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Communication law as a new challenge for information society

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Abstract

The research framework is the information society. In these societies, the role and importance of communication has increased in social, economic and legal terms. Communication law has developed into a new interdisciplinary, plural, sui generis branch of the science of law and legal studies that integrates normative acts related to communication into the legal system and is capable of independent value articulation. The aim of this research is to facilitate the development of the topic by supplying related definitions and presenting its context and challenges. At the same time, it points out that the rise of social media, automation, COVID-19 and the Russo-Ukrainian war are bringing about regulatory challenges that require new solutions. In addition to reviewing the international and domestic literature on the topic, the author bases his findings on previous empirical research. According to the research conclusions, the wide-ranging innovative application of information technologies and the suppression of abuses are desirable, which presupposes the further development of the legal environment, communication law, and the elaboration of legal developments that respond to the changes. The research leads to specific recommendations and develops the related theoretical areas.

Keywords: communication; information society; information pollution; communication law; communication rights, challenges

1 Introduction

1.1 Basics

In the information society, the role and importance of communication and information have increased in social, economic, and legal contexts. Communication law has been born as a new area: a new interdisciplinary, mixed branch of law that integrates all the communication-related normative actions associated with the legal system. This is forming an independent legal matter. As a result of the development of the law, the place and role of communication law are still being shaped, but it is a legal branch of the present and future.

One of the basic conditions for moving forward is the definition of communication law in terms of its legal terminology, the scientific definition of its place in the legal system and the clarification of the concept and main features of information society determining the development of this area of law, which I intend to facilitate within this article through conceptualisations and presenting the context of this topic. I also wish to articulate the related challenges that are appearing in all societies.

1.2 The new challenges

We live in a world of global transformation that is posing new challenges to democracy, society, the state, and markets. The global economic and health crisis and the Russo-Ukrainian war have significantly impacted this transformation, *with new roles, tasks to be solved and challenges for all actors*. The aim is to overcome the crisis, develop new growth paths, achieve *sustainable development*, and apply innovative solutions. The use of information technologies, the *development of information societies, and the creation of a legal environment that supports this can play an important role in achieving this objective*. In accordance with this, I would like to make three statements that indicate the challenges:

- Due to communication and information revolution, *the innovative use of information technologies* may lead to significant cost reductions and efficiency gains, thus providing a solution and a *way out* of the economic crisis.
- *Communication is an industry* that plays a decisive role on a global scale and *appears as a power factor*. However, its transparent functioning and the integration of its appropriate legal environment into an integrated system are necessary for *creating new value for states, society, and markets alike*.
- Due to the inappropriate legal environment and the lack of compliance and enforcement, we are encountering significant abuses and harms that generate serious losses at global and national economic levels and pose a significant challenge to states, society, and markets, so it is desirable to reduce them. The solution is integrated legislation tailored to real social and economic processes that forms and shapes the material of communication law. This para-legal branch, therefore, is a legal branch of the present and the future.

2 Information society

2.1 The role of information society

In parallel with the formation and development of information societies, the emergence and dynamic growth of communication law and related legal areas can be observed and monitored in Hungary and the legal systems of the world's developed countries. Trends such as globalisation and the current global economic and health crisis have brought the role of information societies and the need to develop them even more to the fore. They have also clarified the latter's key role and status in competitiveness compared to other factors. Thus, due to the development of communication law, which is one of the bases for the functioning of information societies and governs the growth of the digital world and

the fundamental situation of communication, significant laws and legal norms are being created worldwide. At the same time, legislators cannot keep up with the social and economic transformation, so the need to clear up a myriad of loopholes requires the clarification of fundamental regulatory issues.

2.2 The definition and characteristics of information society

The conceptual approach is multilateral, so the information society is also called the 'knowledge society' or 'knowledge-based society'. Also related to information society (its system of tools), the terms 'electronic society' (Török, 2002), 'network society' (Castells, 1996), 'information economy', and 'electronic economy' (Grimm, 2002) are used. Scientists have described the information society as the society of the future, where knowledge is the most important resource and information is a necessity/economic product. Consequently, the latter takes the form of goods/services, thereby creating an independent market. The driving force behind the transformation and development of society is not the production of material goods but information goods (Komenczi, 2002).

Information society can be defined as *an information-driven knowledge society based on the flow of information and digital literacy, where social, political, and economic development and continuous growth are driven by the innovative application of information techniques and technologies that ensure competitiveness and its wide range in all areas*. This is, of course, a process whose effectiveness is determined by the ability to innovate and to adapt rapidly. Information is at the heart of the functioning of information society. The driving force is the development of information technology infrastructure, which leads to a positive and significant change in competitiveness, reduces costs and prices, improves efficiency and helps develop more modern systems. The driving force is the improvement of IT infrastructure (Róna, 2011). At the same time, information technologies embedded in society have a *significant ability to create and shape human consciousness and knowledge*, as well as behaviour, activity and relationships. The former determine the creation of other forms of consciousness and knowledge, behaviour and communication that require new social and economic models and legal solutions. According to the European Community, 'information society' is a term used to describe numerous and various challenges and opportunities that have come to life due to the development of modern information and communication technologies that have taken place in the economy and politics.

3 Communication

3.1 The importance of communication nowadays

Communication and *information as factors of production have become more and more valuable recently*, beyond what was previously experienced. Significant action has been taken worldwide to improve the speed and effective availability of information and build an up-to-date information infrastructure, *showing this above-mentioned increase in value* (Tattay, 2010). The resulting networks are woven throughout the world, comparably to the human nervous system. Changes are due to a disarmingly simple phenomenon: the flow

of information (Gates, 1999), in which the role of the communication and technology industry is relevant. Research shows that communication significantly impacts organisational performance (Kuráth et al., 2023). Communication as a criterion of competitiveness is expressed in some form in the system of conditions in every field.

Another effect of global competition is that the physical content of GDP in developed countries is decreasing rapidly while immaterial goods (e.g. goodwill) are playing an increasing role in the evaluations of companies. Creating added value is the main motive of the economy. Support areas and services, including breakout points, organisational communication (PR/Public relations),¹ IT development and information security will become central in the strategies of value-creating companies. At the same time, the world of communication and mass media has been transformed by the rise of the Internet, which has created conflicts with existing laws (Bagdikian, 2004).

3.2 Conceptual scope of communication

Living circumstances are connected to communication. Thus, the definition of communication itself undergoes transformation; its semantic content gets increasingly richer. Several definitions of the concept of communication have been published, but they involve different content in both lay and professional scientific terms. The formal manifestations of communication (from signal systems to the mother tongue, modern media to the World Wide Web) and the content of messages (what we communicate, information) have undergone significant development in parallel with the history of human evolution, as well as the range of available media. The broadest definition of communication comes from Weaver, a prominent representative of the theory of mathematical communication. According to Weaver, *the concept of communication includes all the procedures by which one consciousness affects another*. This covers written and spoken language and comprises music, painting, theatre, and ballet; in fact, it embraces all kinds of human behaviour (Szeles, 2006). According to the modern approach to the concept, *communication means transmitting information in any form, way and content can be carried out by requesting, collecting, transmitting or denying information, or abstaining*. This includes not only the forms of active communication between persons and specific content but also all manifestations thereof. Communication content is de facto infinite in terms of its manifestation and shape (through animal dance and cockatoos to Facebook) and meaning. Communication is a natural part of all human behaviour and action.

Every behaviour is communication, and every form of communication is behaviour (Watzlawick et al., 1968). The nature of communication is to be generative. Communication generates communication. The media multiplies the generative effect of communication, resulting in multi-level publicity and the communication systems of modern society. This results from thousands of years of development (Buday-Sántha, 2018). The media

¹ Public relations: overseeing and shaping the communication of an organization, building and managing its reputation (Konczosné, 2014).

plays an important role in public and social communication. Nowadays, pervasive mediation is essentially a meta-process that transforms the entire conditionality of socialisation and social life through the interiorisation of media-mediated news and stories, also creating new social forms and enriching our image of the community-forming role of communication with previously unknown nuances (Szécsi, 2019).

4 Communication law

4.1 Definition of communication law

In the world of communication and information, continuous change has led to the formation of countless new relationships, and new regulatory demands have arisen in relation to such everyday legal relationships. Due to this, many new laws and pieces of legislation have been created, and new legal areas and branches of law have emerged. A demand for new norms has also arisen concerning everyday communication situations. Therefore, new legal regulations have been created to ensure the legal management of fundamental living conditions. As a result of the development of law, besides the branches related to the profession of communication (e.g., media law), several other fields have evolved and been defined, such as marketing law, competition law, advertisement law, consumer protection and the legal regulation of public relations. In addition, there are countless legal parts of the itemized law that regulate communication issues (Buday-Sántha, 2019a).

Communication also plays an outstanding role in the fields of legislation, the application of the law, and the interpretation of the law in our everyday lives. It also appears as an element of legislative and enforcement bodies. In addition, the number of disputes and cases related to communication and communication activities is increasing yearly. A crucial factor is that the fundamental rights underlying these standards are the source of constitutional communication rights, such as freedom of expression, freedom of the press and freedom of information.

The sub-parts of communication are at different stages of development and levels of regulation. At the same time, they are closely related in countless areas, as are the conditions they regulate. Their formation is influenced by culture, legal culture (Cotterrell, 2006), the moral and social psychological components pervading the law (Szilágyi, 2021), and other social subsystems. The norm-set of ethics, which is part of the culture of all societies, has undergone countless changes (Boros, 2019), and whose importance is appreciated, partly makes up for the legislative deficit caused by rapid changes. This is indicated by the increase in the number of codes of communication ethics. In parallel with the integration processes that occur in everyday life in the areas of communication, sources, tools, channels, and institutions (i.e., in the communication industry and under the influence of continuous legal development), the combination of the areas of law constituting communication law may constitute a distinct right. The totality of these regulations is the right to communicate, which is currently characterized by its continuous development and the expansion of its legal material. Constitutional standards of communication rights form the basis, and specific areas of communication law are based on it. 'Communication law' as legal terminology is associated with its own conceptual system.

According to the general definition in legal terminology, communication law is the sum of the communication conditions governed by legal norms. These *de facto* run through the whole legal system, from the constitution to case law, from supranational and EU standards to ethical standards, self-regulation and co-regulation. Communication law is a *set of laws relating to communication*, a field of law that integrates all the laws and other standards related to communication in everyday life. 'The purpose of communication rules is to ensure freedom of expression and communication as a fundamental legal value' (Caristi & Davie, 2012, p. 45).

The need for regulation is also justified by the fact that communication is a complex and multidirectional process, or so to say, a 'double-edged weapon', 'which can generate balance or imbalance, equivalence or inequalities, progress or decline, have a productive or counterproductive effect, create culture or inaction, promote information or uninformatation' (Ambrus, 2010, p. 14).

4.2 The systemological situation of communication law

Considering its taxonomic nature, communication law is an object of jurisprudence, an individually delimited, new, developing, interdisciplinary, plural, *sui generis* branch of the science of law, which, because of its integrative nature, combines the standards and legal instruments regulating communication. It forms a special set of different branches of law. The *genus* (common) *de facto* element is communication. In the network-like system, *humanities* are incredibly important as *semina rerum* ('the seeds of things'), freedom of information is *sine quo non* (a basic condition), and the freedom of communication *genus proximum*. This fundamental right refers to the basic freedom of communication rights, the protection of which is aimed at ensuring diverse manifestations of free communication, the forms of which are almost unlistable. The legal branch of communication law will never be like traditional branches of law since, due to its mixed nature and multiple features, it has countless specificities (Buday-Sántha, 2018).

The social importance of communication law is proven by the fact that the relevant orders are held together by the Constitution as a dogmatic unity. The legislation governing public communication and mass communication is heterogeneous and non-homogeneous; public communication and mass media are governed by different legal provisions. The legal matter to be examined equally includes statutory instruments of constitutional law, administrative law, criminal law, and civil law. Therefore, communication law encompasses a new field of law that is made up of legal matters beyond the traditional branches of law; essentially, it is the grouping of regulations from a particular perspective, and we consider those legal orders here that are *relevant from the perspective of communication* (Gálik & Polyák, 2005).

This branch covers countless sub-areas, and of course, its fields are closely interrelated and brought together by common principles and institutions. Each of the norms forming communication law is diverse and far-reaching, and all legislation *can be found among them*. The regulation of subareas appears both at the level of acts and the level of inferior statutory instruments. Missing regulations are mainly substituted by a significant number of ethical codices, EU directives and standards associated with case law, but active

self-regulation and joint regulations are common, too. The collection of these new and valid legal standards regulates rights and connected obligations within wider and wider bounds, as well as the barriers to the use of means.

Developments in information society also indicate *the integration process* of communication tools, channels, forms and professions. These must be followed by legislation. In the United Kingdom, the first *communication act* (Communications Act of 2003) included the reform of media regulation and contained instructions concerning the communication industry concerning the liberties of communication. In 2014, the European Union accepted the Human Rights Guidelines on Freedom of Expression Online and Offline, indicating this area's importance (European Council, 2014).

In Hungary, too, there is a need for a *communications code, an integrated codification* of communications law in a statute book, which would lay down the most important communication principles for society, define the basic concepts and norms of the operation of the various communications industries and professions, the institutional system, and rules for communications messages and media. The Code would allow for the differentiated regulation of various media and means of communication, as necessary, while at the same time creating a systematic approach to the regulatory elements affecting communication based on uniform principles and ensuring their consistency. The Code would demonstrate the global importance of communication and its regulation today, combine an interdisciplinary approach to legal communication problems, and go hand in hand with an increase in legal literacy, compliance, and enforcement as a form of *added value*, as in the case of other codes. Under the current legal system, the 'fragmented' regulation of communications in different laws and legal places is an obstacle to achieving all these objectives.

4.3 Areas of expression of communication law

The rapid increase in real information and demands for information, as well as the huge political, social, cultural, and economic role of telecommunication means and institutions, are all claimed to be among the achievements of our era. Constitutional and statutory legislation on communication, therefore, plays an important role (Ádám, 1999).

Communication has several fields of manifestation, and these are partly regulated. Legal standards in the field of communication law form a special system. If we approach this from the perspective of the fields of expertise in the communication market, then this para-branch includes:

- a) the *general part: communication rights* (fundamental rights enshrined in the Constitution),
- b) *dedicated parts* of the following areas:
 - *PR law* – the specified (standards connected to the building and protection of good reputation),
 - *advertising law* – the specified (for market communication; legal rules relating to promoting the sale of goods and services),
 - *media law and press law, copyright, competition law, data protection law, internet law, consumer protection laws, info-communication law, marketing law* – 'associated law' (all the standards that play a role in the successful manifestation of communication such as the sharing of messages).

According to this, the basic rules, the dogmatic unity, and the so-called basic law of the system forming communication law are made up of the standards of fundamental communication rights, or to say, the communication rights written in the constitution (freedom of speech, freedom of the press, freedom of information), which can be treated as the general part of communication law. The sum of the derived rights, sectoral and inferior laws derived from these constitutional provisions constitute a special part of this area of law.

The domain of these rights and the related barriers include individual communication and all communication activities and information emissions of any subject or nature and their means of manifestation in the branches, thus in judicature (courts, prosecutors' offices, police stations, executive and penitentiary institutions, lawyers, notary publics), central and local governments (local governments, governmental organisations, political parties, politicians), media (electronic media, printed media, online media and its system of institutions with professional representations), the economy (economic organisations, enterprises, representations of interest) and civil sector (inhabitants, civil organisations) (Buday-Sántha, 2018).

5 Problems, hazards, and risks

Communication and communication law are fraught with many problems and dangers. The sources of these are multi-directional. They stem from the information environment and technologies, such as susceptibility or lack of the conspiracy theories of organized groups on social media (Krekó, 2018). Among the current problems and dangers, I would like to draw attention to the principal areas of manifestation that severely impact the development of communication law and society.

5.1 Dangers of information technology and problems in the legal environment

The technological boom is leading to the transformation of societies. The innovative application of information technology determines social and economic processes and is an opportunity to solve problems, but it also involves countless risks and dangers. At the same time, the law is a system that follows the development of social and economic processes, and therefore, the former's development significantly determines the direction of legislation, the development of legal systems, and individual pieces of legislation. Legislation can also influence the development of a society in a positive or negative direction.

5.1.1 Technology: Inconsistencies in regulation

In the near future, technology may radically transform all areas of law (Lawyers' Journal, 2019). Concerning the communication revolution, the technologically disrupted nation-state has not created a set of conditions that would enable reliable, predictable legislation. We may imagine and implement regulation within the framework of the nation-state

because we see the legitimacy of regulation only within the framework of the nation-state. The question is how successful the establishment of a regulatory basis for technology. Nowadays, technology and regulation are in serious conflict. The financial crisis of 2008 broke out because international and national regulatory systems could not keep up with the pace of development (Róna, 2011).

5.1.2 Robotics, artificial intelligence: Lack of a regulatory environment

Artificial intelligence has notable potential for addressing global societal challenges, but there are significant dangers associated with any delay in creating an appropriate regulatory environment (European Parliament, 2019, Article 6, point Y). The EU considers that regulatory uncertainty has resulted in overly cautious reactions from the industrial sector (European Parliament, 2019, Article 14, points 2.50).

In addition to industrial robots performing mechanical operations, more advanced robots with 'consciousness', 'personality' and special intelligence are expected to gain ground. Some mechanical structures may already operate autonomously due to their sensors, collect and communicate data about their environment, have self-learning ability and physical existence, can adapt to their environment and draw conclusions from environmental changes (Udvary, 2018). With the rise of robots and other technical products with artificial intelligence, more and more pressing constitutional, communication, information, personality and other legal issues (e.g., market introduction, standardisation, licensing, warranty, contract supplies, industrial standards, liability, data and consumer protection) arise, further shaping communication legislation. According to Gates, smart robots are being replaced by skilful robots (Lichfield, 2019).

The time has come to establish legislation that applies to unconscious machines and the humanoid robots that replace them to control their development (Buday-Sántha, 2021). The EU believes that all regulatory frameworks should remain flexible (European Parliament, 2019, Article 15, points 3.54) with regard to comprehensive AI regulation, being general enough but also specific to the extent that they meaningfully influence the sector (European Parliament, 2019, Article 22, points 4.116). It is an important and hopeful step that the European Parliament approved the Artificial Intelligence Regulation (the 'AI Act') on March 13, 2024, which will spur innovation while guaranteeing our safety and fundamental rights (European Parliament, 2024, AI Act).

5.1.3 Multilevel publicity – information segregation – polarised society

In the information society, the widest possible spread of multi-level publicity and the multiplication of media are transforming the need for constitutional and legislative regulation. Ensuring equal opportunities for communication and information is conditional on ensuring that all citizens are informed and that pluralistic information is ensured in each society. Even if *media pluralism* is realised, individual citizens will be exposed to different informational content due to their characteristics – their values, interests, orientations, differentiated media access, digital literacy, and other personal conditions. As a result of

such different information exposure, different images of reality ('Reality 2.0', 'reality bubbles') and knowledge of the same subject are created. On the other hand, variable access to information (e.g., digital literacy or the lack of access to digital platforms) is creating a class of citizens 'isolated' from real and pluralistic information. Differentiated access to information increases *polarisation in society*. Equality of information could be ensured through education and free state access, and media pluralism may be guaranteed through broader legal guarantees.

5.1.4 Legislation – legal constraints – general concepts

The number of official cases and court cases concerning communication and information rights is increasing linearly, with countless consequences. How legislation is created impacts the enforcement of communication rights. The use of general concepts or the non-implementation of legislative concepts provides for interpretations and jurisprudence other than the legislator's intention. The limitations associated with individual fundamental rights also impact the enforcement of communication rights and vice versa. The legal limits of communication rights constitute a basis for reference for rights-holders and obligors, even if there is no legal basis for this (Buday-Sántha, 2019b).

The COVID pandemic and the state of emergency declared because of the war provide an opportunity for regulatory governance and restrictions on fundamental and communication rights. By their very nature, the restrictions entail the potentially abusive exercise of rights by legislators, enforcers, and practitioners alike.

5.1.5 Legislation – adaptation deficit

In parallel with the development of information society, communication law can be traced to the legal systems of the world's developed countries, which is the most dynamically changing and expanding legal material. The *legislative boom also raises the issue of the lack of quality legislation, constant changes in legislation and a lack of quality standards* (for example, between 2010 and 2015, 60,000 more pages of legislation were published in Hungary than in the total number of bulletins in the sixty years between 1945 and 2005; Körmendy, 2016).

The trend harms legal literacy, compliance, and enforcement. Primary research about communication law has also shown that there are many loopholes and that legislators cannot keep up with social and economic transformation and real regulatory needs (research details in Buday-Sántha, 2018).

5.2 Communication abuses, grievances, and risks

We can encounter communication abuses in everyday communication and the operation of the communication industry on a daily basis. The form and number of such incidences are constantly increasing and pollute the information space, distorting publicity and the perception of reality.

5.2.1 Information pollution – fake news

Information pollution, i.e., a high level of advertising noise in the mass flow of information, misleading, fake news, conspiracy theories, the growing number of campaigns based on them, etc., makes it difficult for individuals to *obtain and identify factual information*. Manipulative communication abuses reduce the reliability of information and the *information trust index*, posing a severe threat and concern in the field of privacy, information rights, and public affairs. *Media abuses* such as hoaxes, fake news, online harassment, revenge porn, clickbait, offensive expressions, hate speech and propaganda² (European Parliament, 2018), as well as discrimination in communication,³ play a dominant role in the promulgation of distorted information content in the *information space*; communication discrimination involves nationalism, populism, the coercive service of journalists to the holders of information power due to their existential dependence, the role of the state, economic factors, political media control and pressure, along with psychological violence. Legal regulation, education, increased crime prevention, and easier access to justice can alleviate this trend. The phenomenon of fake news causes many problems in our everyday lives. In today's media environment, fake news is spreading rapidly as barriers to information consumption have disappeared, and social media sites have become open, free and unlimited platforms for sharing and consuming news. The latest report on the relationship between social media and fake news shows that 41.8 per cent of the traffic on fake news sites comes from social media. In comparison, traditional and latest news portals account for only 10 per cent of total traffic (Allcott & Gentzkow, 2017). Fake news is damaging the health of the information environment and people's access to reliable and accurate information (OSCE, 2020). The opportunities offered by artificial intelligence can also boost the spread of fake news.

5.2.2 Communication violations

According to primary research on communication violations, the most common areas of violation involve spam, promotional products, unauthorised data processing and use, the infringement of personal rights, copyright, and reputation. The figure below further details the nature of communication abuse.

The respective study showed that respondents were also offended by 'other' issues, such as state-, information-, mass communication- and political activities; also, by telecommunications harassment, telemarketing, organisational internal communication damage, and discrimination.

² The resolution 'On the freedom and diversity of the media in the European Union', adopted by the European Parliament on 3 May 2018, refers to certain forms of abuse affecting mass media.

³ Communication discrimination is nothing more than the distinction between the subjects and target groups of communication in the transmission of information, news, and data transmission.

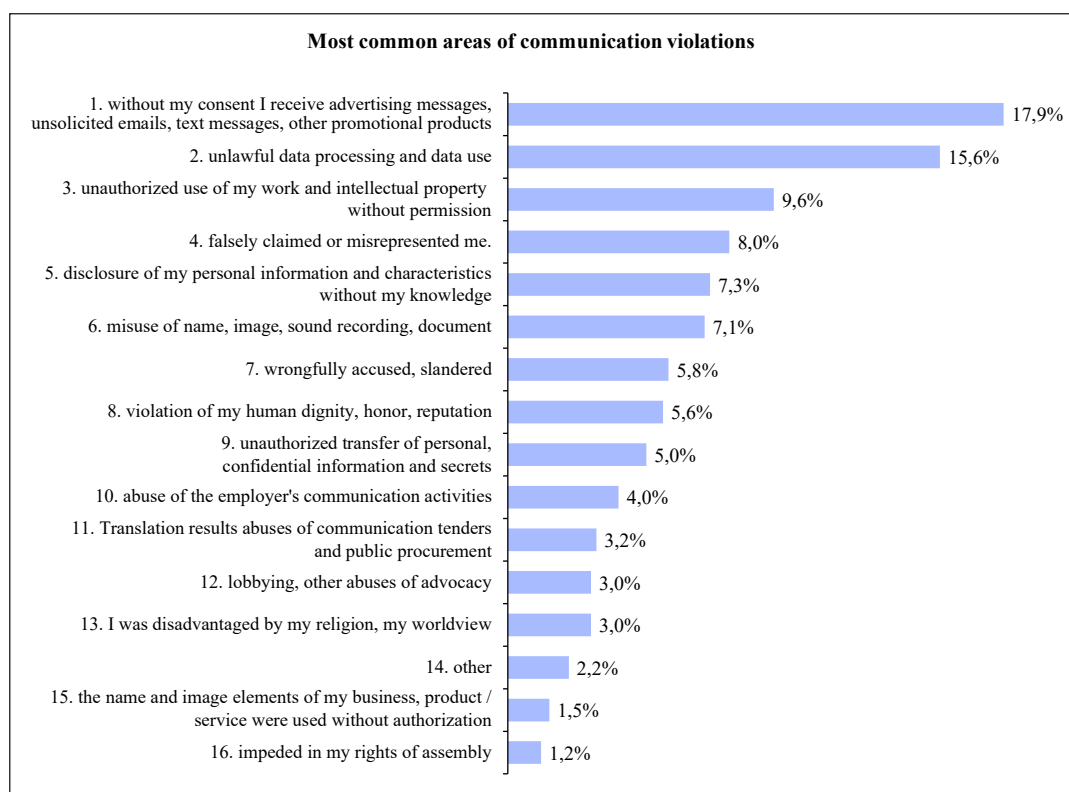


Figure 1: Communication violations

Source: Buday-Sántha (2018, p. 232).

The survey results also highlight that, in the case of the violation of norms, 87.4 per cent of the victims did not turn to forums to obtain any legal remedy (ethical body, authority, or even court); only 12.6 per cent did so. This suggests that there is a high level of latency due to a lack of enforcement, as most grievances are neither disclosed nor remedied (Buday-Sántha, 2018).

5.2.3 The COVID pandemic – ‘Infodemia’

According to recent international research by the Reuters Institute, information demand, media consumption, and the need for reliable news increased during the health epidemic. In international comparison, trust in the news is highest in Finland, at 65 per cent, and lowest in Hungary (together with Slovakia), at 30 per cent (Reuters, 2021). The economic and social damage of fake news is uncountable but could be curbed by legislation.

The ‘Digital News Report 2021’ assessed the impact of the coronavirus pandemic on the audience, the media market, and the news industry as a ‘dark cloud’. The general trends in the report are as follows:

- The crisis, coupled with closures and other restrictions, has increased the decline in print newspapers, the financial difficulties of independent media companies, and the number of redundancies of journalists.
- The closures have had a negative impact on the distribution of print media, accelerating digital media consumption. The future is digital media.
- Companies were alarmed by the global economic downturn and revised their spending and traditional ads.
- New business models have emerged, such as fundraising based on subscriptions and memberships. Media publishers have turned to subscriber/membership/donation models to reduce the pressure on them.
- The gap between the ‘best and the other’ media has widened, as has the trust gap between news media and social media.
- Confidence in news increased by an average of 6% in the wake of the coronavirus pandemic. Most media consumers trust the news.
- Reliable brands also perform better online.
- The research revealed worrying inequalities in audience and news consumption. The global spread of misleading, false information and conspiracy theories is common. The survey shows that concern about misinformation may be described as follows (Newman et al., 2021):
 - compared to the previous year, concern about misinformation is a little higher at 58 per cent (+2).
 - in terms of territorial distribution, Africa is the biggest concern (74 per cent), followed by Latin America (65 per cent), North America (63 per cent), and Asia (59 per cent), while it is lowest in Europe (54 per cent).
 - on average, people say they saw more false and misleading information about the coronavirus (54 per cent) than about politics (43 per cent).
 - ‘Other’ topics of false information included material about celebrities (29 per cent) (actors, musicians, and sports stars), 22 per cent products and services, and climate change (20 per cent) (Newman et al., 2021).

The pandemic amplified the importance of having access to credible and reliable information and the production of health-related content for Internet users, generating huge social media traffic (Nan & Thompson, 2020). According to the WHO, the COVID-19 pandemic resulted in the first global *information pandemic* of the social media era. The term ‘*infodemia*’ refers to excessive information about a particular problem, making it difficult to identify the solution. This can lead to the spread of misinformation and rumours during health emergencies (UN DGC, 2020). In this situation, the responsibility of the state to ensure the broadest possible freedom of information and to fulfil its constitutional protection obligations increases (Polyák & Nagy, 2021).

5.2.4 War-related disinformation and cyberattacks

The classic means of warfare are data theft, espionage, and disinformation. The use of these tools has also been established in the information space. Military, political and business cyberattacks and cybercrime are becoming more frequent and sophisticated. This

trend is expected to intensify in the future, with an estimated 22.3 billion devices connected to the Internet of Things worldwide by 2024 (European Council, 2021). The cyber warfare associated with the Russo-Ukrainian war⁴ is characterized by information dumping, false news, manipulated photos, false statements, falsifications, state propaganda and extensively forged videos in cyberspace. In this fight, the Ukrainian side also uses fake news to improve morale. Worryingly, the quality of fake news is getting better, and month by month, it is becoming increasingly difficult, for example, to distinguish real news from fake news, real photos from fake ones produced using artificial intelligence, and deep fake videos from real ones, which distort reality and make the news consumer vulnerable, make the news consumer control the news, and at the same time encourage the media to educate. The Deutsche Welle news portal helps the reader understand misleading news by collecting and classifying the most widespread fake news. Verifying the facts shows how to see through deception and the main trends in counterfeiting (Wesolowski, 2022).

6 Summary: Proposals for the development of communication law

The widespread innovative use of communication and information technologies in all areas, and thus the further development of an information society and the creation of a legal environment, are some of the developments involved in overcoming the global economic crisis and underdevelopment and maintaining growth and development.

The study shows that several factors influence the development of communication law. Eliminating the trends and problems observed worldwide will require clarifying fundamental regulatory issues. At the same time, the regulatory quality of communication law is dependent upon the legislator's ability to follow changes and provide a meaningful legal framework that responds to the challenges of communication law and ensures the enforcement of communication rights. An ideal communication law norm system will *create a legal environment that represents actual processes and a framework for legislation that follows changes and eliminates loopholes that demoralise and criminalise in the absence of a legal settlement and is also essential for proper legal certainty, compliance and enforcement.* For this, it would be necessary:

- At the national level
 - for the constitution, with constitutional force, to expand fundamental communication values and declare the freedom of communication.
 - to broaden the guarantees of communication rights.
 - to broaden the scope of constitutional state institutional protection obligations.
 - to design uniform principles for the communications industry by creating a comprehensive communication law. Modifying outdated regulations and replacing missing sub-regulations would make everyday business, organisational, and even personal communication more transparent and predictable.
 - to increase the legal guarantees of the independence of institutions responsible for professional management and supervision.

⁴ Microsoft claimed that it recorded 37 cyberattacks in Ukraine between February 23 and April 8, 2022 (MTI, 2022).

- to strengthen crime prevention and to broaden options for redress.
- to develop education concerning communication and its legal regulation.
- At the EU level
 - to ensure equal opportunities for acquiring information, in addition to the four fundamental freedoms – the free movement of goods, services, capital, and labour – and to declare communication, the free movement and flow of information, as the fifth fundamental freedom.
 - to adopt a regulatory directive to prevent the misuse of communications, forms of expression and communication rights.
- At the international level
 - to internationally regulate the phenomenon of fake news and the legal issues of robotics, artificial intelligence, and cyberattacks.
 - to take more serious action to eliminate monopolies on information sources and services and their multi-nationalisation and to prevent their exclusive ownership in other forms.

These changes in communication law would significantly contribute to today's global transformation, eradicating the global economic crisis and supporting sustainable development and individual and global security. In the field of communication law, further research is needed on the impact of the COVID-19 pandemic, the Russo-Ukrainian war, and AI.

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