

**Publishing Fake Information Online-Case of Online Vietnam Magazines (ThanhNien Newspaper, Tuoi tre newspaper, Vietnamnet.vn, dantri.com.vn, giaoduc.edu.vn, sctv.com.vn, etc.) From an Approach of German and EU Laws and Cybersecurity Regulations**

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ARTICLE INFO

**Article history:**

Received: 28 March 2022

Revised: 19 April 2022

Accepted: 25 April 2022

Publication: April-30, 2022

DOI: [10.47742/ijbssr.v3n4p1](https://doi.org/10.47742/ijbssr.v3n4p1)



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ABSTRACT

*Publishing fake information have at least three bad effects on the community: creating disinformation, anxiety, and disorder in society.*

*Still using qualitative analytical methods with synthesis and inductive methods, the authors will address 2 cases of Vietnam magazines: **thanhNien.vn** and **tuoitre.vn**, **vietnamnet.vn**, **giaoduc.edu.vn**, **dantri.com.vn**, (**online newspapers**) and recently **sctv.com.vn** with their issue of publishing fake news online, which increasing as a problem in recent years 2015-2020. In this paper, we also use the European approach and laws on exploring the issue of publishing and delivering false information via the internet and social media. Last but not least, the views and ideologies of V.I Lenin and Ho Chi Minh on journalism and journalists are mentioned for educating the young generation.*

**Keywords:** European laws and approach, dealing, publishing fake news, ThanhNien newspaper, Tuoi Tre newspaper

**JEL CODE:** K10, K14, K15

**1. Introduction**

Alemanno (2018) mentioned The right to freedom of expression is expressed in Article 11.1 of the Charter of Fundamental Rights of the European Union (2000/C 364/01) and Article 10 of the European Convention on Human Rights. The labeling of publishers as “disinformation outlets” is contrary to the principle of the freedom of the press established by the European Court of Human Rights: “general requirement for journalists systematically and formally to distance themselves from the content of a quotation that might insult or provoke others or damage their reputation is not reconcilable with the press’ role of providing information on current events, opinion, and ideas.”

In 2015, 2016, 2018, 2022, Thanh Nien newspaper (very bad editors Nguyen Ngoc Toan and Dang Thi Phuong Thao) and Tuoi tre.vn still try to publish (and allow their writers to publish) fake news online in the context that our community still suffering from covid 19.

We will then discuss how German and EU laws will approach solving fakes news published by un-trusted journals (online),

Then we can overcome such bad behaviors as a kind of internet crime, and perform this study with the introduction, the research issues, literature review, methodology then discussion, conclusion, and suggestions.

**2. Literature review**

*First of all, in Germany:*

A Network Enforcement Act (*NetzDG*) was passed by a large majority of the Bundestag and entered into force on October 1, 2017, signaling “the end of the law of the jungle on the internet,” in the words of its main advocate, Justice Minister Heiko Maas.

The law is directed at service providers that operate internet platforms with over 2 million users, whose purpose is to share content and make it publicly available. It affects major social networks (like Facebook, Twitter, or YouTube) but not businesses or platforms that produce journalistic or editorial content or disseminate specific information, such as LinkedIn. The objective of this law is for illegal content to be removed or blocked from social media as soon as a complaint is issued. Content is deemed illegal if it falls under one of the many offenses listed in the Penal Code related to state security, public order,

honor, and intimacy, sexual freedom, incitement to hatred, or dissemination of unconstitutional symbols or groups. All of this mainly falls into the hands of the social network itself.

By law, social networks must ensure that complaints are processed effectively and transparently and, as such, must be dealt with on a case-by-case basis. If the content is deemed illegal, it has to be blocked or removed within the 24 hours following the complaint, provided that there is sufficient evidence. If it is not immediately obvious, the social network has 7 days (or longer in

certain circumstances) to remove it. If, on the other hand, the social network dismisses the complaint, the content remains online. If the government disagrees with the social network's decision, the case could be taken to court to rule the reported content illegally.

(source: <https://lawahead.ie.edu/eu-member-states-scramble-to-stand-up-to-fake-news/>, access date 1/3/2022)

**Then we summarize related studies as follows:**

**Table 1 - Previous related studies**

Authors	Year	Content, results
Badee	2018	Fake news seeks to undermine this trust. It may have always existed, but its reach has increased greatly due to modern social media mechanisms. A seemingly widespread 'post-truth' attitude that cares not so much for the information's objective accuracy as its 'truthiness' – that is, a subjective ring of truth in conformity with one's worldview – is widely held to have contributed to its success.
Alemanno et al	2018	The EU's approach to fake news, as epitomised by the European External Action (EEAS) Service East Stratcom Disinformation Review, violates the rights to freedom of expression and due process of those accused of distributing disinformation. The EU Disinformation Review is a publication of the European External Action Service (the European Union's diplomatic service) to target fake news and online disinformation
Sardo	2020	A deliberative democracy cannot function if citizens are not granted the fundamental right to express their views and to criticize the government without being censored. The rule of law becomes an empty notion if legal orders do not protect the impartial, autonomous judgments of the judiciary
Vese, D	2021	Governments around the world are strictly regulating information on social media in the interests of addressing fake news.
Fathaigh et al	2021	EU policy considers disinformation to be harmful content, rather than illegal content. However, EU member states have recently been making disinformation illegal. This article discusses the definitions that form the basis of EU disinformation policy, and analyses national legislation in EU member states applicable to the definitions of disinformation, in light of freedom of expression and the proposed Digital Services Act. The article discusses the perils of defining disinformation in EU legislation, and including provisions on online platforms being required to remove illegal content, which may end up being applicable to overbroad national laws criminalizing false news and false information.
Hoboken et al	2021	while platforms are increasingly facilitating government access to user data, platforms are also invoking data protection law concerns as a shield in response to recent efforts at increased platform transparency. At the same time, data protection law provides for one of the main systemic regulatory safeguards in Europe. It protects user autonomy concerning data- driven campaigns, requiring transparency for internet audiences about targeting and data subject rights in relation to audience platforms, such as social media companies

(source: authors synthesis)

### 3. Methodology and information

Authors will be based on dialectical and historicalism methods, authors also use experience, observations via an example of a case study, and other qualitative methods, including synthesis, explanation, and inductive approaches.

### 4. Main findings

#### 4.1 Criminal cases of fake news publishing in some Vietnam magazines

Which laws govern Disciplinary action against individuals involved in the violations of the Thanhnien newspaper (thanhvien.vn) and Electronic Youth Newspaper (tuoitre.vn)

A large-scale press crisis occurred after the temporary closure of the PMU18 case and the sudden release of Nguyen Viet Tien, one of the main suspects in the PMU18 case in 2008. For the first time, many journalists were interrogated, investigated, and had to go to court. Facing the law and working by the law has aroused many public opinions and given rise to various effects leading to a rather profound crisis of perception, belief, and behavior.

Mr. Nguyen Viet Chien still insisted that the articles published on Thanh Nien's accused were sourced from responsible and competent officials and did not comment. Mr. Chien himself, when he saw other newspapers published, re-evaluated the information with officials of the General Department of Police before using it again. According to him, the new PMU 18 case deals with gambling and giving bribes, while the corruption part has not yet been tried. Meanwhile, journalists can't wait, so they have to collect information from many sources. Particularly for the article "40 VIPs running the case", the defendant said that he had verified it from four different sources. Nguyen Viet Chien himself participated in writing 70 articles and was considered a "systematic" mistake.

(source: [https://vi.wikipedia.org/wiki/V%E1%BB%A5\\_kh%E1%BB%A7ng\\_ho%E1%BA%A3ng\\_b%C3%A1o\\_ch%C3%AD\\_h%E1%BA%ADu\\_PMU18](https://vi.wikipedia.org/wiki/V%E1%BB%A5_kh%E1%BB%A7ng_ho%E1%BA%A3ng_b%C3%A1o_ch%C3%AD_h%E1%BA%ADu_PMU18), access date 1/3/2022).

And until 2022, some Vietnam magazines online (giaoduc.edu.vn, dantri.com.vn, vietnamnet.vn, thanhvien.vn, and tuoitre.vn) still publish fake news (not qualified and tested), esp. Bad editors Nguyen Ngoc Toan and Dang Thi Phuong Thao (thanhvien.vn) and Thanhdoan.vn (Tuoi tre online), facebook.com> Liemchinhkhoahoc, and other websites (stuff) such as baomoi.com, nguonluc.com.vn, and even sctv.com.vn (in Vietnam) violated privacy laws and slander law seriously to publish fake news causing troubles for our society and damage reputation of scientist very much: showing that they are not afraid or scared of country laws. Some people told that because of stupid

editors or not qualified editors, and other people comment there is a political reason or economic reason behind those bad behaviors.

#### 4.2 Views and ideologies of V.I Lenin and Ho Chi Minh on journalism and journalists to educate students

With independent and sharp thinking, leader Nguyen Ai Quoc recognized the important role of language in influencing people's thoughts, feelings, and perceptions to form action motives. He realized the extremely important role of the press in the revolution. Since he was still wandering around the world to find a way to liberate his people, he soon approached and used the press as a tool. It was a powerful force of the revolution, and it was also thanks to the press that he had access to Marxism-Leninism.

It can be said that the press always accompanies Nguyen Ai Quoc - Ho Chi Minh in the process of finding a way to save the country, founding the Communist Party of Vietnam, and directly directing the Vietnamese revolution. He took the press as his theoretical weapon and considered the press to be an extremely important front, the ideological and cultural front in the cause of national liberation and national construction. The person who directly wrote and founded many newspapers, and at the same time always trained, trained, educated, guided, advised, and encouraged journalists so that they could complete the soldier's duties. revolution on the cultural and ideological front.

(source: First draft of V.I. Lenin's Thesis on national and colonial issues published in Humanitarian Newspaper, France, July 1920). in recent times, taking advantage of the development of science and technology, hostile forces have taken advantage of the internet to distort and deny Marxism - Leninism with many different contents and forms. equally sophisticated and sinister. Therefore, the task of the press is to contribute to "Continuing to make the entire Party, people and army more and more fully aware of the fundamental contents and great values of Marxism." - Lenin, Ho Chi Minh's thought; make Marxism-Leninism, Ho Chi Minh's thought, morality, and style truly become a solid spiritual foundation of social life...". To do that, journalists are required. must grasp the revolutionary and scientific nature of Marxism-Leninism, and at the same time must apply it flexibly and creatively on the front of the struggle to protect the ideological foundation of the Party.

(source: [Central Committee: Resolution No. 35-NQ/TW of the 12th Politburo on strengthening protection of the Party's ideological foundation and fighting against hostile wrong views in the new situation, dated 22 -10-2018](#), access date 28/2/2022).

Figure 1- V.I Lenin



(source: internet)



### 4.3 Approaches and regulations of European countries solving publishing fake information

Renda et al (2018) mentioned that monitored self-regulation and more stringent regulatory modes such as coregulation can enable important experiments such as:

a) Use of extensions for real-time fact-checking. This would entail that a social network like Twitter or Facebook, or a search engine like Google or Bing incorporate in their news feeds and search queries the possibility of launching a real-time fact-checking powered by their own companies, by a selected third party, or even by a roster of possible providers.

B) Use of “cybernudges” to induce end-users to reflect before sharing. These could take various forms: for example, a social network could ensure that, whenever a piece of news is not considered as coming from a reliable source, a window would open in case the end-user tries to share it, warning that this may constitute the spreading of fakes. This may increase the cost of sharing for the end-user without leading to outright censorship of content: it would be a form of “libertarian paternalism”, in which digital platforms nudge end-users to more responsible behavior. A similar approach would be to introduce a “do not share non-verified news” option in the user settings of the digital platforms, and then enable the possibility for end-users to change this feature by going to the user settings page. Empirically the reversal of default options (e.g. the use of two-side orienting as the default option in office printers; or the selection of an opt-out mechanism for organ donation) has proven to be very powerful in affecting user behavior.

Badee (2018) also stated argues that false news can be subject to repressive regulation in a sensible manner. Distorted news, however, will have to be tolerated legally since prohibitions in this regard would be too prone to abuse. A free and pluralist media, complemented by an appropriate governmental information policy, remains the best answer to fake news in all of its forms. Due diligence obligations of fact-checking, transparency, and remedies that are effective despite difficulties in attribution, and despite a lack of universal acceptance, could likewise be conducive. In practice, false news is mostly distributed by informal websites and through user-generated content, while distorted news is mostly created and distributed by formal news agencies and outlets.

Next, Hoboken et al (2021) stated The human rights group Article 19 has expressed its concern over EU disinformation policy as it is “placing increasing pressure on tech companies to monitor and remove content on their platforms,” and during the pandemic, platforms “rely more on automated content takedowns, with a reduced and remote workforce.” We must remember that this is all happening outside of a clear legal framework and may involve perfectly legal information but is considered objectionable by EU and national governmental officials (source; EU Communication on Tackling Coronavirus Disinformation, ARTICLE 19 (June 11, 2020), <https://www.article19.org/resources/europe-eu-communication-on-tackling-coronavirus-disinformation/>).

Then, Germany’s Network Enforcement Act was enacted, according to the German government, to not only tackle hate speech but the “spread of ‘fake news.’” (source: e Letter from the Federal Government of Germany to the Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression (June 1, 2017),

<https://www.ohchr.org/Documents/Issues/Opinion/Legislation/GermanyReply9Aug2017.pdf>; see also Amélie Heldt, Reading Between the Lines and the Numbers: An Analysis of the First NetzDG Reports, 8(2) INTERNET POL’Y REV. 1 (2019); Rebecca Zipursky, Nuts About Netz: The Network Enforcement Act and Freedom of Expression, 42 FORDHAM INT’L L. J. 1325 (2019); Heidi Tworek & Paddy Leerssen, An Analysis of Germany’s NetzDG Law (Transatlantic High-Level Working Grp. on Content Moderation Online & Freedom of Expression, Working Paper, 2019).

The Act operates as follows: section 3(1) places an obligation on platforms to maintain an “effective and transparent procedure for handling complaints about unlawful content” and must “supply users with an easily recognizable, directly accessible and permanently available procedure for submitting complaints about unlawful content.” Unlawful content is defined as content criminalized under twenty-two criminal offenses under the German Criminal Code. Section 3(2) then sets out how platforms must operate their procedures for handling reports of unlawful content. First, platforms must take “immediate note” of any complaint and check “whether the content reported in the complaint is unlawful and subject to removal or whether access to the content must be blocked.” Second, and crucially, platforms must remove or block access to “content that is manifestly unlawful within 24 hours of receiving the complaint.” (source: *Netzwerkdurchsetzungsgesetz Act to Improve Enforcement of the Law in Social Networks (Network Enforcement Act)*, Oct. 1, 2017, § 3(2) (Ger.).

### 5. Discussion and conclusion

In particular, “The press has an important position in world public opinion, the enemy is very attentive, you are also very interested in our press...” (3); You must take a firm stance to properly distinguish between you, your friends, and your enemies.

Along with that, the press officer must have a wide understanding, profound professional skills, and especially must have a pure heart. Understanding, political bravery, and a clear mind are gathered in the pen to have the power to “pro-main, to exorcise”, to know “What is beneficial for the people, do our best; Anything harmful to the people should be avoided as much as possible.”

On the ideological front, press officers have to fight, their weapon is their pen, and their luggage is political bravery, deep knowledge, profound expertise, and pure mind. The enemies of the revolutionary press are always those that go against the independence and freedom of the Fatherland; freedom, happiness, and interests of the people.

(Source: Speech at the Second Congress, Vietnam Journalists Association, April 1959).

Figure 2- President Ho Chi Minh



(source: internet)

### Future research directions

Authors may expand further future research to enhance educating students in journalism major

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