

**The exercise of freedom of expression on the internet and its challenges.***The exercise of freedom of expression on the internet and its challenges*

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**Luciana Maia Parente Linhares Bucar**

Doctoral candidate in Legal Sciences at the Universidad del Museo Social Argentino – UMSA - Buenos Aires – Argentina

Lattes: <http://lattes.cnpq.br/3102260715190863>Email: [Linhares.luciana88@gmail.com](mailto:Linhares.luciana88@gmail.com)

**Abstract:** *This study, using qualitative analysis from a legal-constitutional perspective on data collected through bibliographic and documentary research – legislation, jurisprudence, doctrine, scientific articles, and the like – aims to analyze the moderation of content published on the internet and present the best solution to curb excesses committed in the exercise of freedom of expression, without creating any impediment to the free expression of thoughts and ideas, a bulwark of all freedom and democracy. To this end, freedom of expression will be defined, identifying its limits, in accordance with the 1988 Federal Constitution.*

Finally, the most common excesses committed in the exercise of freedom of expression on the internet will be recorded, with emphasis on the massive dissemination of "fake news," and, *in this context, some measures adopted to contain the mass spread of false news on social networks will be mentioned, as well as the reflections and consequences of these measures on freedom of thought and democracy.*

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## 1. Introduction

The discussion about freedom of expression on social media is of paramount importance in Currently, we live in a digital age, which has democratized the means of communication, taking away- those of the monopoly of large companies in the television, radio broadcasting and newspaper sectors, making them accessible to everyone through digital platforms such as *Google, Twitter, YouTube, Facebook, Instagram, WhatsApp*, and others, where anyone can share information and express themselves. their ideas and thoughts, potentially causing their posts to go viral, shaping public opinion and influencing people.

Thus, an increase in the flow of information was observed, with content being presented. which, at times, politicians and major media outlets ended up not disclosing for various reasons. financial, ideological, or social. Conversely, there was less control over information, which This led to the widespread dissemination of false or inaccurate information, and it is up to users to verify it. the veracity of the news and deciding what they consume, share, and believe, with many They lack advanced critical cognitive abilities, which increases their predisposition to believing false information.

However, to address these excesses in the exercise of freedom of expression, measures emerged. Fact-checking agencies, NGOs, and companies that verify the veracity of facts. Concurrently, Given so much controversy, the social media platforms themselves, in partnership with fact-checking agencies, They adopted an artificial intelligence system, with algorithms specifically developed for Fact-checking, aimed at filtering and identifying published content, thus seeking to suppress discourse. racist, hateful, or misinformation-based content can be combated by restricting its reach or excluding certain elements. content and even account cancellation.

In this context, great unease and discussion arose among jurists and politicians in the country. with the latest events on social media, such as what happened during the period electoral in Brazil, when there was great political polarization (conservative-liberal), with several Candidates allied with former President Jair Messias Bolsonaro, accused of spreading various *"fake news" stories*, using bots and mass dissemination. This is a major concern with the Dissemination of false information, hate speech, and any content that offends a specific group. This led to the adoption of a series of measures to control and monitor the spread of False information, as well as content that is in any way offensive or harmful to society and to... institutions of the Democratic Rule of Law.

Amid these concerns, Congress established the Joint Parliamentary Commission of Inquiry - *"Fake News,"* to investigate cyberattacks that threaten democracy and debate.

public; the use of fake profiles to influence the results of the 2018 elections; the practice of Cyberbullying targets the most vulnerable users of computer networks, as well as agents. public figures, as well as the enticement and guidance of children to commit hate crimes and suicide.

The Legislature has been trying to keep up with technological advances and new trends in A society hyper-connected to social networks, enacting laws aimed at achieving balance to solve problems. conflicts that arise between fundamental rights, such as freedom of expression, dignity, The human person, privacy, intimacy, honor, etc. Along these lines, Law No. [number] stands out. Law 12.737/2012 (Carolina Dieckmann Law), which defines cybercrimes and computer offenses; Law No. Law 12.965/2014 (Marco Civil da Internet), which regulates internet use in the country, establishing principles, guarantees, rights and duties for network users; and, more recently, the General Law Data Protection Law (LGPD).

Here, it is important to assert that freedom of expression, including information and opinion, is a fundamental right. And journalistic criticism gained significant protection in the 1988 Federal Constitution, which included it in its Article 5, items IV (freedom of thought), IX (freedom of expression proper) and XIV (access to information), along with other fundamental rights and guarantees, and also in its art. 220, § 1 (freedom of information).

Despite all the existing regulations, a significant challenge is observed for the powers that to curb excesses arising from the exercise of the fundamental right to freedom of expression — basis and the foundation of all freedom, as well as democracy — without such measures incurring Censorship is prohibited, otherwise it risks becoming a totalitarian or dictatorial regime.

*In this context*, the following questions arose, which will be investigated in this study:  
What are the limits of freedom of expression? The spread of "fake news" finds support in...  
Freedom of expression? This prior control, carried out by fact-checking agencies, is unconstitutional.  
Does this constitute censorship? How can we ensure that fact-checking agencies are independent and impartial?  
That is, that they are not subject to political bias or a particular line of thought? How do we define what that means?  
What is true and what is false, and how can we exempt this definition from subjective analysis? What is the best solution?  
To curb abuses committed on the Internet in the exercise of freedom of expression?

Based on this premise, this work seeks to present the best solution for...  
The problem is to warn everyone that this monitoring and control created on social media should not...  
It threatens the plurality of thoughts and ideas, the foundation of a democracy.



## 2. The full exercise of freedom of expression in the digital age and its challenges.

As mentioned earlier, there's no denying that internet use has broken down barriers. geographic and economic factors, expanding access to information and opinions for all, as well as providing for free and intense debates of ideas. However, this progress has brought new challenges, such as the massive dissemination of "fake news," especially during election periods, which created a The extremely polarized environment, according to some, compromised the fairness of the election. In addition to... Filter bubbles, which restrict the content a person has access to, on platforms governed by algorithms, which personalize the search according to her previous interactions, which, Consequently, it exacerbates polarization and distorts the understanding of reality.

Regarding this issue, it is worth noting the considerations of Shao, Ciampaglia, Varol, Flammini and Menczer (2017):

A complex mix of cognitive, social, and algorithmic biases contributes to our vulnerability to manipulation by online misinformation, even in an ideal world where individuals tend to recognize and avoid sharing low-quality information. Information overload and finite attention limit social media's capacity to discriminate information by quality. As a result, online misinformation is just as likely to go viral as reliable information. Of course, we do not live in such an ideal world. Our online social networks are strongly polarized and segregated along political lines. The resulting "echo chambers" provide selective exposure to news sources, biasing our view of the world. Furthermore, social media platforms are designed to prioritize engagement rather than trustworthy posts. Such algorithmic popularity bias may well hinder the selection of quality content. All of these factors play into confirming bias and motivated reasoning, making the truth difficult to discern.

While fake news is not a new phenomenon, the online information ecosystem is particularly fertile ground for sowing misinformation. Social media can be easily exploited to manipulate public opinion thanks to the low cost of creating fraudulent websites and the high volume of software-controlled profiles or pages, known as social bots. These fake accounts can post content and interact with each other and with legitimate users via social connections, just like real people. People tend to trust social contacts and can be manipulated into believing and spreading content produced in this way. To make matters worse, echo chambers make it easy to tailor misinformation and target those who are most likely to believe it. Furthermore, the amplification of fake news through social bots overwhelms our fact-checking capacity due to our finite attention and our tendency to attend to what appears popular and to trust information in social settings (Shao et al., 2017, p. 2).<sup>1</sup>

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In this field, José Claudio Monteiro de Brito Filho and Peterson Pedro Souza e Sousa (2020)

They warn:

*However, the progress resulting from mass access to internet networks has brought new challenges. First, because it is a global virtual communication protocol, identifying the internet user who spreads fake news, for example, is not an easy task for the authorities. This difficulty creates fertile ground for the disseminator to avoid taking responsibility for the content they publish. Second, the virtual environment allows the creation of fake profiles, in which the forger poses as someone who expresses opinions and criticisms, all with the intention of convincing the user about a particular matter. (Sousa & Brito, 2020, p. 46)*

Even with all these problems, it is certain that the exposure of any and all content

It has always been part of the dynamics of traditional media and freedom of expression.

The way the digital platform has only made the plurality of ideas more evident, which, by its

In turn, it is essential for strengthening democracy. Along these lines, Ingo Sarlet and Carlos Molinaro

They understand that no issue should be canceled or suppressed. See:

*We know that many issues submitted to public debate can constitute dangerous or even perverse traps for socio-political life, but they cannot or should not be avoided or, worse, made invisible. Indeed, there are words that, regardless of the meanings they carry, should be able to be uttered, whether for good or for evil, without encouraging irrational and destructive Manichaeism. Moreover, it is important to emphasize that the eventual benefit or harm resulting from a given expression is generally revealed only through differences in the degree of meaning that the interpreter attributes to them. Furthermore, the limits concerning the accountability of those who use freedom of expression as an instrument of incitement to hatred, to outrage honor, or even to insult the feelings and beliefs of a given community are not neglected, because, if this were not the case, one would be admitting the very affront to the fundamental and democratic principles of the Democratic State, precisely the principles that ensure and legitimize the fundamental character of freedom of expression. [...] The most important thing here is guaranteeing freedom for the production of debate, as well as affirming the responsibility assigned to the social actors involved. (SARLET & MOLINARO, 2012, pp. 42-43.)*

Along the same lines is the lesson from John Stuart Mill (2010):

*If opinion were merely a personal object, of no value except to its owner, and if the impediment to its enjoyment were merely a private harm, then it might make some difference whether that harm affected only a few people or many. But the characteristic harm of silencing an opinion lies in the fact that it is robbing the human race, both posterity and the present generation, both those who disagree with the opinion and those who hold it, and the latter even more than the former. For if the opinion is right, they are deprived of the opportunity to exchange error for truth, and if it is wrong, they lose the clearer and more vivid perception of truth, produced by the collision of truth with error, a benefit as great as the former. (Mill, 2010, p. 60.)*

Regarding this dilemma, involving freedom of expression and democracy, it is of utmost importance

Michelman's (2007) reflection, "that the relationship between democracy and freedom of expression is

of a reciprocal conditioning, so that, although more democracy may mean many

There are times more freedom of expression and vice versa; it also cannot be ignored that freedom of



This expression can pose risks to democracy, which, once weakened, can compromise it.

one's own freedom of expression" (p. 49 et seq.).

Another delicate point regarding the freedom of expression of opinion is the difficulty in balancing it with others' opinions. values and rights protected in the Constitution, such as the dignity of the human person, without there being Censorship. In this vein, Jónatas Machado (2002) points out:

*The valuation and proscription of any of the conflicting opinions would imply the existence of a censorship system, which would naturally have an expansive tendency. Therefore, a doctrine of restricting hate speech... in the name of a morally correct politics of love must be approached with the utmost caution, lest the "new freedom of expression" end up being confused with the "old censorship." It should be remembered that one of the functions of freedom of expression is to provide an alternative to physical violence in the expression of accumulated feelings and tensions, including hatred. At most, this balance could involve limiting extreme forms of speech overtly produced, in both form and content, with the aim of stigmatizing, insulting, and humiliating a particular group, whether minority or majority, beyond any serious objective of confronting facts, ideas, and opinions. ... However, it [the principle of equal consideration and respect] cannot be used to exclude from the discussion such important issues as the identity of social groups and their relationships with individuals, which are not always free from coercion and discrimination (pp. 847-848).*

### 3. The concept of freedom of expression and its relativizations, according to the Federal Constitution of 1988 and national jurisprudence

The 1988 Federal Constitution, in its article 5, items IV and IX, respectively, guarantees that "the expression of thought is free, anonymity being prohibited" and that "*freedom of expression is guaranteed. of intellectual, artistic, scientific and communication activity, regardless of censorship or* **"License."** Furthermore, Article 220 of the Constitution prohibits any and all censorship of a political nature. ideological and artistic freedom, as well as prohibiting the enactment of laws that create obstacles to the full freedom of expression. Journalistic information in any means of social communication. However, item X of article O Article 5 of the Brazilian Constitution states that "*the intimacy, private life, honor and image of individuals are inviolable. people, ensuring the right to compensation for material or moral damages resulting from their violation*".

In this vein, the Original Constituent Power ensured the right of reply, proportional to the evidence presented. In addition to the offense, compensation is also due for material, moral, or reputational damage (Article 5, V, of the Federal Constitution). In the same way... In this line of reasoning, the legislator limited freedom of expression by defining crimes against honor, such as... slander (to slander someone by falsely accusing them of a crime), defamation (to defame) someone, imputing to them a fact offensive to their reputation) and insult (to insult someone, offending them) dignity or decorum), provided for, respectively, in articles 138, 139 and 140, all of the Penal Code. Thus, it is clear that, in Brazil, the free exercise of the expression of ideas is not... It is neither unrestricted nor absolute and entails responsibilities in both civil and criminal matters.



However, although there is no absolute fundamental right in our legal system, Many authors understand that the right to freedom of expression is in a privileged position. In relation to other rights, it is the foundation of a democratic state governed by the rule of law.

According to Virgílio Afonso da Silva (2003):

*"...Freedom of expression consists, prima facie, in the freedom to express what one wishes in the way one wishes. This right can only be a prima facie right, since it is easy to imagine that the exercise of this freedom may clash with other rights, especially with honor and privacy. In each case or group of cases, that prima facie right may then prove to be less broad." (SILVA, 2003, p. 611)*

In this regard, Ingo Wolfgang Sarlet and Andressa de Bittencourt Siqueira (2020) are cited:

*It is from this perspective that one can affirm that, through a systematic interpretation – Furthermore, coupled with the fact that freedom of expression and information is indispensable (and even fundamental) to a democratic regime – the Brazilian Constitution has ensured these freedoms a (relative) preferential position in relation to personality rights, which can be understood as a prima facie preference. Moreover, this has been – at least until now – the prevailing understanding in national literature (although there is significant dissent) and in jurisprudence, especially in the Superior Courts, notably the Supreme Federal Court (STF), at least considering the main cases judged in recent years, which have pointing towards a preferential position regarding freedom of expression and information. (SARLET & SIQUEIRA, 2020, p. 549).*

From this perspective, the authors above exemplified judgments in which the Supreme Court The Federal government gave preferential treatment to freedom of expression when it conflicted with another fundamental right:

*Among the cases judged by the STF (Supreme Federal Court) involving freedom of expression and indicating its preferential position, one can cite the declaration of non-reception, due to incompatibility with the Constitution, of the old Press Law elaborated during the military regime, when the rapporteur, Minister Carlos Britto, affirmed that freedom of expression assumes an almost absolute position and can only be subject to limitation in cases expressly established by the original Constitution itself, specifically the right to compensation and the right of reply (BRAZIL, 2009). Similarly, two other cases are noteworthy: the so-called "marijuana march" case, in which the STF understood that a public and collective demonstration in favor of the legalization of marijuana consumption could not be classified as the criminal offense of advocating crime (BRAZIL, 2011). Also worthy of mention, among others, are the cases of unauthorized biographies, in which the Supreme Federal Court (STF) ruled that the requirement of prior authorization from the subject of the biography was unconstitutional (BRASIL, 2015), as well as the ruling that, with regard to the electoral process, differentiated between criticism conveyed through satire and cartoons and expressions of humor in general and so-called fake news, allowing the former (BRASIL, 2018). (SARLET & SIQUEIRA, 2020, pp. 549-550).*

#### **4. The difficulties in combating excesses and abuses arising from the exercise of freedom of expression**

With technological advancements, digital platforms have transformed into a true... The digital agora, insofar as it allowed everyone, equally, the right to express their ideas in a way... Fast, instant, free, and without borders; all you need is a computer and an internet connection.

to the internet. Thus, aiming to guarantee parity of arms and foster public debate, it is of utmost importance. It is important that there is no prior control, such as that currently carried out by providers of internet applications, which, for fear of suffering advertising boycotts from large companies that They announce on their social media that they have started moderating content using the tools of artificial intelligence, applying filters to reject "fake news" or hate speech, racism and violence, whether by suspending them, canceling them, or restricting their reach.

*Regarding this issue, Mariana Valente (2018) warns:*

*"...Anyone today who discusses or advocates for issues related to freedom of expression can think of an example where a large platform has censored, on its own initiative (and possibly based on complaints from other users), content that seems legitimate, desirable, an expression of individuality, or a form of political expression. But it seems to me that these people could easily think, in the abstract, about content that they believe platforms should prohibit on their own initiative, from non-consensual nudity of women to hate speech against minorities. Strictly placing oneself at the extremes is practically impossible. However, norms of expression are being constructed for these spaces, and these norms are not subject to democratic scrutiny. At most, they are subject to public pressure." (Valente, 2018, p. 129)*

This is because the constituent assembly, aiming to guarantee full freedom of expression, also... To combat the excesses and abuses arising from its exercise, it prohibited any and all prior censorship of a political, ideological, and artistic nature, on the other hand, guaranteed the right of reply and prohibited... anonymity, for when any violation of rights guaranteed in the Federal Constitution occurred, such as privacy, intimacy, image, honor, the author could be held liable both in in both the civil and criminal spheres.

In this vein, the lesson from Geraldo Frazão de Aquino Júnior (2021) is:

*The constitutional text categorically rejects the possibility of prior censorship, which does not mean, however, that freedom of expression is absolute and does not encounter restrictions in other fundamental rights, since the author's liability for injurious, false, or defamatory information will be applicable, including the possibility of being ordered to pay material and/or moral damages. The prohibition of prior censorship combines, at the same time, the guarantee of freedom of expression and the limitation of preventive state control, without, however, preventing subsequent liability due to abuse in the exercise of this right. (AQUINO, "Freedom of Expression on Social Networks and Liability of Providers", 2021).*

Indeed, Article 19 of the Brazilian Internet Bill of Rights, Law No. 12.965/2014, states:

*In order to ensure freedom of expression and prevent censorship, **internet application providers may only be held civilly liable for damages arising from content generated by third parties if, after a specific court order, they fail to take steps to make the content identified as infringing unavailable, within the scope and technical limits of their service and within the specified timeframe, except as otherwise provided by law.** (BRAZIL, 2014)*

Therefore, when there is a conflict between freedom of expression and other fundamental rights, Those who feel offended resort to the Judiciary to resolve the controversy. However,



In these cases, there are often loopholes in the law, which is why we are currently witnessing a great deal of activism.

judicial, in which magistrates enjoy broad discretion to resolve the case, because

Although they use weighting criteria to delineate the limits of freedom of expression,

Their interpretations are subject to their personal convictions, often ending up violating the...

principles of proportionality and legal reserve, as well as usurping the competence of the Power

The legislature, composed of representatives elected by the people.

Regarding the principle of proportionality, Ingo Sarlet, Luiz Guilherme Marinoni & Daniel

Mitidiero explain:

*[...] unfolds in three stages: a) adequacy, according to which the state measure must be capable of ensuring the intended result with the restriction of the individual's right; b) necessity (least sacrifice or interference), which requires that, in the face of more than one adequate measure, the one that least intervenes in the legal sphere should be chosen; c) the so-called proportionality in the strict sense, which, if the answer to the two previous questions is affirmative, requires a weighing of the means and ends in the specific case, which is why most of the critical comments on the principle are situated at this level. It is important to remember that, in the sense indicated, proportionality operates as a criterion for assessing the constitutional legitimacy of interventionist measures by the public power in the scope of the protection of fundamental rights as rights of defense (negative rights). (SARLET et al., 2015, pp. 455-456)*

According to the principle of legality, "no one shall be obliged to do or refrain from doing anything."

"Nothing except by virtue of law" (article 5, II of the Federal Constitution), that is, for an act to be punishable, there must be a

A clear, explicit, and prior law that defines a specific act as punishable is necessary for it to apply.

To sanction an individual, for example, for spreading fake news, there must be an explicit law.

and definitive on the matter, which, incidentally, is not found in our legal system.

Furthermore, it should be emphasized that defining a news item that is not entirely accurate as false, as well as

to categorize or label a thought contrary to that of a particular minority group as an offense.

or aggression, is an extremely difficult task, not to say impossible, and, moreover, it is

rigorously subjected to excessive subjectivism.

In this context, it is interesting to bring to light the clarifications of José Luiz de Almeida Simão and

Thiago Rodovalho (2017):

*At this point, it is important to clarify that, when speaking of truth as a limit to freedom of expression, we are not referring to an absolute concept of truth that is impossible to achieve. Since the definition of truth varies over time, the present era holds a particular view of what can be considered true. Truth should be understood less as an objective standard of superiorly valid behavior, outside of which everything must be repressed, and more as a judgment relative to the question of double contingency, which values plausibility and the point of observation of other participants, thus making knowledge a product of interpretation and intersubjectivity. (Simão & Rodovalho, 2017, p. 212)*

They further add a brilliant distinction: "freedom of expression in the strict sense,

Because it refers to ideas and opinions, it is not tied to the truth, whereas freedom of information...



On the contrary, it has truth as its limit (internal or external), since it is intended to impart knowledge.

"From reality to the public." (Simão & Rodovalho, 2017, pp. 211-212)

According to Mill (2019), truth can only be achieved through an unrestricted debate of ideas and opinions:

*In the current state of human intellect, it is only with the diversity of opinions that there is the possibility of a fair game involving all sides of the truth. When one finds people who are exceptions to the apparent unanimity of the world on any given subject, even if the world is right, it is always likely that the dissenters will have something to say that deserves to be heard, and their silence would result in some loss for the truth. (p. 75-76)*

Dworkin (2006) highlights:

*"...morally responsible people insist on making their own decisions about what is good or bad in life and politics, and about what is true or false in justice or faith. The State offends its citizens and denies their moral responsibility when it decrees that they do not have sufficient moral quality to listen to opinions that might persuade them of dangerous or unpleasant convictions. We only preserve our individual dignity when we insist that no one – neither the ruler nor the majority of citizens – has the right to prevent us from listening to an opinion for fear that we are not capable of hearing and weighing it. For many people, moral responsibility has another aspect, a more active aspect: it would be the responsibility not only to form one's own convictions, but also to express them to others, this expression being driven by respect for other people and by the ardent desire that the truth be known, justice be done, and good triumph." (p. 320)*

The most recent and widely publicized case, which we have watched with perplexity, is judicial activism.

in which Justice Alexandre de Moraes ordered the seizure of devices belonging to those under investigation.

as well as the blocking of accounts on social networks, as deemed necessary to interrupt the

dissemination of "fake news", hate speech, speeches that subvert order and incitement

to the breakdown of institutional and democratic normality. And the most curious thing is that it only affected people

aligned with Mr. Jair Messias Bolsonaro, then President of the Republic. In his decision, the

The minister stated:

*As can be seen from everything presented so far, serious suspicions fall upon the individuals identified here that they are part of this complex scheme of disseminating fake news through publications on social networks, reaching a daily audience of millions of people, endangering, with their offensive and fraudulent news, the independence of the powers and the rule of law. (BRAZIL, STF, 2020).*

When analyzing the position adopted by Minister Alexandre de Moraes in Inquiry No.

4.781 DF, José Claudio Monteiro de Brito Filho and Peterson Pedro Souza e Sousa (2020) considered:

*Those censored in Inquiry No. 4,781 DF, for the most part, expressed political opinions (such as defending dictatorships or the impeachment of a Minister), sharp criticisms of judicial activism, and, in some cases, even offensive remarks against the Supreme Court and its Ministers. However, none of the expressions listed in the single decision justifies silencing those under investigation. Although the association of people who spread unpleasant opinions on the internet poses a certain danger to the independence of the branches of government and the rule of law, the question arises: what actual harm has been caused to others? None. Only a fear laden with subjectivity is observed.*



*It is counterproductive to use the defense of the independence of powers as an argument when the Court itself, not infrequently, assumes an activism that usurps functions typical of the Legislative and Executive branches. Similarly, it is honest to consider that the anarchist thought present in the opinions of some of those criticized is a consequence of the discredit in the legal system to which they are subordinated.*

*In this scenario of social and technological changes, citizens naturally express their opinions according to their understanding. The big difference is that opinion is no longer limited to the doorsteps of their home or circle of friends. With the advent of the internet as a communication channel, individual expression has come to have the world as a receiver of their opinion, which is healthy for democracy. (Sousa & Brito Filho, 2020, p. 50)*

It should be noted here that recent rulings by the Supreme Court go against to the understanding endorsed by the Supreme Federal Court in previous rulings, in which the freedom of expression as a preferential right, in addition to being essential for the Democratic Rule of Law and, Therefore, he did not allow it to suffer any prior censorship, guaranteeing the free debate of ideas.

It is also pertinent to note the TSE's decision, authored by Minister Benedito Gonçalves, in case file no. 0601522-38.2022.6.00.0000, in which it was determined, until the end of the 2022 elections, The suspension of monetization on the YouTube channels of Brasil Paralelo, Foco do Brasil, and Folha Política. and Dr. News, as well as the suspension of the showing, by any means, of the documentary "Who "Did he order the assassination of Jair Bolsonaro?", produced by Brasil Paralelo. Another decision that drew attention. It was the ruling issued in case number 0601483-41.2022.6.00.0000, in which the broadcaster Jovem Pan was... condemned to pay a fine of R\$ 25,000.00 in case of offense or disclosure of facts. knowingly untrue or taken out of context against the then-candidate for President of the Republic, Luiz Inácio Lula da Silva; in addition, the candidate was granted three rights of reply. As a measure, Jovem Pan issued an internal memo prohibiting journalists (political commentators) uttered terms such as "ex-convict," "unconvicted," "head of a criminal organization," "thief," among other things, when referring to "Lula."

In this vein, it is worth remembering that fundamental rights are so sacred that, according to According to the Constitution, only some of these rights can be restricted, and in the case of freedom of expression (here encompassing only freedom of information and of the press), only in constancy of the State of Siege, which only the President of the Republic can decree, after being Having heard the Council of the Republic and the National Defense Council, and still needing the authorization from the National Congress.

## Conclusion

From this perspective, it is understood that there is no absolute fundamental right; however, Freedom of expression enjoys a certain preference, as it is the basis of a democratic regime, not being subject to any prior control, except those which, in their essence, are solely...

to offend a particular group without providing any justification in order to discuss their position. positioning, their idea, with the purely offensive/vexatious content being easily verifiable by Any average man. Otherwise, it could constitute censorship due to intolerance and lack of acceptance. criticism and interpretations that contradict political correctness.

Furthermore, the State should not be concerned with the personal convictions of each individual. nor with the confirmation bias of the person themselves when seeking news and doctrines that confirm their Thought is important, but forces must be joined to ensure a neutral environment, free from manipulation by any one group. select – owner of the networks – so that this minority does not become the "owner of the truth".

From this perspective, Brazilian authorities need to create mechanisms for monitoring... social media providers, so that they don't cancel, reduce, or expand reach. of a particular post at their whim, as well as for them to adopt measures that facilitate the User identification for potential accountability purposes.

Another fundamental measure for reducing conflicts and harm arising from the use of Freedom of expression on the internet is the empowerment of individuals to analyze the content that... They consume, believe, and share in an autonomous, critical, responsible, and reflective way. Because only Thus, through the free debate of ideas, we will have a strong democracy and a free society, with people who are socially, culturally, politically, and emotionally evolved, capable of checking the to ascertain the facts and to reach their own conclusions, without suffering any interference from State.

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