

A CASE TEACHING METHOD WITH ENGLISH USING AS FOREIGN LANGUAGE - WHAT PRIVACY LAWS GOVERNING BAD BEHAVIORS OF PUBLISHING FALSE INFORMATION OF SOME VIETNAM NEWSPAPERS

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Abstract

In order to improve teaching quality at universities and colleges for students with social sciences, law or journalism majors, authors will suggest teachers to consider to apply case teaching methods with English as foreign language.

Still using 2 cases studies publishing false information (Thanhvien.vn and Tuoitre.vn - online magazines in Vietnam), this study will apply a case "WHAT PRIVACY LAWS GOVERNING BAD BEHAVIORS OF PUBLISHING FALSE INFORMATION OF SOME VIETNAM NEWSPAPERS".

IN this case authors will refer to Vietnam articles for privacy laws. And beside, we will educate students from ideas of President Ho Chi Minh on publishing activities.

Key words: privacy laws, case study method, English for teaching, publish false information, Thanh nien newspaper, Tuoit tre newspaper

JEL: K10, K14, K15

1. Introduction

It is the fact that more and more educators consider to use case teaching methods for for training and teaching social sciences , law and journalism students in developing countries.

Grennleaf (2017) said The total number of new data privacy laws globally, viewed by decade, shows that their growth is accelerating, not merely

expanding linearly: 8 (1970s), 13 (1980s), 21 (1990s), 35 (2000s) and 12 (2 years of the 2010s), giving the total of 89. In the first two years of this decade 11 new laws have been enacted (Faroe Islands, Malaysia, Mexico, India, Peru, Ukraine, Angola, Trinidad & Tobago, Vietnam, Costa Rica, Gabon and St Lucia) and the Russian law came into force, making this the most intensive period of data protection developments in the last 40 years. Geographically, more than half (56%) of data privacy laws are still in European states (50/89), EU member states making up only slightly more than one third (27/89), even with the expansion of the EU into eastern Europe. The geographical distribution of the 89 laws by region is therefore: EU (27); Other European (23); Asia (9); Latin America (8); Africa (8); North Africa/Middle East (5); Caribbean (4); North America (2); Australasia (2); Central Asia (1); Pacific Islands (0). So there are 39 data privacy laws outside Europe, 44% of the total. Because there is little room for expansion within Europe, the majority of the world's data privacy laws will soon be from outside Europe, probably by the middle of this decade.

In below section we will show roles of using English in presenting case study of two Vietnam magazines on posting false information online (Thanhvien.vn and Tuoitre.vn), esp. We will show how they violate privacy laws in Vietnam and in global context.

2. Literature review

Then we summarize previous studies in below table:

Table 1 - Related previous studies

Authors	Year	Content, results
Regan	1993	The European directive shows an opportunity for policy change to occur, but will not be the cause of the change. And the Proposed Data Protection Directive will lead to a strengthening of American Privacy Law.
Madan & Bhasin	2016	The right of privacy is well established in international law. In fact, consumer privacy has attracted the widespread

		<p>attention of regulators across the globe. Of course, privacy laws vary throughout the globe but, unfortunately, it has turned out to be the subject of legal contention between the European Union (EU) and the United States (US). Protection of personal data privacy under the law has been shaped by the interests of multiple constituencies: individuals, commercial organizations, government agencies, law enforcement, and national security services. For corporations that collect and use personal information, now ignoring privacy legislative and regulatory warning signs can prove to be a costly mistake.</p>
Greenleaf	2012	<p>we can expect the pace of legislation to continue accelerating. There are Bills currently before legislatures in at least five countries although some have been withdrawn for redrafting. There are official draft Bills known in another five during the past year. Now that we have this</p>

		<p>more accurate picture of the global development of data privacy laws, further research becomes possible. It has already made possible an assessment of the influence of European privacy standards on legislative developments outside Europe. Further research is required on such questions as the implications of the increasingly interlocking data export restrictions in this legislation; on the effectiveness of the enforcement regimes in various countries; on the extent of judicial interpretation of these laws, and on other comparative aspects of data privacy laws.</p>
Abidin et al	2020	<p>local backstories and contexts are crucial to decipher why news angles tend to pitch particular stories on influencers.</p>
Samia et al	2020	<p>Such spread of misinformation is masking healthy behaviors and promoting erroneous practices that increase the spread of the virus and ultimately result in poor physical and mental health outcomes among individuals.</p>
Krishnamurthy	2020	<p>The European Union's General Data Protection</p>

		Regulation (GDPR) is widely viewed as setting a new global standard for the protection of data privacy that is worthy of emulation, even though the relationship between the GDPR and existing international legal protections for the right to privacy remain unexplored.
Daigle	2021	As the 55 African countries of the African Union (AU) move towards greater integration of trade policies through the African Continental Free Trade Agreement (AfCFTA), one area of noted trade policy divergence is the governance of digital trade. In particular, African nations' rules governing the protection of personal data are a patchwork, with some countries offering little to no protection policy while others have extensive digital governance frameworks.

(source: author synthesis)

Last but not least, Action of publishing fake news can take place in many journals or newspapers that have connection together within Vietnam case. It will violates privacy laws and need punishment according to Laws.

3. Methodology

Authors mainly use experiences, observations, practical situation with cases studies of publishing fake news, for example in Vietnam combined with qualitative analysis, synthesis and explanatory methods.

4. Main findings

Applying case study method will have some benefits such as: increasing creativity and discussion skills for students in class, in below section, for students with social sciences and law major, we will present a case for students to discuss relevant topics as below:

4.1 Case studies of publishing fake news in two Vietnam magazines

Historical time	History of violating
1992	In 1992, Ms. Vu Kim Hanh was considered a "flaw" when she published some unpublished documents related to Ho Chi Minh's private life, such as the fact that he used to have a Chinese wife. She was suspended from the post of Editor-in-Chief.
2018	The Tuoi Tre Online newspaper case was suspended for 3 months: On July 16, 2018, the Ministry of Information and Communications signed a decision on administrative sanctions in publishing journalism activities. with Tuoi Tre Online newspaper for publishing "untrue" content and causing national disunity. In the article: The President agreed to promulgate the Law on Protests published on June 19, 2018, Tuoi Tre Online informed: "Contacting voters as a member of the National Assembly in Ho Chi Minh City, President Tran Dai Quang said he agreed with the petition that voters need a Law on Protests and promised to report to the National Assembly on this content. In the sanctioning decision, the Press Department affirmed that the President did not say such content during the meeting, and assessed this as untrue information, causing "very serious" effects. (source: https://tieng.wiki/content/Tu%E1%BB%95i%20Tr%E1%BA%BB%20(b%C3%A1o) , access date 6/3/2022).
2020	Thanh Nien Newspaper has been fined of 45 million VND because false information causes very serious impacts reflecting on a number of construction investment projects in Hai Phong City
2021- beginning 2022	Thanh nien newspaper (Thanhvien.vn) and Tuoitre.vn and bad editor team Nguyen Ngoc Toan/Dang Thi Phuong Thao still publish false information online causing troubles and disorder in Vietnam society

(source: <https://vietnamnet.vn/vn/thoi-su/bao-thanh-nien-bi-phat-45-trieu-dong-va-phai-cai-chinh-xin-loi-672693.html>, access date 24/2/2022).

4.2 Educating students in journalism and publishing

First of all, teachers need to explain students to understand internet crimes including not only publishing fake news, but also hackers, cybersecurity attacks.

Second, they can use views of President Ho Chi Minh in revolutionary roles of journals and newspapers and publishing for teaching young generation:

President Ho Chi Minh laid the foundation for the birth and construction of the Vietnamese revolutionary press; He is a propagandist, agitator and a collective organizer with a fighting spirit, imbued with deep party and popular character.

President Ho Chi Minh clearly pointed out the principles and purposes of the Vietnamese revolutionary press: "Our press needs to serve the working people, socialism, and the struggle to realize unity. for the sake of the country, for world peace", broadly speaking, is to serve the cause of building socialism, defending the socialist Vietnamese Fatherland, and making active contributions to world peace for the sake of peace. The goal of the times is national independence associated with socialism.

Regarding the role and tasks of the Vietnamese revolutionary press: President Ho Chi Minh considered a journalist to be a revolutionary soldier, because "when it comes to the press, we must first talk about those who work in the press". For revolutionary journalists, according to him, "pen and paper are their sharp weapons", so "press officers are also revolutionary soldiers".

(source: [Ho Chi Minh, Complete Volume, volume 4, National Political Publishing House - Truth, Hanoi, 2011, p.464-466](#), access date 7/3/2022).

On the responsibility of the press, Lenin said: The press is the propagandist, the agitator, the general organizer, the common leader. Therefore, the duty of the journalist is important and glorious. To accomplish that task well, one must try to study politics, improve ideology, stand firmly on the proletariat stand; must improve their cultural level, must go deeply into their profession. You should always try, but if you try, you will definitely succeed” .

According to him, the task of the revolutionary press is to be the vanguard in the merciless struggle with what goes against the laws of history, to expose the reactionary, false, and deceitful nature of the enemies of the people.

(source: [Ho Chi Minh, Complete Volume, volume 4, National Political Publishing House - Truth, Hanoi, 2011, p.166-187](#), access date 7/3/2022).

Figure 2 - Ho Chi Minh and publishing



(source: internet)

4.3 What privacy laws on publishing fake and false information as internet crime

First, Provisions on the right to privacy in the Constitution

Article 21 of the 2013 Constitution has the following provisions:

“- Everyone has the inalienable right to privacy, personal and family secrets; have the right to protect their honor and reputation”.

Information about private life, personal secrets, family secrets are guaranteed by law to be safe.

Second, “- Everyone has the right to confidentiality of correspondence, telephone calls, telegrams and other forms of private communication”.

No one is allowed to illegally open, control, and seize other people's correspondence, telephone, telegrams and other forms of private information exchange. Even though there are no written instructions and if a violation occurs, it will be very serious. It is difficult to define what is private life, but this provision has expanded much more than the right to privacy.

Third, Regulations on the right to privacy in the Press Law

With the specific nature of the profession, journalism is the field that is most related to the secret of personal life, and also the field where the invasion of personal privacy occurs on a regular basis. As an obvious fact of the industry, even the invasion of privacy is an indispensable thing if you want a "sensational", "popular" article to attract public attention. And the people whose privacy is violated by the press are mostly famous people, besides, each individual is easy to become the subject of invasion of privacy in the press.

Clauses 3 and 4, Article 5 of Decree 51/2002/ND-CP guiding the Press Law stipulates:

“Do not post or broadcast photos of an individual without clear captions or affect the reputation and honor of that individual (except for photos of information about public meetings, collective activities, labor sessions). activities, performing arts, sports, people with wanted warrants, public court hearings, convicted felons)”.

Last but not least, Article 159 of the 2015 Penal Code and the 2017 Amended and Supplemented Criminal Law stipulates: Those who enter illegally letters, telegraphs, telex, faxes or other documents transmitted by means of telecommunications and computers or commit illegal acts of infringing upon the secret or safety of correspondence, telephone calls or telegrams of other persons who have been disciplined or administratively sanctioned for this act but continue to violate, shall be subject to warning, a fine of between one million dong and five million dong or non-custodial reform for up to one year.

In addition, the 2015 Penal Code 2015 and the 2017 Amendment and Supplemental Criminal Law stipulates: Those who seriously offend the dignity and honor of others will be subject to a warning or a fine of from 10,000,000 VND 30,000,000 or a non-custodial reform for up to 3 years as prescribed in Article 155 Crime of humiliating others and fabricating or spreading things that are known to be untrue in order to seriously offend the dignity and reputation of others. participate in or cause damage to the lawful rights and interests of others, the offenders shall be subject to a fine of between VND 10,000,000 and 50,000,000, a non-custodial reform for up to two years or a prison term of between three months and one year according to Article 2 of this Law. 156 Crime of slander.

Finally, Article 155. Crime of humiliating others (Vietnam)

1. Those who seriously offend the dignity and honor of others shall be subject to warning, a fine of between VND 10,000,000 and 30,000,000 or non-custodial reform for up to 3 years.
2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 03 months and 02 years of imprisonment:
 - a) Committing the crime twice or more;
 - b) Against 02 or more people;
 - c) Abusing positions and powers;

Next, we can organize discussion for students with below case questions:

Question 1: Discussing two Vietnam newspapers case above that violates privacy laws

Question 2: Present Vietnam privacy laws and other approaches for solving fake information that violates privacy in journalism? What bad results according to laws?

5. Discussion and Conclusion

According to President Ho Chi Minh, there is an organic unity between the revolution and the press, because "Our regime is a democracy, thoughts must be free. For an issue, people express their opinions, contributing to finding the truth. When people have expressed their opinions, have found the truth, then, freedom of thought turns into freedom to obey the truth. Truth is something beneficial to the Fatherland, to the people. What is contrary to the interests of the Fatherland and the people is not the truth."

Stemming from the operational purpose of the revolutionary press, which is for the people and from the great role of the press in society, he reminded journalists: "Don't know, understand, don't say, don't talk. Write. When there is nothing to say, nothing to write, don't talk, don't write nonsense." In order for the press to always be the people's forum, he affirmed: "A newspaper that is not desired by the majority (of the people) is not worthy to be a newspaper", and "not only writing books, writing newspapers". But whatever work you want to do well, you must respect the opinions of the people."

(source: <https://dangcongsan.vn/multimedia/mega-story/mega-story-bac-ho-voi-bao-chi-cach-mang-viet-nam-556640.html>, access date 8/3/2022).

Figure 1- Ho Chi Minh



(source: internet)

Research limitation

Authors need to make analysis for other legal case studies as well as for other markets.

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