

Countering Mis-Disinformation

in the perspective of Internet Intermediary Liability

Shita Laksmi, M.A., M.A.
Southeast Asia Representative
DiploFoundation
www.diplomacy.edu

***Di*PLO**

The important role of **an Internet Intermediary Liability** in content regulation, to counter mis/dis/mal/information

Brief and relatively loose definition:

An Internet intermediary is broadly defined as an entity, that provides services from one point to another on the internet. It could be in the form of infrastructure access to the Internet and or facilitating two (or more) points in the transfer of data.

Conduits	Technical providers of internet access or transmission services. Conduits do not interfere with content they are transmitting
Host	Providers of content services, for instance, online platform and storage services.

Source: Association of Progressive Communication (APC)

Highly influence by:

Article 47 of U.S.C Section 230, Communication Decency Act:

1. Treatment of publisher or speaker
2. Civil liability

In brief: Internet intermediaries that host or republish speech in the US are **protected against** a range of laws that might otherwise be used to hold them legally responsible for what others say and do (EFF)

This includes Internet Service Providers but also a range of interactive computer services.

Dynamics of the discussion

2015

Manila Principles

- Civil society: intermediaries should be shielded from liability from third-party content

2017

Theresa May in UNGA

- Theresa May called tech companies to do more in reducing terrorist content online

2018

Cambridge Analytica scandal

- Information about the data misuse to millions of Facebook user, revealed by Christopher Wylie

2021

Capitol Hill Attack

- Supporters of Donald Trump attacked Capitol Hill – this leads to the question of Section 230 about internet intermediary liability

2022

Digital Service Act – European Union

- Highly regulate the internet intermediary; especially the big tech companies

Indonesia and Singapore

Indonesia

- Electronic Information and Transaction (ITE) Law No 19/ 2016 as a revision to ITE Law No 11/ 2008
- Electronic System and Transaction Operations Government Regulation No 71/ 2019
- Private Electronic System Operations Ministerial Regulation No 5/ 2020

Singapore

Protection from Online Falsehood and Manipulation Act (POFMA)

In both countries, liabilities lie from conduits to host and include individuals

Current initiatives of implementing content policy:

- Governmental filtering of content
- Private rating and filtering systems
- Content filtering based on geographical location
- Content control through search engines
- Automated content control – usually with AI

Source: Digital Watch

Which internet intermediary can we be focused on?

The trend towards regulating specifically the big platforms.

It is more effective because:

- De facto they regulate the content;
- They have resources
- They have solid community guidelines and are mostly (well)-implemented

What do you think, and let's discuss.

www.diplomacy.edu
www.dig.watch

Thank you