garantía del derecho a la información de la ciudadanía" in *Autorregulación de la comunicación social*. eds. H. Aznar and M.T. Mercado (Madrid: Tecnos), 125–137.

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