

The Freedom of Speech in Live Webcast

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Abstract—Internet freedom of speech is a basic right stipulated by the Constitution and an important part of the construction of a society ruled by law. In the context of the Internet, especially in the live webcast, human rights and national interests and public order will inevitably contradict. To this end, it is necessary to restrict and protect the speech on the Internet in the context of the Internet in accordance with the law, and to construct a reasonable rule of law structure, in order to seek the balance of the system and make up for the lack of network norms.

Keywords—Internet; freedom of speech; society of rule of law

I. INTRODUCTION

Since China officially connected to the Internet in 1994, the Internet as a new industry in the process of rapid development through a series of network-related technologies such as media and platforms, making the dissemination of speech more convenient and extensive. On the one hand, it has created convenient conditions for the active realization of freedom of speech. On the other hand, it has shown many contradictions in the construction of a society ruled by law. Building a harmonious and stable Internet society occupies an extremely important position in Jinping Xi's rule of law. In the report of the 19th National Congress, he proposed, "Strengthen the construction of Internet content, establish a comprehensive network management system, and create a clear cyberspace." [1] Freedom of speech as a citizen A basic right, how to avoid the contradiction between it and the construction of a society under the rule of law will be an issue that cannot be underestimated in the modernization of China's rule of law.

II. INTERNET FREEDOM OF SPEECH HAS BECOME AN IMPORTANT PART OF THE CONSTRUCTION OF A SOCIETY RULED BY LAW

A. *The Value of Internet Freedom of Speech from the Perspective of the Rule of Law Society*

Freedom of speech, or "freedom of expression," means freedom that is perceived and heard in some way or form [2], including the freedom to express, collect, disseminate, and understand facts and opinions. In the Internet environment, freedom of speech as a citizen's basic right extends to freedom of speech on the Internet. It is the same as the general legal status of basic rights and is a new form of freedom of speech.

Freedom of speech on the Internet is a basic right based on the Constitution. It has extremely important value and role in the modern society with rapid development of the Internet. The popularity of the Internet has opened up channels for citizens to express their personal wishes and exercise their rights. Online freedom of speech has become an important mechanism for the construction of a society ruled by law. The network platform, especially the emerging webcast in recent years, provides a broad platform for citizens to express their wishes with its simple equipment, fast and rich content. At the level of influence, the audience coverage of webcasting software is extremely extensive, and its returning stress and force have become an important support for building a society ruled by law. As an emerging interactive video entertainment method, the performance of webcasting is also developed from a single live competitive game to a live song and dance performance or even to sharing meals and shopping. Freedom of expression is fully realized in it, and multiple values collide and communicate with each other. It is conducive to the formation of a networked public domain that achieves democratic participation and safeguards power supervision [3]. However, no rights are unlimited. Internet freedom of speech should also be legally bound by the principle of proportionality. In the network platform, especially in the live webcast, the lack of rational expression cannot be called free expression in the legal sense. The realization of the rule of law society needs to pass reasonable and necessary trade-offs, to the vulgar content, to the country and social stability and interests. Expression is limited.

B. *Problems Arising from Freedom of Speech in the Context of the Internet*

The low threshold of webcasting reduces the cost of online speech publication, and the power of communication is also characterized by timeliness and timeliness. The speech of different values breaks through the rapid spread of time and space, and the interest and interaction of live content attracts a large number of netizens to participate. Since live content is difficult to obtain effective supervision and control, low-value speech is also spread through webcast channels. However, most netizens are affected by herd mentality, lack of rational judgment, and even worse, have a negative impact on underage education. Such as "Yifa Chen's incident", inappropriate comments through the network of fermentation caused intense discussion among netizens. The authenticity of network expression has yet to be investigated, and the cost of rumor communication is getting lower and lower. Blind obedience will only form

obstacles to the construction of a society ruled by law. In the context of the increasingly prosperous Internet broadcasting industry, online freedom of speech creates favorable conditions for enhancing citizens' political participation, legally exercising rights, and effectively conducting citizen supervision [4]. On the other hand, it hinders the creation of a clear Internet space and a contradiction with the strategy of network power.

III. INTERNET FREEDOM OF SPEECH NEEDS TO DETERMINE BOUNDARIES

Freedom of speech is the basic right that best reflects the spirit of contemporary constitutionalism. However, the lack of online freedom of expression has led to the abuse of rights. It is necessary to effectively regulate the illegal phenomena in online speech at the legislative level. The key is that legislation should clarify the legitimate comments of the Internet's boundaries.

A. Principles

1) *Foreign principle*: In the Anglo-American legal system countries, the United States adopts the "obvious and always dangerous" standard, which means that the decision to restrict freedom of speech is determined by whether the freedom of speech will have a material adverse effect on social order. Judge Holmes's criteria for assertion in the Schenk case are an extension of Pound's law of interest in social law, with minimal hindrance and waste to satisfy as many conflicting interests as possible [5]. The United Kingdom adopts the standard of non-violent speech. The cause stemmed from the shooting of a black man by a London policeman who protested against police violence and created a page on a social networking site, which later evolved into a smashing incident, thereby setting the standard for restricting freedom of expression.

In continental law countries such as Germany, the boundaries of freedom of speech are also guided by Pound's measure of interest. German Justice Minister Cypris once pointed out that "in Germany, everyone's basic rights are protected by law, but there is a problem of measuring rights, if the state thinks that one right is higher than the other, such as protecting young people. It is more important to protect freedom of speech. Based on this, certain speeches can be controlled. "[6] It can be seen that Germany's legislative principle of the regulation of online freedom of speech is the principle of legal interest measurement.

2) *Domestic principle*: In China, the freedom of speech protected by the Constitution is a statement that expresses personal will and does not harm the public interest. When an individual's online speech expression conflicts with social stability, it is necessary to balance the relationship between the two through the principle of proportionality and achieve reasonable restrictions on freedom of speech on the Internet.

B. Regulation

1) *Limits to national interests*: Under the development of Internet technology, the state will also use the network for sovereign infiltration [7]. In the network world, countries will also advocate "network sovereignty", which is an extension of the real country's borders. Conducting ideological competition is an important aspect of vying for network sovereignty. Due to the convenience and interactivity of the network itself, the network has become an important platform for countries to engage in ideological competition. The output of ideology involves national interests and even national security. Therefore, defining online freedom of speech is particularly important. Not only are extreme religious organizations and ethnic separatists planning and organizing terrorist activities through the Internet, but individuals can also publish harmful statements that are not conducive to national unity and social stability through the online platform.

2) *The boundary with public order*: The Internet provides a broad and free voice platform for ordinary people. The influence of individuals is getting bigger and bigger. When it comes to hot issues, such as the supervision of officials and the adjustment of major policies, individuals express their opinions on hot issues through the Internet. Even promote the development of the event. Even if the criteria for judging rumors have not changed in legislation, the standard of judgment that causes adverse effects through the spread of network carriers should also change with the boundaries of public order. The storage of network data enhances the effect of network expression. Unless the publisher actively deletes the published speech, not deleting the comments that are unfavorable to him in time may bring disputes to himself, breaking the boundary between private space and public space. And protecting the freedom of speech on the Internet has brought new challenges.

The network information dissemination model has greatly influenced the public discussion effect and agenda model. Network users with many "fans" and popularity are enough to cause considerable social impact, thus making the public agenda that the public really cares about being artificially replaced. On the other hand, the increasingly centralized Internet distributed structure requires the network platform to compete for the attention of netizens, and use eye-catching remarks or even false remarks to achieve the goal. The consequence of this is that speech that is truly valuable to the public cannot enter the public agenda because it cannot compete with the network expression of commercial operations. The mode of communication of the Internet will also lead to the polarization of speech, forming A "echo room" in communication [8]. Netizens are only willing to discuss content that they are interested in, which is not conducive to the sound development of the network public order. Therefore, it is particularly important to divide the boundaries between online freedom of speech and public order.

3) *The boundary with private interests*: The expression of the network involves the conflict between the right of personality and the right to express. To solve such problems, it is necessary to take into account the value of public law and the value of private law. The publication of online speech will reveal personal wishes while being convenient and effective. When conflicts between the two, it is necessary to use the principle of proportionality, the principle of public interest and the principle of minimum restriction to ease conflicts.

The protection of copyright is also a problem involved in the freedom of online speech. In recent years, the re-creation of film and television works has emerged in the Internet, which is theoretically called "parody" or "funny imitation." The parody theory supports the rational use of online resources and advocates freedom and innovation. In limiting the freedom of speech on the Internet, we must recognize the importance of protecting copyright and correctly handle the relationship between the two.

IV. BUILDING A RULE OF LAW STRUCTURE

China has established a relatively complete legal system for regulating online speech, such as the provisions of article 3 of the constitution on democratic centralism, article 35 on freedom of speech, the provisions of the criminal law on the crime of insult and defamation, the general principles of the civil law and the provisions of the tort liability law. However, the existing legal system of online speech norms cannot go deep into the social level and only pay attention to the legal relationship between citizens. Therefore, for the national interest and social stability, the existing normative system cannot meet the needs of stabilizing public order. In the above-mentioned "hard law", if the network boundary is not clear, the "soft law" that does not have the national coercive force may also play a significant role.

Building a new governance framework requires dealing with the balance between security and order, freedom and innovation. The core value of the Internet is freedom and innovation. Maintaining the stability of the country and society is only one aspect. Therefore, security and order can only be implemented as one way in the four links of Internet rules. Subject, behavior, effect, and blame, as the four links of the Internet rules, should adapt to the Internet environment on the basis of traditional rules and expand the interpretation of the four concepts. Professor Lawrence Lessig of the Harvard Law School in the United States proposed that in addition to the law in the cyberspace, the market, social norms and codes can act as regulatory elements, especially the code deserves to pay attention to "code is the law." [9] As the four elements of the network speech governance structure, it plays a very important role in the network platform. For example, filtering and blocking through software is governance through code. The static structure and dynamic structure on the Internet (the information dissemination structure formed by group behavior) are affecting the expression behavior and effect of netizens. It is necessary for the law to regulate and control the design of the structure to ensure that the design of the private structure

does not harm the public interest. Market and commercial power have an important influence on the expression of Internet users. Free information and services attract a large number of users, but it also creates a tendency to personalize network information [10]. Social norms not only work offline, but also in areas such as online forums and social networking services. Traditional elements such as social capital, reputation, and cooperation that constrain human behavior also play an important role in cyberspace, thus affecting ways such as expression, attitudes, and occasions.

V. CONCLUSION

The rise of Internet technology, especially webcasting, has changed the traditional political environment and social life. The breakthrough of time and space in the live webcast has created convenient conditions for freedom of speech, and also provided a fast and effective space for social expansion and promoted the transformation of political life. In the era of webcasting, the relationship between the state, society, and citizens has undergone fundamental changes. Citizens can actively express political opinions in the online platform, actively participate in political life, and maximize social freedom. Webcasting is a "microphone" for everyone, and social diversification based on diversified interests has been formed. The national governance model should also be adjusted. The rule of law is undoubtedly the most appropriate model at this stage. In the construction of a society ruled by law, the rule of law in the Internet is one of the important parts. To create a clear cyberspace, it is necessary to define the boundaries of freedom of speech on the basis of the law, and use the principles as a means to determine the content by rules. It is not only a restriction on the freedom of speech on the Internet, but also a legal protection of freedom of speech on the Internet. The restriction and protection of it requires the construction of a new governance structure based on the original legal system of online speech and norms to guide legislative theory and practice.

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