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A Legal-Dogmatic View on Freedom of Expression in Social Networks

Prawno-dogmatyczne spojrzenie na swobodę wypowiedzi w sieciach społecznościowych

ABSTRACT

The freedom of the press and the right to free speech also apply in the digital sphere. Every citizen with Internet access has the ability to easily share and receive information and opinions with a global audience. The hope is that unfiltered free expression and diversity of opinion will lead to more democratic and pluralistic societies. This utopia, however, fails due to humans' limited information processing capacity. No one is able to take note of all or even a fraction of the opinions and information presented on the Internet, process them and use them as a basis for their own opinions and actions. As a result, the Internet has been "platformized". Platforms bring together various user groups and frequently create a closed ecosystem of various services and information for them. The purpose of this paper is to provide answers on questions, among other, what lies behind social networks function as information intermediaries and what rights social media users have against the deletion of their posts.

Keywords: freedom of expression; right to free speech; social networks; social media

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INTRODUCTION

The Internet has long been regarded as a source of revitalization for democratic societies. Every person with access to the Internet has the ability to easily share knowledge and opinions with a large global audience. The hope is that free expression and diversity of opinion will lead to more democratic and pluralistic societies.[1] This utopia falls short. This is due to the fact, that no one is able to digest the opinions and information presented on the Internet, process them and use them to form own opinions and actions. Anyone who wishes to capture the attention of a large number of individuals, particularly young people, is increasingly reliant on these information channels. Furthermore, social networks handle a large portion of social communication. Thus, social networks play the role of an information intermediary. Even in the age of the free Internet, there are gatekeepers who have a significant impact on information dissemination and perception.[2]

The purpose of this article is to offer answers to problems such as why social networks function as information intermediaries and what rights social media users have against the deletion of their postings. Based on this, the article analyses the topic related to freedom of expression in social networks. The main argument is that online platforms often have little self-interest in defending uncomfortable views because of the costs involved. As a counterweight, users must therefore have an individual right to publication. This can be derived from the applicable civil law due to the indirect third-party effect of fundamental rights. With regard to the characteristics of this article, we apply the scientific methods of knowledge. The result of it is new knowledge which is organised into a certain system. On the basis of this, as well as on the content and scope of the article, we also focus on the use of the logic method. Apart from the scientific methods of knowledge we have also used the analytical and descriptive method to approach and analyse the legal situation. We introduced different views on the legal regulation and the interpretation of examined notions. The data was collected from scientific literature and case law through in-depth document analysis.

[1] I. Pankevych, I. Sofinska, *Constitutionalism and Participative Democracy on Electoral Mass-Market*, "Juridical Tribune Journal" 2020, vol. 10, pp. 73–89.

[2] A. Zakharchenko, T. Peráček, S. Fedushko, Y. Syerov, O. Trach, *When Fact-Checking and 'BBC Standards' Are Helpless: 'Fake Newsworthy Event' Manipulation and the Reaction of the 'High-Quality Media' on It*, "Sustainability" 2021, vol. 13(2), pp. 1–13.

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STRUCTURAL DISCRIMINATION OF FREEDOM OF EXPRESSION BY THE INFORMATION INTERMEDIARIES

One of the platforms' primary functions is to reduce the complexity of the information provided and to filter it based on the preferences of their users. The intermediaries' algorithms create filter bubbles, which help to ensure that differing opinions within these bubbles go unnoticed and that opinion-forming discussions are essentially only held with like-minded people. There is, however, no individual claim against any third party to have their own opinion known and it cannot be justified. The way to achieve this is by public legislation, but better through alluring invitations to meet and converse. However, because the platforms act as gatekeepers, they can easily align the flow of information with criteria other than (anticipated) user interest and suppress individual statements based on other criteria. Millions of websites have been removed from YouTube, Facebook and Google search index as a result of those affected asserting their right to be forgotten. The deletions can be attributed to three factors: the request of third parties who claim a violation of individual rights;[3] the platforms' self-interests; the economic, political and social interests of third parties who put pressure on the platforms to suppress certain opinions and discussions.[4]

RESTRICTION OF FREEDOM OF EXPRESSION THROUGH STATE OR PRIVATE ERASURE CLAIMS

The public debate has centred on deletion claims made against the platforms by owners of personal rights, copyrights and other competing rights. However, in order to protect legitimate competing interests such as personal rights and intellectual property rights, a free democratic order must limit freedom of expression and information.[5] These restrictions on freedom of expression must be interpreted accordingly. However, if an expression of opinion or any other publication goes beyond these broad boundaries, the person concerned is entitled to injunctive relief and removal claims. The described conflict of interest typically occurs in the following relationships: the person making the statement who wishes to spread an opinion or other contribution, an intermediary who enables or promotes the technical dissemination of the contribution to the public, and the third party whose interests and rights are

[3] R. Friedery, B. Horváthy, T. Ziegler, *Európai Unió alapjogvédelmi rendszere*, [in:] *Emberi jogi enciklopédia*, ed. V. Lamm, Budapest 2018, p. 1 ff.

[4] P. Plavčan, R. Funta, *Regulatory Concepts for Internet Platforms*, "Online Journal Modelling the New Europe" 2021, no. 35, pp. 44–59.

[5] Judgment of the First Senate of the German Federal Constitutional Court of 15 January 1958 – 1 BvR 400/51 – *Lüth*.

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affected by the contribution. It is a general legal principle that anyone who provides causal support to a violation of rights must stop doing so as soon as they become aware of the violation and cannot invoke overriding interests. One of the pillars of our private legal system is the liability for interference. It applies to both analogue and digital issues and is not limited to the Internet, despite its importance.[6] However, from a procedural standpoint, the state must ensure two aspects in this privately controlled reconciliation of interests: on the one hand, individual interests must not be structurally disadvantaged, and on the other, all actors must be able to appeal to state courts and bring about a democratically legitimized, final binding decision on the conflict.[7] In the often agitated debate about the threat to freedom of expression, people forget that the enforcement of copyright, personality and other conflicting rights also demonstrates structural deficits, because Internet actors frequently act anonymously and are generally difficult to track down. The state must also protect these rights.[8] More effective law enforcement has unintended consequences because it is almost inevitable that expressions of opinion that are close to the limit, but still within the permissible range, will come under pressure. The assertion of a right not only generates costs for the rights holder, but also for those against whom the (supposedly) existing right is being enforced. Thus, there is a risk that aggressively asserted rights will have an impact beyond the scope of protection provided by the legal system. Third-party freedom is jeopardized by such "phantom rights". In this sense, over-enforcement is a problematic but occasionally unavoidable trend in law enforcement. The legal system also typically gives the right holder the ability to decide if and to what extent he will fight for his freedom. Therefore, it's crucial for the freedom of expression that the one has real possibility of defending the legality of his speech. The structural imbalance between freedom of expression and opposing, freedom-restricting rights of third parties can thus only be corrected if the ones are able to claim against the platform, which can be used to counter the claim for deletion. Even if such an individual claim is difficult to enforce, it is an important building

[6] B. Šramel, P. Horváth, *Internet as the Communication Medium of the 21st Century: Do We Need a Special Legal Regulation of Freedom of Expression on the Internet?*, "The Lawyer Quarterly" 2021, no. 1, pp. 141–157; D. Gregušová, A. Dulak, M. Chlipala, B. Susko, *Právo informačných a komunikačných technológií*, Bratislava 2005, p. 1 ff.

[7] L. Klimek, *Effective Enforcement of Sanctions for Market Abuse in the EU: Introduction of Criminal Sanctions*, [in:] *Czech Yearbook of International Law*, eds. A.J. Bělohlávek, F. Černý, N. Rozehnalová, Bratislava 2013, p. 105 ff.; M. Sitek, *The Human Rights to Communicate in the Light of the Development of IT Technology at the Turn of the XX and XXI Centuries*, [in:] *Human Rights between Needs and Possibilities*, eds. M. Sitek, A.F. Uricchio, I. Florek, Józefów 2017, p. 1 ff.; P. Smuk, *A demokratikus közvélemény formálódásának alkotmányos garanciái: Európai standardok és közép-európai szabályozások*, "In Medias Res" 2014, vol. 3(1), pp. 176–197.

[8] P. Ondria, V. Šimoňák, *O práve, štáte a moci*, Praha 2011, p. 1 ff.; judgment of the Court (Grand Chamber) of 6 October 2015, C-362/14, *Maximillian Schrems v Data Protection Commissioner*, ECLI:EU:C:2015:650.

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block for strengthening freedom of expression. When expressions of opinion are suppressed in political or social discourses, the actors' self-interest is often so strong that these claims can be expected to be enforced. In his data protection law proceedings against Facebook, e.g., Max Schrems demonstrated that individual claims can be an effective tool if the self-interest is large enough to offset structural disadvantages.[9]

RESTRICTION OF FREEDOM OF EXPRESSION DUE TO THE INTERMEDIARIES' OWN INTERESTS

When discussing Internet freedom of expression, little attention is paid to the fact that platforms, when deleting or suppressing statements, are also pursuing their own interests.[10] Platforms may be interested in suppressing certain content in order to give their offering a specific image or to align themselves with specific target groups. Furthermore, freedom of expression can be limited by other political, economic and state actors who exert pressure on platforms to prevent certain statements from being made.[11] However, in the absence of legally supported claims by these actors, the platforms will only yield to this pressure if it affects their economic or non-material interests. As a result, the platforms play a problematic dual role. On the one hand, they present themselves as neutral platforms that serve as impartial intermediaries for their users' content. They, on the other hand, suppress content for their own or third-party interests. Usually, the utterers and their potential recipients do not know whether the suppression of the content is due to legal requirements, conflicting rights of third parties, or arbitrary platform decisions. This makes taking legal or public opinion action against these deletions difficult.

INCREASING FREEDOM OF EXPRESSION BY GRANTING THE RIGHT TO HAVE A CONTRIBUTION PUBLISHED

To overcome the structural disadvantage of free expression in the case of information intermediaries, their users must have the right to publish. This claim restricts the platforms' "virtual domiciliary rights" or their *de facto* exclusion. We can, however, objectively justify our deletion decision.

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[9] Judgment of the Court (Grand Chamber) of 6 October 2015, C-362/14, *Maximillian Schrems v Data Protection Commissioner*, ECLI:EU:C:2015:650.

[10] R. Funta, *Economic and Legal Features of Digital Markets*, "DANUBE: Law, Economics and Social Issues Review" 2019, vol. 10(2), pp. 173–183.

[11] U. Huppert, *Nation-State Law – Is It Really a Well Thought-Out Law? Is It a Party Manifesto or a Parliamentary Act?*, "Krytyka Prawa. Niezależne Studia nad Prawem" 2022, vol. 14(1), pp. 133–153.

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Fundamental rights have an impact on private legal relationships. Private individuals are only bound by the constraints and requirements of basic statutory law. In this way, fundamental rights permeate private individuals' legal relationships. They do not, however, serve to deter state intervention, but rather to balance civil spheres of freedom with one another. Furthermore, the state has a duty to protect its citizens' fundamental rights, which it does through its civil courts, among other things.[12] Both result in the importance of fundamental rights among private individuals.[13] Users can invoke the freedom of expression, as well as the freedom of information as passive participants, through their active statements. These rights are reinforced by the principle of equality and the right to participate in cultural life when users are excluded from services that are open to a large public. The platforms are supported, i.a., by freedom of contract as a result of their entrepreneurial, freedom of ownership because they make their infrastructure available for use, and their own freedom of expression. Because the state claims unilateral decision-making powers, it must not make arbitrary decisions and must justify its actions based on fundamental rights, among other things. One of the pillars of the economic and legal system is that private actors can make decisions based on highly subjective preferences and are not mutually accountable as long as they meet as equals and can switch to alternatives. However, this changes if one of the participants gains a structurally superior position for economic or social reasons. In this case, the superior may not use his power arbitrarily, but must be able to justify his decision with objective reasons. The state is then obligated to safeguard existing public communication structures against unreasonable economic pressure.[14]

Facebook is a part of the digital "social infrastructure". The same applies for other popular social media platforms such as X (formerly Twitter) and Instagram. They wield considerable social power, owing to the lock-in effect and the high switching costs. Public opinion is also or even primarily formed on these platforms in many social groups. Anyone who is excluded from them, or who is not allowed to express their opinion in a certain way, is no longer able to participate in the group-internal or public discourse that is taking place there. The one can still express himself elsewhere. However, this is not perceived in the same way depending on the age group and social context. There is also the issue of social

[12] M. Horváth, *Digitálna éra ako výzva pre občianske a pracovné právo v kontexte personálneho manažmentu*, Týn nad Vltavou 2021, p. 1 ff.

[13] Y. Kovalenko, *The Right to Privacy and Protection of Personal Data: Emerging Trends and Implications for Development in Jurisprudence of European Court of Human Rights*, "Masaryk University Journal of Law and Technology" 2022, vol. 16(1), pp. 37–58; G. Sulyok, *Az emberi jogok nemzetközi jogi és európai uniós védelmének összehasonlítása*, "Acta Humana: emberi jogi közlemények" 2005, no. 2, pp. 30–56.

[14] V. Šmejkal, *High Tech Monitoring Versus Privacy in the Workplace in the Law and Case Law of the Czech Republic*, "Białostockie Studia Prawnicze" 2019, vol. 24(2), pp. 53–89.

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isolation, as many social groups use platforms to communicate with one another. As a result, the services provided by the platforms cannot be easily substituted, since they are in a better structural position. Platforms also lose their freedom of choice when they freely decide to open their services to a large audience. This opening justifies the application of the equality principle, which is reinforced by user freedom of expression. If the platforms want to exclude individuals from this service, they must justify it objectively and take into account their users' freedom of expression.[15] This obligation is primarily justified by two factors. Contractual freedom promotes a person's self-development. It is recognised as a tool for establishing and enhancing social ties, rather than a goal in and of itself. The purpose of private law is not to preserve the freedom of the individual at any price, but to trace legal commitments back to a free decision. The platforms exercise their contractual freedom in a certain way by providing their services on equal terms to everyone. In doing so, they document to the outside world that negative contractual freedom, i.e. the freedom from ties, is not particularly important to them. Because of this freedom, the networks participate in social life. They benefit from making their offer available to the general public because they gain a large customer base that they can monetize through the advertising market. This benefit of social interaction also justifies limiting their freedom of action by strengthening their social ties. Anyone who helps shape public space must be more concerned with societal values, particularly fundamental rights,[16] than someone who acts primarily in private.

Anyone who creates a public forum must respect the forum's freedom of expression. Individual personality development and the free democratic order both require freedom of expression. It is referred to as the lifeblood of a free democratic state. As a result, wherever a general communicative space is created, the basic law guarantees the possibility of public discussion. In principle, this also applies to privately operated forums, which compete with public forums for "communication space".[17] As a result, the establishment of a forum where many users spend a significant amount of time necessarily displaces other public meeting places. The resulting privatization of communication spaces must not result in social conflicts being unable to be carried out and discussed freely. Through platforms, social net-

[15] K. Machowicz, *The Impact of the Quality of Information on the Use of Freedom of Expression*, "Studia Iuridica Lublinensia" 2022, vol. 31(3), pp. 189–201; A. Erdősová, *The Right to Informational Self-Determination in the Context of Selected Judicial Decisions and Practical Background*, "Public Governance, Administration and Finances Law Review" 2020, vol. 4(2), pp. 16–29.

[16] S. Fedushko, O. Mastykash, Y. Syerov, T. Peráček, *Model of User Data Analysis Complex for the Management of Diverse Web Projects during Crises*, "Applied Sciences" 2020, vol. 10(24), pp. 1–12; B. Kováčik, *La crise de la démocratie*, [in:] *Citoyennetés, voisinages et minorités en Europe*, Bruxelles 2012, pp. 19–25.

[17] S. Kováčová, *Sloboda prejavu v kontexte politickej krízy na Slovensku*, [in:] *Evropské hodnoty – tradice a jejich proměny v 21. století*, České Budějovice 2018, p. 53.

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works create such public gathering places. That is why the state has a responsibility to ensure the conditions for free "battle of ideas" in this private public sphere, and to preserve the spaces for free public communication. This is especially true because users are unable to easily switch platforms due to the lock-in effect. This fundamental concern of a democratic society must take precedence over the desire for an "atmosphere of well-being" or a mind free from the misery of the world.

OBJECTIVE JUSTIFICATION OF BLOCKING OR REMOVING OF DECISION

Platform users have no unconditional right to publication. This runs counter to the platforms' and third parties' legitimate interests, which must be balanced against the principles of equal treatment and freedom of expression (practical concordance). The greater the importance of the restriction for users and public opinion formation, the greater the justification must be. This conflict of interest can be resolved using the principle of proportionality. It must be determined whether the platform's measure is appropriate for achieving the desired goal, then whether the specific measure is required, or whether the platform has less onerous resources at its disposal. Finally, whether the platform's goal is disproportionate to the constraint it imposes, must be considered. The prohibition on posting a revealing photo from a recent beach vacation is thus much easier to justify than a post in which a nude photo is used as a form of political protest or artistic expression. If there is a sufficient factual reason after this consideration, the platform may, depending on the weight, either suppress an individual statement or refuse access to the platform.[18]

If the platform creates externally recognizable, legally permissible conditions for all users, the accusation of unjustified unequal treatment does not apply. It can, e.g., require registration, establish terms of use or make access dependent on remuneration. However, these conditions must be balanced against free expression and the fundamental decision to provide a general, public forum. The platforms' terms of use must not contradict their own opening decision.[19] If the statement infringes on the rights of third parties, the platforms may suppress or delete it. When a violation of rights is proven, the legislature has resolved the conflict of interest between free expression and the conflicting rights. However, the platforms must

[18] M. Grabowska, *Legal, Political and Organizational Aspects of Cybersecurity in the European Union*, "Online Journal Modelling the New Europe" 2022, no. 38, pp. 106–132.

[19] P. Plavčan, R. Funta, *Some Economic Characteristics of Internet Platforms*, "DANUBE: Law, Economics and Social Issues Review" 2020, vol. 11(2), pp. 156–167; T. Peráček, *The Perspectives of European Society and the European Cooperative as a Form of Entrepreneurship in the Context of the Impact of European Economic Policy*, "Online Journal Modelling the New Europe" 2020, no. 34, pp. 38–56.

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determine whether the third party is correct to assert the claim based on the information available to them. If the right to be forgotten does not exist, the platforms have no reason to enforce it. Something else applies only if someone want to take its own political stance by deleting the post or if significant business interests is jeopardized.

Unlike public institutions, private companies are allowed to align their platforms and their customer relationships with political, ideological or other subjective preferences. This exercise of freedom is in principle a legitimate aim. However, exercising these liberties actually prevents a broad reach. That is why large platforms rarely assert their own freedom of expression. When disseminating other people's opinions about third parties and the state, they can then invoke freedom of expression. However, this does not apply to their users, who wish to suppress their opinions primarily for economic reasons. Furthermore, their users' statements are not attributed to the platforms as their own, so their negative freedom of expression is usually unaffected. However, if they want to adopt their own political or social viewpoint by suppressing certain statements, the situation is different. Of course, they can then assert their own freedom of expression. However, due to its structural decision to provide a fundamentally unconditional platform for the expression of opinions and its structural superiority, this is only possible in limited circumstances.

Private companies may structure their customer relationships according to "market logic" as long as they stay within legitimate entrepreneurial motives. It should be noted that networks must ensure that their platforms can be used without interruption and that they bear the economic risk of their platforms. Platforms can choose their own thematic profile and target audience. These are legal decisions protected by entrepreneurial liberty. If the platform includes a comment function, it must allow users to criticize. Again, the platform must be able to adhere to its fundamental structural decision. Anyone who creates a forum must not only reap its benefits, but also face public participation[20] in all of its democratic ramifications. Private platforms, as commercial enterprises, are free to respond to economic and political pressure from their users, shareholders, advertisers, politicians or the general public. Even so, they must take into account the legitimate interests of the one who expresses his/her opinion. Furthermore, blocking the account of a user who repeatedly or severely violates personal rights, copyrights or other intellectual property rights and exposes the platform to claims by rights holders is justified.[21] However, "possible legal risks" are insufficient. Because exclusion from the platform carries significant weight for the individual affected, a graduated sanctions

[20] P. Ondria, *Politická socializácia, politické správanie, politická participácia a volebné správanie*, "Politické vedy" 2007, no. 3–4, pp. 112–119.

[21] M. Barańska, *The Subjective Dimension of Fake News*, "Studia Iuridica Lublinensia" 2021, vol. 30(5), pp. 53–74.

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concept based on the severity of the violation may be required. Temporary bans are usually imposed before permanent exclusions, and there must be the option of applying for reinstatement at a later date. To avoid an unfavourable chilling effect, platforms must consider whether the violations occur in an artistic or political context and whether the one who expresses his/her opinion acted with the legitimate assumption that he/she was on the edge of what is permissible.

THE DOGMATIC APPLICATION OF CONSTITUTIONAL REQUIREMENTS IN CIVIL LAW

Because of the indirect third-party effect of fundamental rights,[22] every user has the right to be admitted to a generally accessible network under normal circumstances if there is no objective reason for the refusal. This claim can be classified as a subset of the general civil law obligation to contract. Traditionally, such an obligation to conclude a contract is only affirmed in the case of a monopoly position or for essential goods. In these cases, the provider is unlikely to be able to provide justification for the contract request. In contrast, the proposed gradual system of indirect fundamental rights is more adaptable. Anyone who engages in general intercourse exercises his private autonomy and, to some extent, surrenders his freedom of choice. A deviation from the basic decision requires justification but can be justified by factual reasons. The necessary weight of the justifying reasons depends, on the one hand, on the importance of the refusal to perform for the obligated party and, on the other hand, on the importance of the performance for the development of fundamental rights of the beneficiary.

If the obligated party cannot objectively justify the refusal, a legal obligation arises with the contract request of the entitled party, which obliges the networks to accept a corresponding contract offer.[23] The obligation to contract also results in an obligation to continue the contractual relationship, regardless of whether it was justified voluntarily or due to the obligation to contract. The platforms must also provide objective justification for contract termination. As a result, a clause stating that an account can be blocked or terminated at any time for any reason is unenforceable. The user contract that has been concluded gives the user the right to publish his statements in the form of a post, tweet, video or other customary

[22] Y. Bakkar, A.R. Ögcem, *Democracy and Economic Development: Disentangling the Effect of Elections and Rule of Law*, "TalTech Journal of European Studies" 2019, vol. 9(4), pp. 173–205; J. Mihálik, *When Electoral Paradigm Meets the Research Implications: The Youth Perspective*, "Slovak Journal of Political Sciences" 2016, vol. 16(4), pp. 335–352; K. Roszewska, *Accessibility – One of the Human Rights or the Means of Their Implementation*, "Prawo i Więź" 2021, no. 3, pp. 158–176.

[23] Judgment of the German Federal Court of Justice (BGH) 1974, 1903, 1904 – *Air Taxi*.

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form of communication on the platform. This is one of the main obligations of the platform operator. Restrictions on this right require objective justification. Clauses in the terms of service that allow the services to be refused "for any reason" would be unfair to users and are thus void. One of the platform's primary obligations under the user agreement is to publish content created by its users. A prohibition that restricts or thwarts the contract's purpose must be justified by particularly compelling material reasons. The unreasonable disadvantage stems from the platform's indirect binding to its users' fundamental rights, specifically the obligation to treat them equally and respect their freedom of expression.

CONCLUSIONS

As per our findings above, social networks are essential communication tools in a world that is rapidly digitizing. This is true whether the purpose of the gathering is for private conversations with friends, public exchanges within the personal public, or the dissemination of thoughtful, thought-provoking or simply banal content. We found, that there is no overlap of interests between the one who presents his view and the Internet social networks. This structurally disadvantages freedom of expression. By giving network users specific claims for publishing against the platform, civil law can offset this disadvantage. As a rule, these claims can be derived from the user licence contract if the platform contractually structures its relationship with the user. Because of the indirect third-party effect of fundamental rights, users have the right to enter into such a contract if and to the extent that a platform is structurally superior and creates a general forum for the expression of opinion and information regardless of the person. In this regard, networks are compelled to contract. The platforms, on the other hand, can objectively justify the refusal and termination of an account, as well as the deletion of a contribution. In doing so, they must balance the assertion of their own freedom rights against the freedom of their users' opinions and provide them with the opportunity to comment. Propaganda, hate speech and other forms of problematic language have existed throughout human history. However, the emergence of social media and the Internet in recent decades has magnified and profoundly changed them. *De lege ferenda*, positive actions that promote variety are especially important in order to maintain the free formation of political viewpoints and consequently the democratic decision-making process in social networks. A ban on political advertising, a preference for journalistic and editorial offerings within the information repertoire to counterbalance curated political content, and an increase in user autonomy by providing more opportunities to influence curation all seem appropriate and proportionate.

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ABSTRAKT

Wolność prasy i prawo do swobody wypowiedzi działają również w sferze cyfrowej. Każdy obywatel z dostępem do Internetu może z łatwością zamieszczać oraz otrzymywać informacje i opinie od użytkowników na całym świecie. Wyrażana jest nadzieja, że taka niefiltrowana wolność ekspresji i różnorodność opinii będzie prowadzić do bardziej demokratycznych i pluralistycznych społeczeństw. Ta utopia jednak zawodzi ze względu na ograniczoną ludzką zdolność do przetwarzania informacji. Nikt nie jest w stanie przyswoić wszystkich lub choćby ułamka opinii i informacji prezentowanych w Internecie, przetworzyć ich i wykorzystać jako materiału dla własnych opinii i działań. W rezultacie Internet uległ „uplatformowieniu". Platformy zrzeszają różne grupy użytkowników i często wytwarzają zamknięty ekosystem różnych usług i informacji dla nich. Celem artykułu jest udzielenie odpowiedzi na pytania m.in. o to, co stoi za funkcją sieci społecznościowych jako pośredników w przekazywaniu informacji oraz jakie prawa przysługują użytkownikom mediów wobec kasowania ich postów.

Słowa kluczowe: swoboda wypowiedzi; prawo do swobodnego wypowiadania się; sieci społecznościowe; media społecznościowe