



© 2019 The Author/s

This is an open access article distributed under the CC-BY 3.0 License.

Peer review method: Double-Blind

Date of acceptance: August 05, 2019

Date of publication: September 20, 2019

Review article

UDC 316.776.3(497.7)

Scan the QR code:



THE JOURNALISM BETWEEN POLITICAL INSTRUMENTALIZATION AND TECHNOLOGICAL INNOVATION

Iskra Koroveshovska

Faculty of Law "Justinian Prvi" - Skopje, North Macedonia

[korovesovska\[at\]yahoo.com](mailto:korovesovska[at]yahoo.com)

Abstract: *Democracy begins and ends with the media – according to this worldly recognized sentence, every ordinary Balkan could estimate the democratic perspective of its own country. That is why the effect of the new media (social networks), deserves continuous scientific and research attention, also done in this paper basically through comparative and statistic methods, with specific analysis of the Macedonian case. The media revolution produced largely positive changes in everyday life. But negative effects could not be abstracted: Internet - populism, loss of confidence in the media, fake news and hate speech. Perhaps the first solution that comes to mind is law regulation. But knowing that clear basal of the network services is freedom of speech and expression, any attempt of regulation (objectively or not) is legitimately considered censorship. This paper attempts to answer the question: is it possible journalism to fight fake news through a direct media battle?*

Keywords: *Journalism; Network Society; Power of Social Media; Regulation; Censorship*



INTRODUCTION

Marshall McLuhan, the Canadian sociologist speaks about networking 54 years ago, when he analyzes the narrowing of differences between men and the media (McLuhan 1964, 3). Even then, started a dilemma: whether the information galaxy will destroy Gutenberg's, also known as the "era of the press" (Bozovic 2015). Meanwhile, Spanish sociologist Manuel Castells (2004), in his attempts to describe and define network, sticking up to its power as a central element, says: "Networks are self-recombining, complex communication structures, which at the same time enable unity of purpose with the flexibility of their work, through the capacity to adapt the environment in which they operate" (Castells 2004, 3). To the question of why networks are the most efficient type of organization, the answer is in three basic characteristics: flexibility, adaptability and the power of survival, that is, the power to keep alive. The last characteristic comes from the fact that today exists on the material basis of the so-called 'informationalism', same as once when the basis of capitalism was industrialism. Today, three social media outlets or network services, are most popular: Facebook, YouTube and Instagram, and the most accurate rating measurements are made by the specialized web content marketing and information service on social networks: "Dreamgrow" (2017). Frequently, per year, this service provides the most accurate ranking of the 15 most popular and most sustainable social networks services, that remain resistant to change and extreme information development. For illustration, since March 2017, when Facebook had 1.94 billion users, that number started rising up in 60 million-plus per month, so in June 2017 reached up to 2.01 billion users. Growth continues, with more than 20 million additional users per month. At the moment when this paper is written the number of users is probably around 2.5 billion people. The power of social media is estimated by measuring parameters, partly transformed into facts, almost constant, with a minimum of variability, important as basis for planning and implementing campaigns by the organizers of economic and political agendas. Results show that: over 2.6 billion people actively use social media; average, internet users have 5.4 accounts on social media; 76 percent of women use social networking services, men 4 percent less - 72; 35 percent of marriages between 2005 and 2012 started online; with over 2 billion users, Facebook is the world's biggest country; 91 percent of retailers use 2 or more social media channels; the average consumer in US spends 40 minutes a day on Facebook; from 2015, Facebook has (annual) influenced on almost 60 percent of online buyers; every month, YouTube has a total of 3.25 billion hours of watched videos; more than half of YouTube's reviews are made via mobile devices; of total 3 billion accounts - Twitter profiles, only 320 million are active; over 80 million photos are uploaded to Instagram every day; pizza is the most photographed food on Instagram, second and third place hold sushi and pasta; 96 percent of US fashion brands have adopted Instagram; people aged 55 to 64 years are more likely to stay on websites with branded content than those aged 28 or younger.

THE NETWORK SOCIETY AND THE EUROPEAN TYPE OF JOURNALISM

Media are a companion to human evolution since the very beginnings of organizing and setting up communication codes, but, at this moment, we witness and live in a so-called network media organization system. How did this happen? Above all, when Internet was born, followed up the transfer of traditional media - from analog to digital, so, the necessary bridges between old and new channels of communication were set. The next phase, again enabled by the Internet, has led to interaction among all media, whether digital or analog. According to the communications expert and co-author of Castels, Gustavo Cardoso, in his famous paper "Network Society: From Knowledge to Politics", sets two main networks that modern media system is based on: first, the transmission sector - distribution networks, such as the postal, telecommunication and internet sectors, as well as the advertising sector; and the second one, the hardware sector, which is based on production and distribution of communication equipment (video cameras, stereo systems, cassettes) (Cardoso 2006, 25). Both networks communicate with each other using various communication and information technologies. The basis of their interconnectivity is the Internet and television because of their technological options for enabling interaction.

In a technological and practical sense, Cardoso gives a precise explanation of how the media connection and the system in the network society function. But more importantly, what are the implications of journalism? The impact is strongly evident, for example, the so-called source of information reduces. This means that the number of journalists who - even after reading the status on Facebook or Twitter, are still trying to find the real source and still confirm the information published by a particular person - is getting smaller. This immediately entails two negative implications. One is that the truth of the information is under question since the Facebook profile could be fake, and also journalist, in the race to be "the first to publish" (measured according to the new speed of media reporting in the digital age) will not check the information. Such repeated mistakes, two or three times, will likely lead to a loss of public confidence in the journalists and the media. Second negative implication is the slowly fading of fight among journalists in various media for competitiveness at the media market, simply because exclusivity could never be a status on Facebook or Twitter, where the entire network audience could see and read it.

Even when social networks appeared, the loudest critics warned that they destroy the quality of face-to-face communication in every sense, not just the purely friendly one. Namely, even briefings are reduced to communication through social networks, which can never be an appropriate substitute for immediate communication - above all, from a technical point of view, because the Internet can be very easily interrupted, and therefore, communication cannot continue. But, of course, from a sociological or psychological point of view, in the exchange of information through networks, it is impossible to evaluate the

personal impression of the interlocutor whether the other is telling the truth or not. Such changes, as assumed in the 90s, resulted in decrease of privacy and total control from above. In the following years, these views were replaced by utopian views that new media will significantly increase the quality of life and communication. But today, the debates continue, and the new online scene, including issues as social ecology, new economy and new era of prosperity, freedom and online democracy – are still 'on stage', and can't be easily cut off (Van Dijk 1991, 92).

The networks also provide overproduction of news and information and in the race, with time the journalistic principle of timeliness gets another dimension, so the news content becomes secondary. This is just another confirmation of the essence of McLuhan's theory: the medium is the message (McLuhan 1967). Practically, journalism is losing its active role and becomes reactive. Simply put: social networks have led to less and less initiating topics by journalists, or investigative journalism. The pressures of daily dose information and time limits have done their own. This makes the credibility of the journalists questionable.

Although the last, but no less important, is the finance factor. The published information on the Internet and its express sharing on social networks, in order to reach and be read by as many people as possible, brings financial benefits to the media. The more 'clicks', the more ads for more profits in the end. Namely, those who advertise on TV or in printed editions do not buy a number of seconds or of pages, but rather accurately calculated 'clicks' /readability, which reflects the demographic and market segmentation of the media audience (Ordanoski, Ismail, Stankovski, Ajdini and Janevska-Deleva 2012, 28). This entails redistribution of the marketing assets of the companies - sponsorship from the traditional to the online media, which practically means lowering the earnings of the first. Another consequence of online journalism is that it does not take much money to practice. This leads to hyperproduction of information portals that consequently produces quantity (media pluralism), which is a kind of good side of today. But the quality of information undoubtedly falls in terms of explicitness, clarity and precision, provenance, objectivity, and most importantly - truthfulness.

If we analyze the Republic of Macedonia¹, according to the modeling of Halin and Mancini (Hallin and Mancini 2004, 26-44), it is closest to pluralist parallelism. Concerning the intervention of the state in media politics, that is, party-political influence and control, it's good to note that it grows even more with the emergence of online journalism. The power centers get more opportunities to impose their interests and reach even larger audience thanks to social media. Especially since they know that almost 40% of the Macedonian population spends 1-hour reading political news online (Nacev 2016, 49).

¹ In this article the name Macedonia or the Republic of Macedonia, is used for the country whose current name is the Republic of North Macedonia.

In legislative and political terms, it is difficult to create general media rules at European level. Especially not because national legislations constitutional arrangements are different in each country, based on the cultural, socio-economic development, that seems to be similar in many countries, but not in the others. The legal and political principles are based on a different understanding of privacy, language protection, role of the civil society, or social dynamics that emerge from the mobility of the population. Therefore, Terzis concludes: "Media governance in Europe is never static, but constantly pushes the media rules and regulations between exclusive government domains to others, such as market and civil society, and from (the level of) national government policies towards local, regional, multinational and international" (Terzis 2008, 3).

Rules and Standards in the Republic of Macedonia

Macedonia is striving to follow European standards, although formally and legally this does not imply proper implementation, therefore, it is important to answer what the European standards are based on and where the Macedonian media policy is positioned. When it comes to legal instrumentation, the European Convention on Human Rights is naturally imposed, and has also been ratified by the state and infiltrated in the Macedonian legislation - in the Constitution.

The regulation of the media does not mean only legal acts and articles that prevent something, but, above all, the most important is the legally established freedom of expression. Defined in Article 10, paragraph 1 of the European Convention, freedom of expression comprises three components: freedom of thinking, freedom of reception and freedom of information (ECHR). This particularly applies to journalistic rights and freedoms of reasoning, request, obtaining information on issues of public interest, right to sources and anonymous sources, right to publish and comment in articles dedicated to public issues, right to protect the materials, but above all, right to be safe and live (since journalism is known as the third most risky profession in the world).

The framework that the Convention (signed in Rome, 1950) foresees over the decades has been expanded with several protocols and resolutions in order to respond to the needs of modern and dynamic communication. Otherwise, Article 1 does not restrict the states to introduce their own legal order and regime regarding the issuing of licenses for work of the electronic media. Already in Article 2 of the Convention are the circumstances when one state may interfere - legitimately, in exercising freedom of expression.

In essence, media freedom is strongly emphasized in European institutions and in the practice of the Human Rights Court in Strasbourg, but equally important is the prevention of conflicts between diversities. Perhaps national court practices, especially in the countries of Southeastern Europe, cannot boast with high degree of prominent protection of dignity, still,

the Court of Strasbourg in its practice doesn't miss to emphasize that "the essence of the Convention is the respect of human dignity and freedom" (McGonagle 2009, 18). It is important to know that the Court has established and firmly stands behind its principle that in certain democratic societies it is necessary to punish, and "prevent all forms of expression that spread, encourage and promote hate speech" (Gündüz v. Turkey, 2003). It should be noted that Article 10 of the Convention should not be observed and applied in isolation but in correlation with other freedoms and rights within the Convention itself, such as education, linguistic rights, and freedom of religion. The Council of Europe particularly insists on balancing between two potentially conflicting rights - freedom of expression and religion (Zankova 2009, 23).

Particularly important are many acts of the Council of Europe regarding the protection of human dignity in modern, technologically highest media systems - such as online journalism and social media. Among the first are Declaration on European Policy for New Information Technologies from 1999 and the 2003 Recommendation on Measures to Promote the Democratic and Social Contribution of Digital Broadcasting (Recommendation (2003) on measures to promote the democratic and social contribution of digital broadcasting).

The Council specifically distinguished the importance and role of public broadcasters as linkers between diversity, regardless of religious, ethnic, political or other affiliation. Therefore, the 2007th Recommendation of the Committee of Ministers on measures to promote the public service value of the Internet was adopted. (Recommendation (2007) 16 of the Committee of Ministers on measures to promote the public service value of the Internet). More specifically, the Council of Europe emphasizes the importance of social media in protecting and respecting human rights and promoting democracy, cohesion and integration, in two other significant documents adopted in 2007: the Declaration on the Protection of the Role of Media in Democracy in the context of media concentration (Declaration on protecting the role of the media in democracy in the context of media concentration (31 January 2007) and the Recommendation on Media Pluralism and the Diversity of Media Content (Recommendation CM/Rec (2007) 2 on media pluralism and diversity of media content). In a separate declaration of so-called community, media are included social media as complements of public and commercial broadcasters, whose primary role should be the realization of a common good for the community (Declaration on the role of community media in promoting social cohesion and intercultural dialogue).

Censorship

Regarding the Macedonian legal framework, Article 16 of the Constitution provides for the provisions of Article 10 of the Convention and guarantees the freedom of expression and information, while censorship is prohibited. In our country, speech is mostly correlated with racism or xenophobia, with discrimination on various issues (religious, ethnic, political, racial, etc.). Sanction is based on Article 319 of the Criminal Law of the Republic of Macedonia, that says: "The one who by coercion, harassment, endangering safety, exhibiting a mockery of national, ethnic or religious symbols, damaging foreign objects, desecrating monuments, graves or through another way will cause or inflame national, racial or religious hatred, strife or intolerance, shall be punished with imprisonment of one to five years". Slightly below in the same law is Article 417, prohibiting racial discrimination, as well as imposing (by spreading information and ideas) the superiority of one race over another. The penalty for this violation is from 6 months to 3 years of prison.

The information-computer part of the action, modern media, is mentioned in Article 394 of this law and prohibits the dissemination of images and written content that promotes and supports discrimination and hatred on various bases.

After the decriminalization of defamation in 2012, the Law on Civil Liability for the offenses of defamation was adopted, that means, if responsibility for these two acts is established, and punishment is a compensation for the damage². In the Law on Broadcasting Activity, respect for human rights in program schemes is stipulated in Article 68³, Article 69 explicitly prohibits the broadcasting of hate speech and its incitement by broadcasters (for example, programs that encourage the demolition of the constitutional order or stimulate military aggressions), and Article 89 refers to the protection of human dignity in advertising and teleshopping.

The direct prevention and protection against discrimination was defined in a special law in 2001, and is the first attempt of the Republic of Macedonia to law regulation and establishing protection mechanisms. Most often pointed out article, when it comes to establishing media violation, is the seventh⁴. It says:

Harassment and degrading treatment constitute a violation of the dignity of a person or a group of persons, arising out of a discriminatory basis and which has the purpose or effect of violating the dignity of a person or creating a threatening, hostile, humiliating or frightening environment, approach or practice.

²Law on Broadcasting Activity (Official Journal of RM 100/05 of 21.11.2005).

³Law on Civil Liability for Insult and Defamation (Official Journal of RM142 / 12 of 13.11.2012).

⁴Law on Prevention and Protection against Discrimination (Official Journal of RM 50/10).

In the Macedonian legislation, regarding the risks of media publishing, one should not forget the Law on Personal Data Protection that covers certain segments of the sphere of respect of rights and differences. Same as the Codex of Journalists of the Republic of Macedonia - even though it's just a rulebook that does not have a strong binding role, the journalists should know and respect it, they are calling on it, unlike the above regulations⁵. In Article 10 it says: "The journalist will not consciously create or process information that endangers human rights or freedoms, will not speak with the language of hatred and will not incite violence and discrimination on any bases (national, religious, racial, gender, social, linguistic, sexual orientation, political" and already in the next article, the journalist is supposed to stick to the social standards for respecting diversity. For violation of the Code, journalists respond to the Court of Honor of the Association of Journalists.

From all of the above, we can conclude that the Republic of Macedonia has an appropriate legal framework for normal, free functioning of the media. The problem is the implementation of these acts. As far as concerning the social media, which are not directly covered by the mentioned law solutions (which continues to be a subject of debate), maximum should be made for them to apply the same rules as for traditional media - especially in court proceedings.

CONCLUSION


The guaranteed freedom of speech, combined with campaigns of supremacy and legally unregulated online media space - are the main factors that 'push' the alarm button, to rescue this media space before it is too late. Lately, the situation is getting worrying, particularly when the alarm calls for regulation of the online-news come from the journalists and the editors themselves. In contrary to this, world standards and practices accepted international conventions, as well as numerous debates, point out the opposite: that the regulation of online media content is impossible and unnecessary, and 'gets into' the protected zone of freedom of expression. Therefore, it is enough to be responsible for applying the existing laws that refer to traditional media. But still in the Republic of Macedonia, it is insufficient.

A self-regulation is an editorial form maybe succeeds in the high-democratic countries and hence the standards recommended in our country. But how effective is it? Media in our country, instead of being evaluated according to the degree of objectivity that follows the events and in the direction of realizing the public interest to publish quality, checked and objective media products with high professional and ethical standards, it seems more they

⁵ The Code of Journalists of the Republic of Macedonia, Available at: http://www.znm.org.mk/index.php?option=com_content&view=article&id=47&Itemid=62&lang=mk.

are valued according to who is the first to publish, in terms of technical opportunity to distribute information. So, in order to have a real perception, we should first make the basic distinction between media content and citizen information (citizen journalism), especially on social networks and blogs, "also websites that are presented as a media, but do not satisfy even minimum standards" (Richliev 2017, 1).

How to stimulate self-regulation? How journalism can fight the negative effects of the impact of network society? First of all, through adequate education. Introduction of a special theoretical and practical subject for studying and analyzing the effect of the network society influence on communication and life in general in the educational process is more than necessary. In time of fake news (some even life-threatening) is important the media space, precisely its abuse (in which the key role play social networks) to be put under regulation that applies to traditional media. At the moment, when additional regulation (besides the existing) is treated as censorship, one of the conclusions offered by this paper is definitely self-regulation. But only by setting it on principle bases, such as it's done in Slovenia. Within the framework of self-regulation, there is an information ombudsman in the media, which is an independent body that protects the rights of the audience to be adequately informed but also encourages journalists to respect the ethical and professional code. When it comes to regulatory bodies, Macedonia needs an appropriate regulatory body that will evaluate the respect of the ethical codes. The code text needs to be expanded and upgraded with new media. For example, in Slovenia there is a so-called website for reporting hate speech and child abuse, named "Spletnooko" (www.spletno-oko.si), coordinated an organization within the University of Ljubljana, in which, apart from online media, also take part members from Supreme Public Prosecutor's Office, the police, and other organizations for protection of children's rights. It functions on the principle of rapid registration of hate speech and also the express processing of cases to the police and the prosecution.

In the end, in the battle against fake news there are 2 weapons: journalistic professionalism and institutional transparency. So, specifically, the anonymity of the source of information should be for the public only, but the journalist should have strong evidence of what he publishes. At the same time, it is necessary to provide greater transparency and speed in answering journalist questions by state institutions. Any hiding and delaying is just a motivation plus in the creation and spread of fake news. Hence, it is necessary to make changes to the Law on Access to Public Information to stimulate verifiability and investigative journalism versus fast and cheap sensational news. In the fight against the false news of social media, the best shield is the truth-insisted, searched and presented by all factors in society, not just by journalists. 

REFERENCES

1. Bozovic, Ratko. (20.oktobar 2015) "Dali drustvene mreze ubijaju klasicne medije", Adriadaily. Access sed June 2019: <https://www.adriadaily.com/kolumne/da-li-drustvene-mreze-ubijaju-klasicne-medije/>
2. Castells, M. (2004) "Informationalism, Networks, and the Network Society: A Theoretical Blueprint", in Castells M. (ed.), *The Network Society: A Cross-cultural Perspective*, Northampton, MA: Edward Elgar: Northampton
3. Castells, M. (2004) "Informationalism, Networks, and the Network Society: A Theoretical Blueprint", in Castells M. (ed.), *The Network Society: A Cross-cultural Perspective*, Northampton, MA: Edward Elgar: Northampton
4. Cardoso, Gustavo (2006) *The Media in the Network Society: Browsing, News, Filters and Citizenship*, CIES – Centre for Research and Studies in Sociology: Lisboa, Portugal.
5. Code of Journalists of Macedonia. Access sed July
6. 2019: http://www.znm.org.mk/index.php?option=com_content&view=article&id=47&Itemid=62&lang=mk
7. Dreamgrow.(2017) "Top 15 most popular social networking sites", www.dreamgrow.com. Access sed June 2019:<https://www.dreamgrow.com/top-15-most-popular-social-networking-sites/>
8. ECHR (European Convention on Human Rights). European Court of Human Rights. Council of Europe F-67075 Strasbourg cedex,www.echr.coe.int. Access sed July 2019: https://www.echr.coe.int/Documents/Convention_MKD.pdf
9. European Convention on Transfrontier Television. Access sed July 2019: <http://conventions.coe.int/Treaty/en/Treaties/Html/132.htm>
10. Hallin, Daniel. Mancini, Paolo. (2004) *Comparing Media Systems: Three Models of Media and Politics*, Cambridge University Press: Cambridge.
11. Hulin, A. Stone, M. (2013) "A Guide to Self-Regulation of OSCE Online Media", Vienna. Access hundred sed 2019: <https://www.osce.org/mk/fom/316166?download=true>
12. McLuhan, Marshall. (1964) *Understanding Media: The Extensions of Man*, McGraw-Hill: New York.
13. McLuhan, M., and Fiore, Q. (1967) *The medium is the massage: An inventory of effects*, CA: GingkoPress: Berkeley.
14. McGonagle, T. (2009) 'Free expression and respect for others', in *Living Together: a handbook on Council of Europe standards on media's contribution to social cohesion, intercultural dialogue, understanding, tolerance and democratic participation*, Yasha Lange, (Ed.), Strasbourg: Council of Europe. Access sed June 2019: http://www.coe.int/t/dghl/standardsetting/media/Doc/livingtogether_en.pdf

15. Nacev, Martin. (2016) *New forms of political communication in social media and networks during the election campaign*, Stip: Goce Delcev University.
16. Ordanoski, S. Ismail, J. Stankovski, D., Ajdini, G., JanevskaDeleva, A. (2012) *Development of Media Ownership Structure in the Republic of Macedonia: Captive Democracy, Transparency Macedonia*: Skopje.
17. Recommendation (2003) on measures to promote the democratic and social contribution of digital broadcasting. Access sed June 2019:
http://www.ebu.ch/CMSimages/en/leg_ref_coe_r2003_9_digital_broadcasting_280503_tcm6-5032.pdf
18. Recommendation(2007) 16 of the Committee of Ministers on measures to promote the public service value of the Internet. Access sed June 2019:
<https://wcd.coe.int/wcd/ViewDoc.jsp?id=1207291> (Access sed March 2018)
19. Recommendation CM/Rec(2007)2 on media pluralism and diversity of media content. Access sed June 2019: <https://wcd.coe.int/wcd/ViewDoc.jsp?id=1089699>
20. Richliev, Zoran. (November 2017) *Recommendations for Increasing the Integrity and Professionalism of the Online Media*, Western Balkans Regional Platform for Advocating Media Freedom and Journalistic Security, Association of Journalists of Macedonia: Skopje.
21. Terzis, G. (2008) *EuropeanMediaGovernance*, The Brussels Dimension, Bristol: Intellect Books, The University of Chicago Press: Chicago.
22. VanDijk, T. A. (1991) *Racism and the Press*, Routledge: London.
23. Zankova, B. (2009) „Dialogue, Understanding and Social Cohesion“, in *Living Together: a handbook on Council of Europe standards on media’s contribution to social cohesion, intercultural dialogue, understanding, tolerance and democratic participation*, (online) YashaLange, (Ed.), Strasbourg: CouncilofEurope, www.coe.int
Access sed July 2019: http://www.coe.int/t/dghl/standardsetting/media/Doc/livingtogether_en.pdf (Accessed April, 2018)
24. Law on Amending the Criminal Code, Official Journal of the Republic of Macedonia, no. 142 of 13.11.2012, Access at: <http://www.pravo.org.mk/documentDetail.php?id=233>
25. Law on Civil Liability for Insult and Defamation, Official Journal of the Republic of Macedonia, No.142 of 13.11.2012, Access sed July 2019:
<http://www.pravo.org.mk/documentDetail.php?id=6426>
26. Law on Broadcasting Activity, Official Journal of the Republic of Macedonia, no. 100 of 21 November 2005, Access sed July 2019: <https://www.pravdiko.mk/wp-content/uploads/2013/11/Zakon-za-radiodifuznata-dejnost-21-11-2005.pdf>
27. Law on Prevention and Protection against Discrimination, Official Journal of the Republic of Macedonia, no. 50 of 2010, Access sed July 2019:
<http://www.pravo.org.mk/documentDetail.php?id=4846>