

FAKE NEWS: DEFINITION AND LEGAL STATUS**ALEXANDER BOBROVSKY****Polotsk State University, Republic of Belarus**

Initially, it is necessary to decide which concept is better to use to denote fake news, since the term "fake news" itself is inappropriate for legal circulation. It can be replaced by the term unreliable mass information, which well reflects the essence of this phenomenon.

Further, in order to consider this issue, it is necessary to define the concept of unreliable mass information. Unfortunately, in our legislation, this issue is not sufficiently covered and the definition of mass inaccurate information as such is absent. In our legislation, the concept of "unreliable information" is the closest to this concept. So, according to clause 12 of article 1 of the Law of the Republic of Belarus "On the Mass Media": inaccurate information – false information messages and (or) materials disseminated by the mass media, Internet resource.

However, this definition does not fully disclose the essence of the concept, therefore, we turn to the Federal Law of the Russian Federation of July 27, 2006 N 149-FZ (as amended December 2, 2019) "On Information, Information Technologies and Information Protection" (as amended and supplemented, entered into force 13.12.2019). In Russia, in 2019, amendments to this law were adopted, which are devoted to the topic of responsibility for the dissemination of inaccurate mass information. In this law, there is no definition of the concept of unreliable mass information, but we can single it out from Article 15.3, which establishes the procedure for restricting access to information disseminated in violation of the law. So according to the article the following definition is given – unreliable socially significant information disseminated under the guise of reliable messages that pose a threat of harm to the life and (or) health of citizens, property, a threat of mass violation of public order and (or) public safety, or a threat of interfering with the functioning or termination of the functioning of life support facilities, transport or social infrastructure, credit organizations, energy, industry or communications facilities.

The publicly available universal Internet encyclopedia – Wikipedia defines this concept as follows: Fake (fake, "fake", false) news is an information hoax or the deliberate dissemination of misinformation on social media and traditional media for the purpose of misleading in order to obtain financial or political gain. Fake news writers often use catchy headlines or completely fabricated stories to increase readership and citation. There is a concept close to fake news – newspaper hoax – unverified or deliberately false information published in the media for selfish or other purposes.

However, not all false information falls under the definition of false mass information. For example, satirical news – wholly or partially invented information about events, phenomena, certain persons, which is submitted to the media under the guise of real journalistic materials. This category, by definition, is quite suitable for the category of unreliable mass information, but the difference lies in the purpose. If fake news aims to deliberately misinform the masses of people, with the subsequent mistaking them for reliable information, then satirical news is usually humorous in nature and is created to attract public attention to certain problems.

It should be noted that unreliable mass information does not appear accidentally or through negligence. Since there is always a definite goal, this is done deliberately. That is, the one who creates and disseminates this information understands its unreliability and what consequences it can lead to. The purpose of misleading media is to obtain financial, political or other benefits, undermine public safety or the safety and interests of individuals.

It so happens that unreliable mass information has the following elements:

- inaccurate information that should look reliable;
- deliberate form of guilt;
- illegal purpose;
- mass focus.

From all this, it follows that unreliable mass information is unreliable information submitted under the guise of reliable in order to obtain any benefit and (or) damage to any public relations, distributed to an unlimited number of persons.

Public relations related to mass information in the Republic of Belarus are regulated by the Law "On Mass Media" 427-3 of 17.07.2008, as well as the Code of the Republic of Belarus on Administrative Offenses. The legislation of the Republic of Belarus regulates the dissemination of information, the dissemination of which in the media, on Internet resources is limited, information, the dissemination of which in the media, Internet resources

is prohibited. This is established by Art. 37 and Art. 38 of the Law "On the Mass Media" respectively. These articles contain a rather narrowly targeted list of types of information that are limited and prohibited for dissemination, which makes the use of these articles to combat the dissemination of inaccurate mass information impossible. The issue of spreading unreliable information through social networks has not been resolved either.

Regarding the situation with regulation in the Republic of Belarus, I would like to note that it is obviously not enough, since the very concept of unreliable mass information is absent in the above articles and this means that its distribution is not regulated. There is a regulation of inaccurate information, but it is very narrowly focused and insignificant, regarding this phenomenon. The legislation mentions Internet resources as sources of mass information, but again only the dissemination of the above types of information is regulated, which is obviously not enough.

I would like to touch upon the issue of regulating this phenomenon in other states:

- The Russian Federation adopted the Laws on the Prohibition of Fake News (a package of federal laws of March 18, 2019) – two laws that banned the publication of unreliable socially significant information disseminated under the guise of truthful messages (that is, fake news). Administrative responsibility is introduced for such actions.

- In June 2017, the German parliament passed a law imposing a fine on social media for systematic violation of the rule of timely removal of fake news. For this, social networks can be fined up to 50 million euros.

- The French National Assembly voted on November 20, 2018, in favor of two laws prohibiting the distribution of fake news during the pre-election period.

- The Government of Malaysia in April 2018 prepared a bill, the authors of which propose to punish the distributors of fakes on all platforms with fines (up to 128 thousand dollars) and even prison terms – up to ten years in prison.

- Egypt passed a law empowering the country's authorities to block social media accounts and punish journalists for spreading "fake" news. Social media users with more than 5,000 subscribers will be considered separate media outlets and may face prosecution for spreading false news or incitement to violate laws. The law prohibits the creation of new sites without obtaining appropriate permission from the Supreme Council, which, in turn, can block existing sites, or impose fines on resource editors. According to the cybercrime document, the site will be blocked if it threatens national security or undermines the economic situation. Under the new law, signed by Egyptian President Abdul Fattah al-Sisi, visiting resources that threaten national security or undermine the economic situation face a fine or imprisonment. The amount of the fine is supposed to be up to 20 thousand Egyptian pounds (approximately \$ 1100). ISPs will have to monitor user activity and transfer information on demand.

- A bill was introduced to the US Congress, which was abbreviated as the CLOUD Act (an acronym for Clarifying Lawful Overseas Use of Data Act – the law "clarifies the lawful use of data (stored) abroad"). This bill will provide law enforcement agencies around the world, but especially in the United States, access to users' personal data without substantial guarantees for their confidentiality. US law enforcement will be able to require companies to transfer data no matter where it is stored. They will also be allowed to directly request data from American companies without adequate protection of user privacy.

In general, we can conclude that there is a global tendency to tighten regulation of the circulation of information, freedom and independence in the Internet space, the attitude towards the definition of mass media is changing, and its content is changing too. Legislation of different countries increasingly interferes with social networks and similar platforms and forums, takes away or tries to take away the opportunity to disseminate information anonymously, introduce liability for legal entities on whose platforms information is disseminated. It is necessary to achieve a balance between legal counteraction to "fake news" and the inviolability of freedom of speech.

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