

CONSTRUCTION OF TRUTH IN THE CONTEXT OF EU DIGITAL SERVICES ACT AND DISINFORMATION REGULATION: A COMPARATIVE ANALYSIS

*AB Dijital Hizmetler Yasası ve Dezenformasyon
Düzenlemesi Denkleminde Gerçeğin İnşası:
Karşılaştırmalı Bir Analiz*

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Abstract

Within the new media system, there is an increasing tendency towards internet-based content through social networking sites and digital platforms. There is a rapid change in the fundamental relationship between the accounts of users representing the network society and data security. Supervisory mechanisms are being developed to solve data security scandals, election manipulations, prevention of cybercrime and violence, processing of user data and problems arising in digital services, especially in the field of privacy. The European Union and its affiliated commissions have recently introduced new legal regulations to control the field of artificial intelligence, while activating practices such as the Digital Contract, Social Media Regulation and Disinformation Law in order to mutually protect

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the boundaries of the connection between the end user and the platform providing social networking services at the legal level. This study analyzes the legal control of the internet media through comparative examples from the EU, the USA and Turkey in order to control online content and the necessity of control through content analysis.

Keywords: EU, Digital Dictatorship, Disinformation, Manufacturing Consent, Content Analysis.

Öz

Yeni medya sisteminde sosyal ağ siteleri ve dijital platformlar üzerinden internet tabanlı içeriklere yönelim artış göstermektedir. Ağ toplumunu temsil eden kullanıcıların hesapları ile veri güvenliği arasında temel ilişkilerde hızlı değişim yaşanmaktadır. Özellikle mahremiyet konusunda yaşanan veri güvenliği skandalları, seçim manipülasyonları, siber suç ve şiddetin önlenmesi, kullanıcı verilerinin işlenmesi ile dijital hizmetlerde ortaya çıkan sorunların çözümü için denetleyici mekanizmalar geliştirilmektedir. Avrupa Birliği ve bağlı komisyonlar, son dönemde yapay zeka alanının da denetlenmesi adına yeni yasal düzenlemelere yönelirken son kullanıcı ile sosyal ağ hizmeti sağlayan platform arasındaki bağlantının sınırlarının yasal düzeyde karşılıklı korunabilmesi için Dijital Sözleşme, Sosyal Medya Düzenlemesi ve Dezenformasyon Yasası gibi uygulamaları aktif hale getirmektedir. Bu çalışma çevrimiçi içeriklerin kontrolü ve denetimin zorunluluğu adına AB, ABD ve Türkiye üzerinden internet mecrasının yasal denetimini karşılaştırmalı örnekler üzerinden içerik analiziyle çözümlemektedir.

Anahtar Kelimeler: AB, Dijital Diktatörlük, Dezenformasyon, Rıza Üretimi, İçerik Analizi.

INTRODUCTION

In the postmodern era, individuals, known as “users,” particularly in the virtual realm, influence societal values regarding truth and honesty. The digital landscape, characterized by concepts like the “content” and “network” society, shapes narratives within social networks, representing diverse identities. Ownership and ethical concerns arise as content undergoes constant transformation in the interactive digital sphere. The influence of digital narratives on truth is evident, impacting ideological, sociological, psychological, and economic realms. Immersive experiences in virtual environments transform users' phenomenological perceptions, blurring the distinction between reality and simulation.

Virtual citizenship in the digital world prompts discussions on user influence, including susceptibility to content, blurring truth and lies, and ethical considerations. Despite diverse content, shared experiences foster common beliefs and actions. Structural transformations in virtual identities contribute to the emergence of a network society. Privacy concerns arise in the dynamic, multi-variable internet landscape, necessitating protective mechanisms. Efforts to protect individuals' digital presence amidst dominant content industry stakeholders aim to mitigate risks of misinformation, fake news, and propaganda. Regulation is essential to prevent falsities from overshadowing the truth and to safeguard data privacy. Regulations governing user conduct can foster a culture of honesty and responsible interaction on social media platforms.

I. LITERATURE REVIEW

21st century, builds its media system on interactive structures in which the internet-based and individual-oriented network society feature is intensively used, the boundaries of different identities and ideological systems are protected. In addition to meeting the virtual needs of individuals, the media

can provide center-environment interaction, which is an important indicator of socio-cultural change, through applications based in cyberspace. The media can create the values of the demonstration society by creating digital opinions at the point of content and content purchase, and it can also create the intersection point of the network society through accounts connected to each other through social networking sites. Marshall McLuhan's thesis that the media can control and shape the forms and scale of actions of human communities implies a subtle critique of the changing relationship between media and individuals in relation to their perceptions of reality and morality.¹ This view can also draw attention to the existence of weaknesses in the issues of indoctrination and guidance of a person whose views and values are not firm.

The ideologies of digital dictatorship and managing the masses in order to create domination and consent through symbolic means in the virtual world are being expressed in virtual media under the control of the state or global governments and corporations. The transformation of the truth into a fictional structure based on the written history thesis, not the experienced one, makes the question of 'what is the climate of thought after the truth?' important. Post-Truth discourse appears as a view that defines the dimension of reality or truth.

After the 21st century media reality, this defines the post-truth space, reflecting a form of communication in which subjective beliefs and emotional appeals have more influence on public opinion than objective facts.² In other words, "Objective truths/facts are less influential than emotions and personal convictions/beliefs in determining public opinion on a particular

¹ Marshall McLuhan, *Understanding Media: The Extensions of Man*, (London and New York: Routledge Classics, 2011), 9.

² Oxford Dictionaries, "Post-Truth", 19 July 2024.
<https://languages.oup.com/word-of-the-year/2016/>

issue”.³ Steve Tesich first coined the term in his 1992 article “A Government of Lies” for The Nation magazine, using it to address the growing social conflict around information and trustworthiness. Criticizing the tendency of the American society to accept political propaganda as fact, Tesich argues that during the Gulf War, the American public accepted the information provided by the government without question and believed the propaganda rather than the truth. This led the author to introduce the concept of “post-truth”. The author wanted to show how vulnerable modern societies are to information pollution and manipulation. At the same time, he warned about the weakening of people's critical thinking skills and their declining interest in the truth. While the term gained wider recognition with the publication of Ralph Keyes' book, *The Post-Truth Era*, in 2004, it wasn't until the mid-2010s that it entered mainstream discourse and gained significant global attention.

Since the basic conflict between reality and lies has been created by content in the form of facts imposed through the internet, especially in recent years, it has begun to settle in the mind in the form of indirect infiltrations on an unconscious level. According to Debord; “In the postmodern period, the idea of truth has remained behind the image, an unlimited number of copies and external appearances have replaced the essence and truth. The truth has begun to consist only of an illusion and entertainment”.⁴ Keyes argues that “post-truth” beliefs arise from the notion that creative manipulation and the invention of facts can transcend mere objective truth, leading to a realm of “narrative truth”. He posits that embellished information, while not necessarily factually accurate, can possess a deeper truth by reflecting internal realities and subjective experiences.⁵ A

³ Adem Terzi, “Post-Truth Kavramı ve Türkçe Karşılıkları Üzerine”, *Türk Dili Nisan 2020*, 69(82), (2020):81.

⁴ Guy Debord, *Gösteri Toplumu*, (İstanbul: Ayrıntı Yayınları, 2012),34.

⁵ Ralph Keyes, *The Post-Truth Era Dishonesty and Deception in Contemporary Life*, (NewYork: St. Martin's Press, 2004).

prominent perspective contends that post-truth is characterized by the intentional propagation of false information, including fake news and propaganda, often employed by actors with the aim of manipulating public opinion.⁶

According to Guven, "The concept of post-truth cannot be explained by definitions such as fake news, distortion, or directing public opinion to make irrational decisions".⁷ Gursoy similarly uses the concept of "Reducing the truth to a matter of attitude or not caring about the truth"⁸ also states that it has been torn from its context in the form of its attitude and that it reflects a new social situation in which truth is worthless.

When literary studies are examined within the conceptual framework of the Post-Truth Era, the phenomenon of 'fake news'⁹ emerges as a significant focus of analysis. The term 'fake

⁶ Grech Victor, "Fake News and Post-Truth Pronouncements in General and in Early Human Development", *Early Human Development* 115, (2017):118-120, 16 July 2024.

⁷ Ahmet Güven, "Hakikatin Yitimi Olarak Post-Truth: Bir Kavramsallaştırma Denemesi", *İnsan&İnsan*, 7(23), Winter (2020):33, 26 July 2024. <https://doi.org/10.29224/insanveinsan.577956>

⁸ A. Özgür Gürsoy, "Hakikatin Ötesi, Berisi Kendisi: Hakikat-Ötesi Kavramına Dair Eleştirel Bir Çözümleme", *Kaygı*, 20(1)/(2021): 150-170, 157-158.

⁹ Hunt Allcott and Matthew Gentzkow, 2017; "Social Media and Fake News in The 2016 Election", *Journal of Economic Perspectives* 31:2, (2017):211-236; Grech, (2017): 118-120, ; Prakash P. Punjabi, "Science and the 'Fake News'", *Conundrum Perfusion*, Vol. 32(6), (2017):429, 26 August 2024. <http://dx.doi.org/10.1177/0267659117727418> ; Kellie, Scott and Lucia Stein, "Manchester Attack: Fake News Circulates after Bombing at Ariana Grande Concert", *ABC*, 24 May 2017, 27 August 2024. www.abc.net.au/news/2017-05-24/manchester-attack-fake-socialmedia-news-missing-kids/8553452. ; Damien Tambini, "Fake News: Public Policy Responses", *Media Policy Brief* 20. London: Media Policy Project, LSE., The London School of Economics and Political Science Department of Media and Communications, (2017):1-17. 4 April 2024. <https://core.ac.uk/download/pdf/80787497.pdf?fbclid=IwAR2plmI40dVowxOs> ; Claire Wardle, "Fake News. It's Complicated", 24 July 2024. <https://firstdraftnews.org/articles/fake-news-complicated/> ; Norman Vasu,

news' encompasses deceptive narratives, accounts containing partial truths, speculative and unsubstantiated claims, and discourses strategically employed to delegitimize opposing viewpoints.¹⁰ The term Fake News is "extremely polarizing, both socially and politically".¹¹ A commonly used technological trick about limiting reality is the circulation of multiple messages through fake/troll user groups called bots in the contextual plane for positive or negative purposes.

Lewandowsky et al. note that the influence of misinformation, especially through conspiracy theories, on epistemic processes cannot be ignored. According to this view, exposure to conspiratorial discourse can significantly reduce individuals' sensitivity to official information, even when specific conspiracy claims are denied.¹² Reality is being separated from a unique area of truth and mutual benefit equation where sharing is exhibited and interpreted by other users and is evolving towards media outlets where media owners, media elites and digital actors engage in propaganda and digital sovereignty struggle.

The concept of 'Digital Dictatorship'¹³ underscores the thesis that, in recent years, the construction of reality has increasingly

Benjamin Ang, Terri-Anne Teo, Shashi Jayakumar, Muhammad Faizal, Juhi Ahuja, "Policy Report, Fake News: National Security In The Post-Truth Era", *The S. Rajaratnam School of International Studies (RSIS)*, January 2018, 19 July 2024. https://www.rsis.edu.sg/wpcontent/uploads/2018/01/PR180313_Fake-News_WEB.pdf

¹⁰ Vasu, et al; Punjabi, 2023.

¹¹ Nick Rochlin, "Fake News: Belief in Post-Truth", *Library Hi Tech*, 35(3), (2017):386, 29 July 2024. <http://dx.doi.org/10.1108/LHT-03-2017-0062>

¹² Stephan Lewandowsky. Et al, (2017):355.

¹³ Edward S. Herman and Noam Chomsky, *Manufacturing Consent: The Political Economy of the Mass Media*, (New York: Pantheon Books, 2002); Evgeny Morozov, *The Dark Side of Internet Freedom*, (New York: Public Affairs, 2012); Peter Pomerantsev, "Russia: A Postmodern Dictatorship?", *Global Transitions Lecture Series*, October 2013, *Institute of Modern Russia*, 25 June 2024.

functioned as a mechanism for producing mass conformity and obedience within the framework of governance, thereby deepening the structural divide between digital citizenship and democratic values. While the report does not explicitly categorize Eastern European and Central Asian (EECA) countries as dictatorships or autocracies, it examines how these nations demonstrate a trend away from democratic principles, particularly within the digital sphere. The study highlights that restrictions imposed on internet access in EECA countries effectively marginalize a segment of the population by disconnecting them from the digital world. This digital exclusion leaves these individuals subject to state control, effectively transforming them into entities compelled to comply with state policies.



Figure 1: EECA Countries¹⁴

This concept, which has been frequently raised over the Uyghur Turks in recent years in China, which is considered one of the most closed countries in the world, is also realized through the social credit system in the field of digital surveillance and dictatorship. In 2019, this system was discussed under the title

[https://li.com/wp-](https://li.com/wp-content/uploads/2019/03/pomeransev1_russia_imr_web_final.pdf)

[content/uploads/2019/03/pomeransev1_russia_imr_web_final.pdf](https://li.com/wp-content/uploads/2019/03/pomeransev1_russia_imr_web_final.pdf)

¹⁴ Accessnow Report. Digital dictatorship authoritarian tactics and resistance in eastern Europe and central Asia, October, 2022. 23 May 2024.

<https://www.accessnow.org/wp-content/uploads/2022/10/Digital-dictatorship-authoritarian-tactics-and-resistance-in-Eastern-Europe-and-Central-Asia-Access-Now.pdf>

“digital dictatorship or digital citizenship” at a meeting organized by the EUI (European University Institute). According to this; China's “social credit system” (SCS) exemplifies a data-driven framework for social control, leveraging citizen actions and identities to inform public policy and law enforcement through collaboration between public and private entities. Notably, the SCS is underpinned by concepts such as “good citizenship,” emphasizing the type of citizen who optimally contributes to the development of the political community, and “citizen virtues,” highlighting the character traits essential for a desirable civic life.¹⁵

Although the issue of dictatorship of digital systems is evaluated through authoritarian/totalitarian administrations, it has also been shaped through the example that in democratic systems around the world, consent is created through the act of persuasion instead of coercion. The Manufacture of Consent is a concept first expressed by Lippmann¹⁶ in his work “Public Opinion”; the content structure and semantic environment were developed by Herman and Chomsky.¹⁷ While Lippmann discussed his views on the general psycho-social tendencies of citizens and their painful situation with the field of democracy under the influence of Freud, he evaluated them within the framework of thematic views such as “the world outside us, the

¹⁵ EUI, “Digital Dictatorship or Digital Republic? Law and Ethics of China’s Social Credit System”, *Robert Schuman Centre*, 2019, 18 March 2024. <https://globalgovernanceprogramme.eui.eu/digital-dictatorship-or-digital-republic-law-and-ethics-of-chinas-social-credit-system/>

¹⁶ Walter Lippmann, *Public Opinion*, (New York: Harcourt, Brace & Co., 1922); Walter Lippmann, *Public Opinion*, (New Brunswick, New Jersey: Transaction Publishers, 1998).

¹⁷ Edward S. Herman and Noam Chomsky, *Manufacturing Consent: The Political Economy of the Mass Media*, (New York: Pantheon Books, 1988); Edward S. Herman and Noam Chomsky. *Manufacturing Consent: The Political Economy of the Mass Media*, (New York: Pantheon Books, 2002); Edward S. Herman and Noam Chomsky, *Rızanın İmalatı: Kitle Medyasının Ekonomi Politiği*, Trans. Ender Abadoğlu, (İstanbul: Bgst Yayınları, 2012).

false environment, the pictures in our heads and the confused herd”.

Herman and Chomsky, on the other hand, have considered the issue in the context of the “propaganda model”, which is an important argument of American politics. Both views emphasize the structure of indirect persuasion policies that governments follow in order to get the support of citizens.

II. THE RELATIONSHIP BETWEEN INFORMATION AND DISINFORMATION

The field of communication and reality is undergoing transformation under the serious pressure of interest-oriented political, economic and other ideological fields. The assumption that improved communication or increased access to information alone will inevitably drive progress presents a significant challenge. This is particularly problematic in the postmodern era, where individuals' sometimes insensitive approach to the field of reality, often stemming from a sense of “inference of impossibility,” can be exploited by repressive systems and interest-oriented groups. Some opinions that also suggest that the information space built through digital systems has changed the structure of citizenship also shows that it is becoming increasingly important to be conscious of the experiences and wrong behaviors in the virtual motivation and interaction structures of individuals against the facts produced in the digital world.

The hegemonic discourses articulated in Gramsci's “Prison Notebooks”¹⁸ emphasize the suppression and control of potential allies-groups inclined to cooperate with the ruling power in the domains of ideas and culture. These dynamics are reflected in the worldview of the masses shaped by the network

¹⁸ Antonio Gramsci, *Hapishane Defterleri*, Trans. Adnan Cemgil, (İstanbul: Belge Yayınları, 1997), 56.

society. Similarly, Wallerstein's concept of 'the field of struggle of superpowers'¹⁹ highlights the positioning of eclectic identities within the neoliberal network order. In his analysis of post-colonial processes, these identities are portrayed as marginalized 'network people', excluded from the center due to their inability to access the intellectual structure and their structural deficiencies. These conditions are constructed and reproduced through the field of reality.

The information space, shaped through media analysis and governed by perception management under the auspices of centralized thinking and an 'invisible authority' utilizing surveillance and tracking tools, can, if necessary, be transformed into zones of disinformation and misinformation. This transformation manifests as a form of abstract domination, highlighting the strategic manipulation of knowledge and public perception in the digital age. In addition to these perspectives, themes such as Post-Truth Disinformation, the broader field of false information (Disinformation)²⁰, digital manipulation and electoral manipulation (Vote Manipulation)²¹, False or inaccurate

¹⁹ Immanuel Wallerstein, "Three Instances of Hegemony in The History of The Capitalist World-Economy", *International Journal of Comparative Sociology*, 24(1-2), (1983):101-102.

²⁰ Matthew D'Ancona, *Post-Truth: The New War on Truth and How to Fight Back*, (London: Ebury Press, 2017) ; W. Lance Bennett and Steven Livingston, "The Disinformation Order: Disruptive Communication and The Decline of Democratic Institutions", *European Journal of Communication* 2018, Vol.33(2), (2018):122/139, 12 June 2024. <https://doi.org/10.1177/0267323118760317>

²¹ Pawel Surowiec, "Post-Truth Soft Power: Changing Facets of Propaganda, 'Kompromat', and Democracy", *Georgetown Journal of International Affairs*, Fall 2017, 18(3), *International Engagement on Cyber VII (Fall 2017)*, 21-27, 4 August 2024. <https://www.jstor.org/stable/26395920> ; Craig Silverman, "This Analysis Shows How Viral Fake Election News Stories Outperformed Real News on Facebook", *BuzzFeed*, November 16, 2016, 21 August 2024. <https://www.buzzfeed.com/craigsilverman/viral-fake-election-news-outperformed-real-news-on-facebook> ; Clara Voyvodic Casabó, "Post-Truth Politics and the Fracture of Neo-liberalism's 'Double-truth' Doctrine:

information spread unintentionally (Misinformation)²², and Digital Diplomacy²³ are discussed within the framework of thematic subheadings.

The media field encompasses structures that, through critical thought, can maintain an objective stance towards each topic—on one hand confirming reality, and on the other hand questioning or contesting it. Opinions that claim that the positive aspects of the media are at the point of information source where “reliable, different opinions and ideological ideas collide” evaluate the media at the level of “The state of being a Trust Cow”.²⁴ The opinions that accept the media on a negative point state that it develops language, especially through the areas of violence and fear, and harms the area of truth through persuasion. Cosentino examined in depth the European Brexit referendum and the US presidential elections in 2016, both of

Governmentality and Resistance in the US and the UK”, *St Antony’s International Review* 13(2), (2018):48-63. 14 May 2024. <https://www.jstor.org/stable/10.2307/26501048> ; Aurora Ganz, (2018): 79-87.

²² Melissa Zimdars, “False, Misleading, Clickbait-Y, And/Or Satirical ‘News’ Sources”, 24 August 2024. https://docs.google.com/document/d/10eA5mCZLSS4MQY5QG5ewC3VAL6pLkT53V_81ZyitM/preview?tab=t.0; Damien Tambini, (2017):1-17 ; Stephan Lewandowsky, Ullrich K.H. Ecker and John Cook, “Beyond Misinformation: Understanding and Coping with the ‘Post-Truth’ Era”, *Journal of Applied Research in Memory and Cognition* 6, (2017): 353-369 ; Claire Wardle, “Fake News. It’s Complicated”, First Draft, 24 July 2023. <https://firstdraftnews.org/articles/fake-news-complicated/>; Mats Ekström, Seth C Lewis and Oscar Westlund, “Epistemologies of Digital Journalism and The Study of Misinformation”, *New Media & Society* 2020, Vol. 22(2), (2020):205-212, 22 May 2024. <https://journals.sagepub.com/doi/10.1177/1461444819856914>

²³ “Digital Diplomacy is communication from government to government and public that implies both domestic and foreign publics”. Luis Ritto, “Diplomacy and its Practice vs Digital Diplomacy”, *Diplomat Magazine*, 17 July 2024. <https://diplomatmagazine.eu/2014/09/07/diplomacy-practice-vs-digital-diplomacy/> ; Acikalin, and Sari. (2021):1696.

²⁴ Craig. R. McClain, “Practices and Promises of Facebook for Science Outreach: Becoming a ‘Nerd of Trust’”, *PLoS Biol* (2017): 15(6): e2002020. 17 January 2024. <https://doi.org/10.1371/journal.pbio.2002020>

which were globally newsworthy and influenced the political strategies of other countries. He cited both events as prominent examples of post-truth politics, characterized by the proliferation of false and misleading information in various communication channels.²⁵

As previously emphasized in Arendt's discussion on persuasion and violence, 'truth can be destroyed, and the generated image may temporarily take the place of truth; however, the real truth will ultimately be revealed sooner or later'²⁶ This assertion reiterates the notion that attempts to create a fabricated narrative represent an ongoing struggle for domination through discourse. However, the metamorphosed truth can also create clear processes for the acceptance of the truth. Because the rapid transformation of information into a negative and wrong point may not be followed in real time even by the most active media followers. For example, Wardle identifies seven different categories of misinformation, focusing on satire or parody, false context and miswiring, and misleading, fake, fabricated and manipulated content, reflecting the concept of content.²⁷ This taxonomy, which considers both the type of content created and shared and the motivations of those who create and spread it, offers a valuable framework for understanding the diverse nature of misinformation.

Zimdars,²⁸ on the other hand, deals with the subject through websites and makes twelve different classifications. This framework emphasizes the importance of discerning between true and false information by focusing on specific characteristics

²⁵ Gabriele Cosentino, "Social Media and the Post-Truth World Order The Global Dynamics of Disinformation", (E-Book), (Palgrave Macmillan: Switzerland, 2020), 16 September 2024. <https://doi.org/10.1007/978-3-030-43005-4>

²⁶ Hannah Arendt, *Geçmişle Gelecek Arasında*, Trans. Bahadır Sina Şener, (İstanbul: İletişim Yayınları, 2012), 313.

²⁷ Wardle, 2023.

²⁸ Zimdars, 2024.

such as fake news, biased reporting, conspiracy theories, state-sponsored propaganda, junk science, hate speech, phishing attempts, and the need for careful scrutiny of information from all sources, including those that appear to be reliable. For this reason, the subject of reality shows strategic digital asset characteristics in the fields of new media that serve instrumental reason, especially as virtual qualified social tools, with the change of web technologies in post-truth processes, new software systems and hardware processes.

III. SOCIAL NETWORKS AND THE WORLD OF REALITY

Fueled by rapid advancements in web-based technologies, social networks exert a significant influence on user behavior and information consumption patterns within the digital sphere. These platforms have evolved into techno-ideological hubs, enabling individuals to carve out virtual identities, particularly with the advent of Web 3.0 applications, which emphasize interactive engagement and technical coding. Unlike the one-way narratives of Web 2.0, social networks facilitate two-way flows of information, creating dynamic spaces where meaningful exchanges occur. Within this realm, the concept of truth takes on a network effect, propagated through interconnected cyber objects. Technological tools and internet-based applications further amplify this effect, ushering truth into the realm of individual-oriented society.

Recently, the transformation of local short stories into format transfer to other countries and people through the same story structure and scenario in “Tik Tok” practice has made common storytelling schemes more important in the metaphorical plane. The subject of storytelling, which Jhally and Gerbner²⁹ discussed in the context of television content, is being

²⁹ Sut Jhally and George Gerbner, *The Electronic Storyteller Television and The Cultivation of Values*, (Northampton, Mass: Media Education Foundation, 1997).

reinterpreted through internet-based video content today. Even if the construction of content in the context of locality as a product in the new media system has taken place at the level of different characters, geographies and actors, the field of reality is turning into a common acceptance. Sharing and comments that are similar in meaning to each other increase the interest in digital areas in society. Providing orientation to this area is a natural choice, but it is indisputable that it allows for a socio-economic and socio-psychological reality.

The post-truth era, argued to have a significant impact on individuals' perceptions of reality, extends to the widespread influence of digital and new media on the production, verification, dissemination, and reproduction of information. Consequently, individuals' perceptions of reality are increasingly shaped by incomplete, inaccurate, and sometimes distorted information circulating within these platforms. These fragmented and often misleading representations of reality can significantly impact individuals' actions and decision-making processes within their respective work contexts.³⁰ The false claim that tens of thousands of scientists have declared global warming a hoax³¹ was one of the most popular climate change stories shared on social media in 2016, significantly impacting public opinion. At this point, the utilitarian mentality provided by the media at the public point has been deconstructed in the chaotic processes experienced at the level of cultural and communicative

³⁰ Anna Visvizi, Jari Jussila, D. Lytras Miltiadis, and Matias Ijäs. "Tweeting and Mining OECD-Related Microcontent In The Post-Truth Era: A Cloud-Based App", *Computers in Human Behavior* 107 (2020):1, 105958, 15 July 2024. <https://doi.org/10.1016/j.chb.2019.03.022>

³¹ Graham Readfearn, "Revealed: Most Popular Climate Story on social Media Told Half A Million People The Science Was A hoax", *DeSmog*, 13 June 2024. <https://www.desmogblog.com/2016/11/29/revealed-most-popular-climate-story-social-media-told-half-million-people-science-was-hoax> ; Gregory Krieg, "14 of Trump's Most Outrageous 'Birther' Claims Half From After 2011", *CNN*, 11 September 2024. <http://edition.cnn.com/2016/09/09/politics/donald-trump-birther/>

actions, so the issue of intention in the construction of reality may become questionable.

One of the most prominent case studies of misinformation on religion and politics was the online posts about Pope Francis' support for presidential candidate Donald Trump during the 2016 presidential elections in the United States. The prevalence of misleading information, especially on social media platforms, underscores how media authenticity and framing can have a significant impact on political outcomes. The Pew Research Center's finding that nearly half of US adults primarily rely on social media for news consumption raises serious concerns about the integrity of public discourse and the very foundation of informed democratic participation.³² During the US election campaign, the candidate often made claims about rising crime rates, demonstrating a disregard for whether these claims corresponded to reality. His campaign rhetoric frequently employed fear-mongering tactics, including scapegoating immigrants and non-white communities, to appeal to specific segments of the electorate and convey the message of a society that is broken and in need of his leadership.

The occupation of social networks by users also brings some problems with it. As Castells emphasized, it is realized that “media users are also producers of media, as a result of which they produce uncontrolled and unethical information through social media applications”.³³ From this point of view, since the perception of reality takes place on the ideological plane of the perception of the content and the creator of the content, or the life he constructs, the harm dimension of the indirect or direct

³² Michael Gross, “Feature The Dangers of a Post-truth World”, *Current Biology*, 27, R1-R18, (2017):2, 23 June 2024. <https://coek.info/pdf-the-dangers-of-a-post-truth-world-.html>

³³ Manuel Castells, *Enformasyon Çağı: Ekonomi, Toplum ve Kültür, Ağ Toplununun Yükselişi*, Birinci Cilt, (İstanbul: Bilgi Üniversitesi Yayınları, 2005), 471.

actions of the followers of the content also calls into question the impact dimension of the concept of reality.

Recent developments in China continue to demonstrate a severe suppression of internet freedom. A recent law criminalizes statements deemed insulting to members of the armed forces, "heroes," and "martyrs". The 18-year prison sentence handed down to Chinese real estate tycoon Ren Zhiqiang³⁴ for criticizing President Xi Jinping's COVID-19 policies serves as a stark reminder of the Chinese government's continued suppression of dissent. This case exemplifies the severe consequences of expressing critical opinions online, highlighting the draconian measures employed to restrict freedom of expression and silence dissent in the digital space. In the context of digital dictatorship and digital determinism, Chomsky's ideas are reinterpreted to suggest that society faces inherent contradictions between democratization and authoritarianism within the digital system. These contradictions manifest in processes where individuals are relegated to a secondary position as virtual users, networked objects, or subsidiary elements subordinate to technology.

A large area of change in the postmodern period is taking place in social structures. Baudrillard especially emphasizes that "the door to an era of simulation in which reality is liquidated has been opened"³⁵ in the western civilization. From this perspective, the reduction of reality to illusions or artificially constructed narratives in the form of virtual reality reflects only one dimension of society's destructive impact on its exposure to truth. This phenomenon, which is considered by some scholars as undermining the democratic concept of truth and leading to

³⁴ Adrian Shahbaz and Allie Funk, "The Global Drive to Control Big Tech", (In.) *Freedom House Freedom on The Net Report*, (2021):7.

³⁵ Jean Baudrillard, *Simülasyon ve Simülakrlar*, (Ankara: Doğu Batı Yayınları, 2011),15.

anti-democratic and regressive tendencies³⁶, is also closely linked to the weaponization of information³⁷. A prominent example of this is Russia's intervention in the 2016 U.S. elections, which demonstrated how digital realities can be manipulated to construct an alternative version of truth. This situation underscores the emerging post-truth environment and highlights the urgent need for active political engagement in digital contexts³⁸.

Accordingly, since the basic components that make up the post-Truth field are formed in a wide range of sub-themes and categories, the reality or truth field is built by verifying or rejecting 9 elements.

³⁶ Benjamin Tallis, "Living in Post-Truth: Power/Knowledge/ Responsibility", *New Perspectives*, 24(1), (2016):7-18, Institute of International Relations", NGO, 7 April 2024. <https://www.jstor.org/stable/26470120> ; Katherine Viner, "Long Read: How Technology Disrupted the Truth'", *The Guardian*, 16 September 2024. <https://www.theguardian.com/media/2016/jul/12/how-technologydisrupted-the-truth> ; Peter Stokes, "Please Don't Explain: Hanson 2.0 and the War on Experts", *The Conversation*, 12 June 2024. <https://theconversation.com/please-dont-explain-hanson-2-0-andthewar-on-experts-62106>

³⁷ Peter Pomerantsev and Michael Weiss, "The Menace of Unreality: How the Kremlin Weaponizes Information, Culture and Money", Institute of Modern Russia (2014), 25 June 2024. https://imrussia.org/media/pdf/Research/Michael_Weiss_and_Peter_Pomerantsev_The_Menace_of_Unreality.pdf.

³⁸ Christopher Paul and Miriam Matthews, "The Russian 'Firehose of Falsehood' Propaganda Model", RAND Corporation (2016), 21 April 2024. <https://www.rand.org/pubs/perspectives/PE198.html>

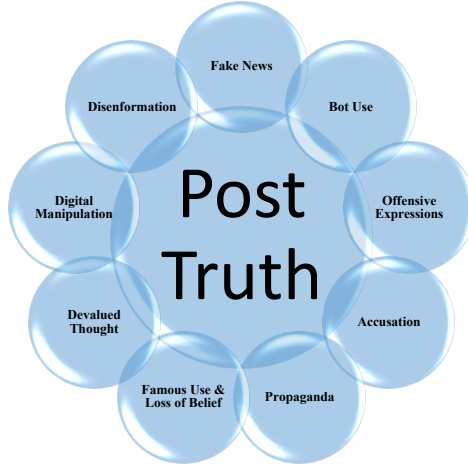


Figure 2: Semantic Components of the Post-Truth Concept

As seen in Figure 2 above, the concept of Post-Truth attempts to replace power or transform the area of power struggle and sovereignty into an uncertain point with indirect actions such as assuming the active actions of users and news feeds of governments instead of states with externally oriented dominant impositions by power organs and media elites. Indeed, other commercial areas between the media field with mergers, acquisitions and IPO's actions, because in the community to create their own cyberspace management services or content, such as the confidentiality of data streams that may occur in the release of negative actions on the subject of criminal sanctions in conflict prevention and in the global system corresponding to the size of the areas they can find. While individuals evaluate possible data leaks as resistance to the system and ownership of the content, it can create the perception that digital media have become an unsafe environment that is prone to theft. Each action and rule made in this context can also turn into different ideological projections such as preventive law, censorship, supervision, protection and anti-media.

IV. METHODOLOGY

Web-based applications and social networks are increasingly shaping users' perception of reality, leading to concerns about truth and identity manipulation. This study delves into the impact of internet advertising on virtual users' rights, exploring regulations and agreements aimed at addressing cyber threats. It aims to forecast the future of European communication regulations, taking into account recent contracts and protective measures against multinational commercial interests.

A comparative analysis is conducted on EU case law, US media policies, and Turkey's social media laws. The research evaluates the thematic and categorical structures of written contracts, with a focus on the EU's authority in global communication regulation. Limitations include the exclusion of individual EU country laws and non-European regulations. Content analysis³⁹ is one of the most important research analysis methods on texts and contents.

A. Findings

The European Union, globalization and intercontinental decoupling processes in the 20th century, when the nationalization theses began to damage the identity of Europeanism. This represents an emerging global authoritarian structure, driven in part by a desire for strength in the face of perceived US dominance and Western hegemony in the 21st century. As one of the leading theorists underlying the idea of

³⁹ Bernard Berelson, *Content Analysis in Communication Research*, (New York: Free Press, 1952); Bernard Berelson, and Paul Felix Lazarsfeld, *The Analysis of Communication Content*, (New York: University of Chicago and Columbia University, 1948); Nuri Bilgin, *Sosyal Bilimlerde İçerik Analizi Teknikler ve Örnek Çalışmalar*, (2.Ed.), (Ankara: Siyasal Kitabevi, 2006); Krippendorff Klaus, *Content Analysis: An Introduction to its Methodology*, (3.Ed.), (New York: Sage, 2013).

the European Union, Habermas⁴⁰ has significantly contributed to discussions on the construction of the public sphere. In this context, he has articulated views on the concepts of citizenship and belonging, emphasizing the importance of 'world citizenship' alongside traditional notions of national identity. Furthermore, Habermas highlights values such as social integration, a deliberative (negotiator) society, and a post-secular society as essential components of participatory awareness within the process of building a cohesive and inclusive public space. The founding philosophy of the European Union emphasizes a legal framework that focuses on personal rights and freedoms, representing the concepts of protective, supervisory, centralized, authoritarian, super rationality and common sense.

B. The Impact of Google Trends

This research employed Google Trends to conduct a historical analysis of the concept of 'post-truth,' yielding statistically significant results. Important results are reached in the researches carried out by the Google company in the form of the "Trends" application. Based on the results obtained from internet scans beginning on April 19, 2019- the date when the law came into force and considering the data from the Google Trends application, which has tracked interest since the law was first introduced to the public agenda in 2019, it is observed that the highest level of interest (100) occurred on April 24, 2024, under the 'Interest over time' category.

⁴⁰ Jürgen Habermas, "The Public Sphere: An Encyclopedia Article", *New German Critique*, Autumn (3), 49-55, 1974; Jürgen Habermas, *İletişimsel Eylem Kuramı*, Trans. M. Tüzeli, (İstanbul: Kabalcı Yayınevi, 1996); Jürgen Habermas, *Kamusal Yaşamın Yapısal Dönüşümü*, Trans. T. Bora, M. Sancar, (İstanbul: İletişim Yayıncılık, 2007).

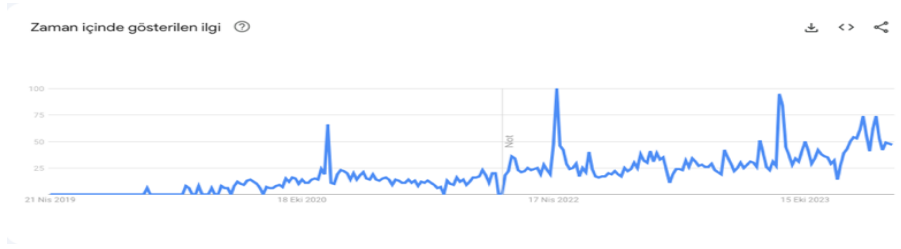


Figure 3: DSA, the level of interest shown over time⁴¹

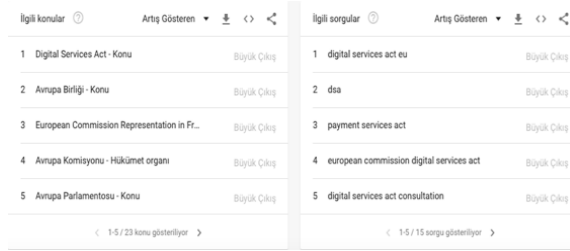


Figure 4: The level of DSA, related topics and queries⁴²

In the “related topics” heading of Google Trends' call, “Digital Services Act, European Union, France, European Commission and European Parliament” were among the top five of 23 topics, while in the “search query”, “Payment Services Act, European Commission, Digital Counseling and Digital Services Act” were among the top five of 15 topics.

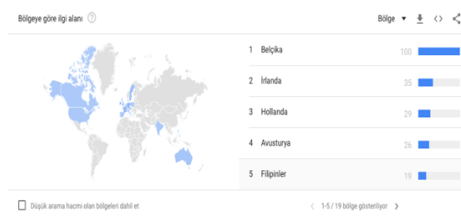


Figure 5: DSA, Area of interest by region⁴³

⁴¹ DSA. <https://trends.google.com.tr> 27 April 2024.

⁴² DSA. <https://trends.google.com.tr> 27 April 2024.

⁴³ DSA. <https://trends.google.com.tr> 27 April 2024.

According to the data obtained in the application, Belgium, which ranks in the top five places among the 19 regions identified in the global scale examination in the “Area of interest by region”, is ranked as 100, Ireland, 35, the Netherlands 29, Austria 26 and the Philippines 19. It is understood that there are four European countries and one Asian/Pacific country among the countries decking out the top five places.

C. The View of The Digital Services Law on The EU Axis

Regulations and case law at the EU level significantly support communicative actions that shape the development of partnerships and the global dissemination of European values, while not undermining the autonomy of Member States in their national legal frameworks. The rise of new media has made the re-evaluation of media and communication values within the EU an urgent priority. This paves the way for a decentralized approach to communication and policy-making, with US-based social media and other media outlets seeking to protect their own corporate philosophies and resist policies imposed by the Union. During the various crises experienced on these issues, it has become important to analyze the issues that create vulnerabilities, especially in the “data privacy scandals and privacy” issues, as seen in the Facebook Cambridge Analytica incident.

The European Union (EU) is developing important policies to solve the technical and legal problems arising from the digital space within the union legislation and principles. This period has witnessed the emergence of a new regulatory environment for the digital space, with several key agreements such as data protection (GDPR) in 2018 and Digital Services (DSA) come into force in EU law in November 16, 2022 and Digital Markets (DMA) coming into force in November 1, 2020. These regulations aim to establish a framework for controlling the digital market, addressing issues such as disinformation and misinformation, and ensuring fair competition.

Notably, the GDPR emphasizes data protection and privacy, while the DSA and DMA focus on regulating online platforms and promoting a more competitive digital environment. Within this regulation, several key concepts and measures are addressed, including The Digital Sundays Act, the Digital Services Act, Online Protection, Open Internet, Dark Pattern, The Third Column, Cyber Violence, Threshold Guard, Digital Platform, Regulation, Artificial Intelligence Announcer, Digital Sovereignty, Data Security, Bot Users and Privacy.

The public consultation on the Digital Services Act (DSA) generated significant public engagement, with more than 2,800 individual responses and the submission of nearly 300 technical reports. The majority of respondents were members of the general public, followed by companies and trade associations. NGOs, public authorities and academic institutions were underrepresented. Notably, the majority of submissions originated from the general public, with 74% from EU citizens and 8% from non-EU citizens.⁴⁴

The Digital Services Act Agreement represents a milestone in the history of internet regulation. According to Claudia Prettnner, Chief Technology Officer and Policy Advisor at Amnesty International, it will protect EU citizens by finally addressing the unauthorized collection of data, including sensitive personal information such as religious beliefs, political views or sexual orientation, and preventing the unpredictable use of this data for targeted advertising.⁴⁵

Another perspective argues that the Digital Services Act (DSA) represents a ground-breaking piece of legislation aimed at enhancing internet security and promoting platform

⁴⁴ DSA, (2020): 8.

⁴⁵ Uluslararası Af Örgütü. 'AB-Dijital Hizmetler Yasası'nda Uzlaşma ile Haklarımıza Daha Saygılı Bir Çevrimiçi Dünyaya Yaklaşıyoruz', 9 May 2024. <https://www.amnesty.org.tr/icerik/ab-dijital-hizmetler-yasasinda-uzlasma-bizi-haklarimiza-daha-cok-saygi-gosteren-bir-cevrimici-dunyaya-yaklastiriyor>

responsibility. This regulation aims to hold platforms accountable for online harms, including the dissemination of disinformation, and to increase transparency through enhanced information sharing.⁴⁶ The table “Levels of Contextual Distribution of the EU Digital Services Law” below provides an overview of this law.

Table 1: The Levels of Contextual Distribution of the EU Digital Services Law⁴⁷

No	Sections	Themes	Categories	Article Number of The Law	Distribution of The Substances(%)	Total Number of Laws
1	The Subject and Scope of the Law (Contract)	Legal Frame	Scope	1	2,70	2
			Definitions	2		
2	Exemption of Those Who Provide Brokerage Services from Liability	Exemption	Threshold Keepers (Platforms)	3-4-5-6-7	6,75	5
3	Due Diligence for a Transparent and Secure Online Environment (Chapter 1-2-3-4-5)	Obligations	Legal Situion	8-9-14-20-27-28-36-37	41,90	31
			The Right to Comm.	10-21		
			Responsibility	11-12-15-16-17-18-19-23-24-25-29-30-32-33-34-35-36		
			Data Security	13-22-26-31		
4	Implementation and Execution of the Regulation (Chapter 1-2-3-4-5)	Implementation and Execution Provisions	Access to Content	63-64	41,90	31
			Related Institutions and Coordinators	38-39-41-43-44-46-47-48-49-56-57-58-65-66-67-68		
			Member States	40-42-45		

⁴⁶ Claire Pershan and Rita Jonusait. “User-Guide to The EU Digital Services Act EU”, *DisinfoLab*, (June 7, 2023), 3. Brussels, Belgium.

⁴⁷ The levels of item distribution in % are in fractions and the total value is given as a net figure.

			Penalties and Sanctions	50-51-52-53-54-55-59-60-61-62		
5	290th and 291st of the Treaty on the functioning of the EU, respectively. Acceptance of the Application Savings Transferred in Accordance with the Articles	Enforcement Provisions	E-Commerce Directives	71	5,40	4
			Final Provisions of The Regulation	72		
			Evaluation of The Regulation	73		
			Entry into Force and Implementation of the Regulation	73		
Total Numbers					100	74

The Digital Services Act (DSA) establishes a tiered system of liability for online services. These are respectively Online Platforms, which have the most significant impact on users, such as social media networks and search engines; Hosting Services, which provide storage for user-generated content, such as cloud storage and file sharing platforms; and Intermediary Services, which cover a wider range of services, including those that facilitate online communications and interactions. This tiered approach ensures that the DSA applies proportionate obligations to different types of online services and recognizes the different levels of risk and impact they may have on users.

In 2017, the “Law on Improving the Practice of Law in Social Networks” (Netzwerkdurchsetzungsgesetz / NetzDG) entered into force in Germany, where the first application on social media was observed. The subject of punishment in this read as “The amount of administrative fine to be imposed by the Federal Ministry of Justice may be up to 50 million euros”.⁴⁸

⁴⁸ Bülent Kent, “Alman Hukukunda Sosyal Ağların Düzenlenmesi ve Alman Sosyal Ağ Kanunu”, *Bilişim Hukuku Dergisi*, (2020/1):3. 1-46. 16 August 2024. <https://dergipark.org.tr/tr/download/article-file/1180058>

The AVIA law, enacted in France in 2020, targets hate speech related to race, religion, sexual orientation, and gender. Content that violates its provisions, including those concerning sexual harassment, terrorism, and child abuse, faces publication bans. Non-compliance with legal processes leads to various sanctions to prevent irregularities. Accordingly, individual users can face fines of up to €250,000, while legal entities face financial penalties of up to 4% of their annual earnings for repeated or persistent violations.⁴⁹ The EU is working to create a digital regulatory framework that can be applied globally, while respecting the autonomy of member states within their own legal frameworks. The main objective of this effort is to ensure that new media platforms safeguard users' personal data, respect their privacy rights, and provide a fair competitive environment. In France, the Media Regulatory Authority (CSA) places importance on the effective implementation of these regulations within the country, with a particular focus on protecting users' personal data. The fact that the UK has not yet implemented legislation on this matter following Brexit has led other European countries to monitor the issue closely.

D. The View of Digital Law on The US Axis

The European digital services law is becoming an important area of interest for global technology companies and politicians, especially in the USA. Indeed, Hillary Clinton's former policy advisor technology, Scott describes this technology as representing “A paradigm shift in the regulation of the law”⁵⁰ and recognizes “algorithmic systems to set rules and standards

⁴⁹ CSA, Conseil supérieur de l'audiovisuel, Legifrance, “LOI n° 2020-766 Du 24 Juin 2020 Visant À Lutter Contre Les Contenus Haineux Sur Internet (1)”, 14 August 2024. <https://www.legifrance.gouv.fr/jorf/id/JORFTEXT000042031970>

⁵⁰ Gazete Duvar, “Dünyada Sosyal Medya Düzenlemeleri Neleri İçeriyor?”, 24 September 2024. <https://www.gazeteduvar.com.tr/dunyada-sosyal-medya%20duzenlemelerinekarsilastirmali-bakis-haber-1564798>

for the digital media market” as the first major initiative in this field⁵¹.

Some other experts on this issue also think that the new rules will encourage regulatory efforts by governments in other countries. If Joe Biden were to ask, 'Why shouldn't American consumers deserve the same protections that Google and Facebook provide to European consumers?', it would be difficult for these companies to refuse such a demand.^{52,53}

The fact that the US currently lacks a single, comprehensive federal law governing the confidentiality of all types of data is a significant shortcoming for the effectiveness of the DSA. In the absence of a single, comprehensive data privacy law, the US relies on a patchwork of sectoral legislation, including VPPA, FERPA, HIPAA, GLBA, FCRA, COPPA, and the ECPA, to address data privacy concerns. The USA defines the supervision and legal obligations for internet-centric applications through the CDA of 1996, which is specified as the Digital Compliance Act. Within this law, “Regulation No. 230” is considered to be the most well-known and controversial article.

Section 230 of the 1996 CDA provides significant legal protections for online platforms and their users. This provision generally shields them from legal liability for content created and disseminated by third parties. However, it is crucial to note that this immunity does not extend to content created or activities undertaken by the service providers themselves.

Section 230; The two provisions of the article are the main framework of these mutual connections. Specifically, Section

⁵¹ Independent Turkish, “Uzmanlar Anlaşma Sağlanan Dijital Hizmetler Yasası’nı Yorumladı: ‘İnternet Tarihinde Dönüm Noktası’”, 5 April 2024. <https://www.indyturk.com/node/501776/yaşam/uzmanlar-anlaşma-sağlanan-dijital-hizmetler-yasasını-yorumladı>

⁵² Independent Turkish, 2024.

⁵³ Independent Turkish, 2024.

230(c)(1) grants immunity from liability for content created and disseminated by third parties. The landmark case of *Zeran v. America Online* established a crucial legal precedent for online service providers. In this case, the court affirmed Section 230(c)(1) of the CDA, which shields service providers from liability for content created by third-party users. This protection essentially recognizes that service providers, in many ways, function as distributors of information, similar to traditional publishers, and should not be held responsible for the content generated by their users. Section 230(c)(2) further clarifies this immunity, allowing service providers to restrict access to content deemed obscene, lewd, lascivious, excessively violent, harassing, or otherwise objectionable, provided these restrictions are implemented in good faith. It's important to note that Section 230's immunity is not absolute. Key exceptions include federal criminal law, intellectual property law, and sex trafficking. Furthermore, Section 230's protections generally do not extend to state laws related to electronic communications privacy.

Table 2: US DC, 230.Chapter General Content Analysis

Thematic Structure of The Law	Content Structure	Articles and Anecdotes
Findings	Scope-Legislation	1-2-3-4-5
Policies	Policies- Sustainability-Scope of Protection	1-2-3-4-5
“Helpful human” identification and removal of harmful content	Punishment-Service Provider Coverage	1-2 (A)- (B)
Obligations of interactive computer services	Content Classification- Liability- Content Providers	1
Effects on other Laws	Scope- Obligations in matters outside the scope	1-2-3-4
Definitions	Definitions (Internet, Interactive computer services, information content provider and software provider)	1-2-3-4(A)- (B)-(C)

In the USA, social media companies, wielding significant global influence, have faced scrutiny for censorship, restrictions, and transparency issues. Measures include mandatory congressional hearings and engagements with affiliated commissions, aiming to bolster accountability and transparency in the digital realm. As can be seen in Figure 6 below, it attracts attention with different practices and legal regulations within the federal system in the USA. Again, as can be seen in the infographic structure in Figure 7 below, the processes of participation and approval in laws have a structure in which there is no complete agreement.

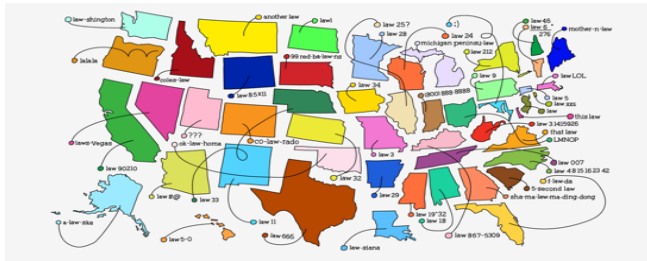


Figure 6: Map of consumer data privacy laws by region, USA⁵⁴

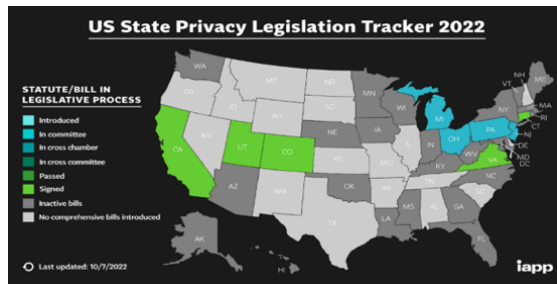


Figure 7: Map of consumer data privacy laws by region, USA⁵⁵

⁵⁴ New York Times. 'The State of Consumer Data Privacy Laws in the US' (And Why It Matters), September 6, 2021, 26 July 2024. <https://www.nytimes.com/wirecutter/blog/state-of-privacy-laws-in-us/>

⁵⁵ IAPP, "ABD, Bölgelele Göre Tüketici Veri Gizliliği Yasaları", 5 January 2024. https://iapp.org/media/images/resource_center/State_Comp_Privacy_Law_Map.png

The BBC has put Section 230 on the agenda with the presidential decree in 2020 on the issues of social media regulations and transparency, which were the most seriously questioned during the 2016 presidential election, when the issue of digital manipulation turned into a serious discussion area with the news that “Trump signed the “Twitter decree”, social media companies will be more strictly controlled in the US”.⁵⁶ Anadolu Agency, on the other hand, stated that the issue has caused serious problems and the crisis continues, saying in its news entitled “The immunity shield of social media platforms in the USA: regulation No. 230”, “Regulation No. 230 of the Communication Compliance Act, which US President Donald Trump has frequently raised in the censors imposed on him by social media, provides legal protection, especially to social media companies”.⁵⁷

In this context, Section 230 of the U.S. Communications Decency Act, which grants immunity to social media platforms, has sparked significant debate. Critics argue that this regulation provides excessive legal protection to these companies and limits effective oversight. This situation has become especially contentious in light of the substantial fines imposed on Facebook and Google, as well as the suspension of certain company accounts, which some perceive as restricting the right to communication.

E. The View of The Digital Law on The Axis of Türkiye

In the early 21st century, Turkey has introduced a series of laws aimed at regulating the digital realm, with a particular

⁵⁶ BBC, “Trump ‘Twitter Kararnamesini’ İmzaladı, ABD’de Sosyal Medya Şirketleri Daha Sıkı Denetlenecek”, 23 June 2024. <https://www.bbc.com/turkce/haberler-dunya-52844303>

⁵⁷ Anadolu Agency, “ABD’ de Sosyal Medya Platformlarının Dokunulmazlık Kalkanı: 230 Numaralı Düzenleme”, 15 September 2024. <https://www.aa.com.tr/tr/dunya/abdde-sosyal-medya-platformlari-dokunulmazlik-kalkani-230-numarali-duzenleme/2108153>

focus on identifying, preventing, monitoring, and punishing cybercrimes stemming from the use of virtual platforms for information dissemination. Notable legislative acts include the Turkish Penal Code No. 5271⁵⁸ (2004), the Law on the Regulation of Publications on the Internet and the Combat Against Crimes Committed Through Such Publications No. 5651 (2007)⁵⁹, the Law Amending the Law on Combating Crimes Committed on the Internet No. 7253 (2020)⁶⁰, and the Electronic Communications Law No. 5809⁶¹ (2008). More recently, the Law Amending the Press Law and Certain Other Laws No. 7418⁶², enacted on October 13, 2022, introduced specific provisions to combat disinformation through a 40-article regulation.

There are various regulations, particularly those specified in the October articles of Law No. 7418-such as Article 29, which came into force in October as mentioned above- that aim to clarify the general scope and implications of these legal provisions.⁶³ The article and its obligations attract attention. This

⁵⁸ T.C. Official Gazette. 17.12.2004, Vol:25673, 19 June 2024. <https://www.resmigazete.gov.tr/eskiler/2004/12/20041217.htm>

⁵⁹ T.C. Official Gazette. 23.05.2007, Vol:26530, 19 June 2024. <https://www.resmigazete.gov.tr/eskiler/2007/05/20070523-1.htm>

⁶⁰ T.C. Official Gazette. 31.07.2020, Vol:31202, 19 June 2024. <https://www.resmigazete.gov.tr/eskiler/2020/07/20200731.pdf>

⁶¹ T.C. Official Gazette. 10.11.2008, Vol:27050, 19 June 2024. <https://www.resmigazete.gov.tr/eskiler/2008/11/20081110m1-3.htm>

⁶² T.C. Official Gazette. 18.10.2022, Vol:31987, 19 June 2024. <https://www.resmigazete.gov.tr/eskiler/2008/11/20081110m1-3.htm> This law specifically aims to combat disinformation and is underpinned by various provisions that seek to ensure that media outlets utilize information accurately and avoid negatively influencing the public with misinformation.

⁶³ Article 29- The following article has been added to the Turkish Penal Code dated 26/9/2004 and numbered 5237, to come after Article 217. 'Publicly disseminating misleading information'. Article 217/A- (1) Anyone who publicly disseminates untrue information about the internal and external security, public order and public health of the country in a way that is capable of disrupting public peace, solely with the motive of creating anxiety, fear or

article stipulates that individuals who knowingly disseminate false or misleading information to the public may be sentenced to imprisonment for a term of one to three years. Furthermore, the penalty may be increased by half if the perpetrator conceals their true identity or if the dissemination occurs within the framework of an organized activity. This provision applies to individuals who share content, as well as content owners and platforms that facilitate the dissemination of such misleading information.

CONCLUSION

This study analyzes what is happening and will happen today and tomorrow in the individual-oriented network system based on the EU-based Digital Services Law, which regulates social media, the protection of the reality values of accurate information, the processing of information until it reaches the user, the control of disinformation laws, the shaping of user behavior in the processes of reviewing misinformation, the media reality and the general actions of global media companies on this issue.

The EU Digital Services Act addresses such content through a comprehensive 74-article regulation, organized around specific themes and categories. This law establishes the protective identity of content producers and consumers as 'rights holders and users,' while also defining 'gatekeeper platform owners' as entities subject to significant regulatory oversight. It grants broad powers to relevant institutions, coordinators, and Member States, particularly concerning these gatekeeper platforms in the context of social media. Emphasizing transparency and accountability,

panic among the public, shall be sentenced to imprisonment from one year to three years. (2) If the perpetrator commits the crime by concealing his/her real identity or within the framework of the activities of an organization, the penalty imposed according to the first paragraph shall be increased by half.'

which are priorities for both supervisory authorities and users, the Digital Services Act includes stringent measures such as fines up to 6% of global turnover and the potential for access removal for non-compliant gatekeeper platforms.

The EU has brought under supervision the implementation of legislation covering the areas of “due diligence (Sections 1-2-3-4-5)- obligations” and “implementation and enforcement of the regulation (Sections 1-2-3-4-5)” within the framework of a “transparent and secure online environment”. In cases involving content that harms the public sphere -such as discrimination, sexually explicit material, and violence-users may be subject to account suspension or removal, accompanied by limited legal or penal sanctions.

The USA, on the other hand, defines users as “consumers” in the relevant paragraphs of Section 230, while using the expression “For platform owners and users” in subparagraphs 4 and 5 of B. While outlining the general structure of the rights of consumers, parents, and their children in Articles 1 and 2 of C, it emphasizes that service providers have no responsibility for the content and sharing within the scope of the article, and limits the freedom and responsibility issues from the content provider's perspective.

Highlighting EU's legal practices, the text states that in addition to Türkiye's legal regulations, Law No. 7418, which came into force on October 18, 2022, 'Law on Amendments to the Press Law and Some Other Laws,' imposes significant responsibility on users when creating a specific content item and indicates that existing sanctions will be applied under Article 29. Furthermore, it is understood that the regulation in question creates a lower-scale sanction model for content provider platforms compared to the EU convention (due to the fact that some platforms still do not have a working office in Türkiye) and has developed a hybrid application model by taking some cross-sections of US practices as an example.

In conclusion, it is observed that various measures are being taken at different scales to protect, accurately transmit, and

process the reality framework of information, which is a significant argument forming the Post-Truth field, against the suppressive and encompassing actions of new-generation network technologies. The new media space, within the context of information in the system, cannot operate independently of the content provider and the user. Therefore, regulatory frameworks -particularly enforced by supervisory authorities- are designed to ensure that data security, the confidentiality of personal records, the transparency of algorithmic platform content, and the distribution of economic gains comply with established control provisions. These frameworks are continuously updated and adapted through new methods to address emerging risks over time, even in cases where full compliance cannot be achieved.

It is understood that these regulations will strengthen the positions of countries on international platforms, while the sustainability of legal practices will be maintained with specific updates through national, regional, and global policies. When all legal practices are taken into account, the Post-Truth approach will continue to evolve, intersecting with and being shaped by various political and social challenges such as the influence of technological corporations, ideological divisions, propaganda activities, and global political tensions.

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