

On the Legal Liability of False News Reports

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Abstract

News is the hard work of journalists, most of which is at the sacrifice of journalists' life and blood. Therefore, the profession of journalist is both ordinary and extraordinary. The reason why the work of journalists is ordinary is that it is one of the jobs that people can choose to get engaged in. Journalist is an ordinary citizen. He or she does not have privileges, but he or she enjoys the right to have direct contact with and interview the upper leaders as well as the lower-level people due to the nature of the work. More importantly, journalist has the opportunity to be the writer of news, and he or she can use the pen in the hand to write news that shocks the world. In this sense, it can be said that the journalist is charged with major social and legal responsibility. This article focuses on false news. It causes great harm, thus needs prevention and treatment. First, the state should establish and improve the judicial punitive system, build an effective restriction mechanism; Second, media practitioners should improve their professional ethics and strengthen legal discipline; Third, the readers should improve the sense of judgment, and form powerful supervision.

Key words: False news; Reports; Legal liability

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INTRODUCTION

Objective fact is the first element of news reports. It is the most fundamental and important requirement for journalists to ensure the authenticity of news. However, at present, numerous false news crop up through different channels in different media, which causes serious damage to the community and target readers; while for the press itself, it is a fatal tumor, for it not only undermines the credibility of the media, but also brings harm to the whole country and society. In fact, false news involves great damage, especially the news about legal issues and medical incidents which will adversely affect the masses. For example, it will intensify social contradictions and endanger people's lives and health, and so on. To curb false news, in addition to relying on strengthening the external supervision, we should also need to improve the attention on the harm of false news on the part of network media, strengthen self-discipline, and improve the quality of media practitioners. Many Internet users tend to think that they surf the Internet with the aim to seek for entertainment and novelty. In this sense, some false news is nothing but increase click rates. This is obviously detrimental to the long-term development of online media. For individual journalists, they should be familiar with the network, and learn to identify false information quickly and find out the information sources.

1. FALSE NEWS AND ITS FORM OF EXPRESSION

1.1 Connotation of False News

False news is a news whose elements are not completely true, and the emergence of false news is to achieve a certain aim. It is made up or created out of journalists' imagination, while the facts do not exist. It is obvious that false news will harm the credibility of public media. Currently, the scope of false news expands more widely, and more and more media are involved. As for the whole Chinese media world, such trend is on the rise, which has seriously damaged the image and credibility of the news media units. We can often find Internet users complain on the Internet: Today's newspapers are not worthy of trust, for news are subjectively made up to confuse their mind. Even some readers believe that, "These days, rumors are flying all over the world with basic truth and little adulteration, so that they look more like news; Nevertheless, the real news are made up and conceal the truth, so that it looks more like rumors." Such understanding that "rumors look more like news while news look more like rumors" goes too extreme. But it is highly urgent for us to deal with the harm that false news brings to the credibility of the media and the social environment. In recent years, the doubt from readers to the credibility of the mass media is largely from the spread of false news.

1.2 Form of Expression

False news is different from the misrepresented news that we usually find. “misrepresented news” may be either intentionally or negligently created, while false news is all deliberately made up without exception. Such subjective responsibility on the part of journalists mercilessly gives shame to them: they disguise something false as something true, and sell to the public, which ruins the lives of the news, of course, disgrace any honest journalists and the entire press industry.

First, the news without facts to support is reported as objective facts. Currently, false news represents the most serious fraud in the press industry. Such news holds no truth, the reason contributing to which is mostly that reporters fabricate news according to their imagination or in order to achieve some personal objective, or to stimulate the curiosity of the public, so as to enhance the “selling point” of their news” and cause a strong reaction among the public. The program “Paper-stuffed Bun” of the column “Transparency” in Beijing Television is a typical example. The false news which is obviously fabricated like this is abundant. Although it did not bring very negative influence, it has exerted profound impact on the press, and the reaction of the audience is also very strong.

Second, only part of the fact but not the all is exposed to the audience. At present, there is a tendency that after a news event occurs, some of the reporters like to use the method of classification to include news like this as a category and replace the truth with similar ideas; some news focuses on one point less than the rest; and although a particular fact is true, but it is not applied to all the events, so the factuality is not general or not to the essence of the fact. Therefore, false news is rather likely to happen, if we summarize some reports on a macro level and replace true fact with partly fact.

Finally, the news is not real. A few irresponsible newspaper offices publish and reprint some unverified manuscripts and Internet information, reproduce excerpts of the contents of the internal publications, and publish reports and articles that are not objective and impartial, which caused misrepresentation of news and adverse social impact, damaging the credibility of the public media. GAPP has circulated a notice by issuing documents to criticize six newspapers that reported seriously misrepresented news.

2. THE SOURCE OF FALSE NEWS

In recent years, false news have been frequently exposed whose impact is so adverse that it has extremely damaged the image of journalists and the news media as well as has caused hatred among people. Truth is the life of news, which is the common sense that every journalist must understand and keep in mind, and is also the basic requirement of the Marxist concept. However, why does the trend of false news

intensify in recent years? According to the writer, it is due to personal qualities and ideological quality, as well as social origin.

As we all know, since the reform and opening up, China's journalism has witnessed unprecedentedly rapid development, and a pattern of diversified media network has been formed, which has not only greatly stimulated people's growing demand for the informational culture, but also has created a platform for those who are passionate for journalism to display their talents. During the rapid development of the media, some media based in metropolitan news rise to the front, and are welcomed by readers with their special forms. This, in the meantime, also presents a challenge to the traditional model to collect and write news. They gradually or make great strides towards the market, and become a power in the cultural industry. The production of false news is not accidental; instead, its emergence and dissemination are due to both subjective and objective reasons. The main objective reasons are as follows.

First, the primary reason for the inadequate punishment to false news is unsound news system and regulations. Today, false news floods in society, but there is no appropriate punishment for the subjects who are responsible for fabricating false news, resulting in the fact that some people are fearless to fabricate and disseminate false news. In China, "News Law" are delayed to be published, which brings a lack of legal environment for news activities. When the false news is revealed, although it is exposed by media or is blocked temporarily, and although rewords are withstood, relevant writers, editors and media leaders receive no substantial punishment. Some of them sometimes are fired, but are employed by another media soon. How can we curb the generation and dissemination of false news in this way?

Second, the media fabricate false news to create public opinion for the pursuit of illegitimate interests. In recent years, although China's development centered around economic construction has made some achievements, it also created a lot of side effects. For instance, social integrity and moral standard seriously decline; the social climate of money worship not only pervades in the whole society, but also impact the news media field. With the development of market economy, the media have taken an entrepreneurial business model. In a highly competitive environment, driven by the interests, media companies create false news from time to time, so as to make their own survival and development in the fierce competition.

Third, the curiosity of readers and their high trust on media is the social cause for the generation of false news. The current generation grows up under the influence of the mainstream mass media who has a typical medium-dependent disease, which provides favorable conditions for the spread of false news. Considering that readers are pursuing new things, some journalists and editors put those news that really matters in a peripheral place but give emphasis on vulgar news and adventures news that satisfy the needs of everyone, so as to meet the needs of the readers and attracting readers' attention, which makes news press go to extreme.

3. CHINA'S RELEVANT LAWS AND REGULATIONS TO CURB FALSE NEWS

Currently, in addition to the professional ethics in journalism, there are also a number of promulgated laws and regulations, giving requirements to the authenticity of the news.

In 1995, the Press and Publication Administration issued Quality Management Standards for Civil Papers (Trial), whose Article 5 states, "The information contained in the newspaper shall be true, accurate ..."

In 1997, the 34th Article in the Regulations of Broadcasting Television provides, "Broadcast television news shall be true, impartial ..."

In 1999, the 1st Article in the "Methods to Deal With False News and Misrepresented Reports" issued by the Press and Publication Administration provides, "Newspapers and periodicals shall comply with the regulations of publication. The published news and documentary works shall be truthful, accurate, and fair. Newspapers and periodicals shall not contain false and misrepresented reports and documentary works."

In 2000, the 15th Article in the "Measures to Regulate Internet Information Services" issued by the State Council provides, "Internet information service providers shall not produce, reproduce, publish, disseminate information containing the following contents: '... spread rumors, disturbs social order or undermines social stability...'"

In 2005, the 26th Article in the "Regulations on Newspaper Publishing" issued by the Press and Publication Administration provides, "newspaper reports shall be true, comprehensive, objective and impartial, and shall not publish any false, untrue ..."

In 2005, the 25th Article in the "Public Security Administration Punishment Law in People's Republic of China" provides, "the behaviors of spreading rumors, epidemic disease information, politic situation or others to intentionally disturb public order shall be detained more than 5 days but less than 10 days, and may give fines to those who are detained less than 5 days; if the circumstances are relatively minor, the one should be detained less than 5 days or given fines under 500 yuan."

In 2007, the 65th Article in the "Emergency Response Law in People's Republic of China" provides, "the behaviors in violation of this law to fabricate and disseminate relevant false information on emergency development or on emergency work, or spread the told false information on emergency development and on emergency work shall be ordered to correct, given a warning ...".

Most of the above provisions relating to false news are administrative regulations or departmental rules; but in terms of the authenticity of the news, they have a clear legal standard and executive forces. Therefore, the party who creates and spreads false news should bear the legally civil, administrative and even criminal liability.

4. SUGGESTED MEASURES TO CURB FALSE NEWS

4.1 The State Should Establish Judicial Punishment System

One important reason for the rampant spreading of false news is that our judicial punishment system is imperfect. In order to prevent and eradicate false news, we should establish effective and complete restriction mechanism, impose restriction on false laws with rules, laws and regulations, and earnestly implement them. Since the reform and opening up, in order to strengthen the management of journalism, China has developed a series of regulatory documents such as “Reporter Codes”. However, these rules and regulations give more requirements on journalists in terms of their political ethics than moral ethics. Since the occupational characteristics are not distinctive and specific, and there is no powerful and binding laws to punish those who violate the regulations, such regulatory documents are not feasible, thus yield little results.

Recently, the Central Propaganda Department, SARFT, and GAPP jointly issued the “Provisions on Managing News Gathering Personnel”, in which there are further provisions on the professional ethics of Chinese journalists, and specific measures are formulated.

4.2 The Media Should Improve Professional Ethics and Strengthen Legal Discipline

At present, the unhealthy practice that gives interests the top priority pervades in journalism; some journalism practitioners have inadequate social responsibility; driven by the powerful media and individual interests, they deliberately create false news or turn a blind eye to false news in order to improve their ratings and circulation. In China, the prevention of false news need them to give top priority to social benefits, to serve the people wholeheartedly, and to persist in the professional ethics of journalism. Besides, they are required to enhance qualifications, go to front-line to have in-depth interviews, investigate and make verification, and ensure the quality of the manuscripts; in addition, they should have a sober mind, carefully screen the news sources, avoid seeking for novelty; what is more, they should make a careful screening on the reproduced online information, strengthen the industry norms, and in particular, should strengthen the management of online media. We should proceed from establishing and improving various rules and regulations, build vocational qualification examination system, industry access and exit system and accountability system, and formulate scientific and strict work norms for various aspects such as news collection, writing, editing, and reviewing, as well as conscientiously implement them according to the “system”, and effectively serve as the “gatekeeper” of news.

4.3 The Readers Should Improve Judgment, and Effectively Supervise the News

Readers should raise judgment towards false news, and effectively resist false news. The target readers are the recipients of information, but the reception is not passive; instead, it is to actively seek for information for their own use. In the process of generating and disseminating false news, the readers play a catalytic role, making the dissemination of false news become more convenient. So the readers should effectively improve the judgment towards news and resist false news. In addition, they should also supervise news as well as monitor the behaviors in violation of the professional ethics of journalism. Specifically, it includes public complaints against the contents of reports and mode of operation, as well as includes monitoring whether the “The Professional Ethics of Journalism” has been observed.

CONCLUSION

Truth is the life of news, which is an important prerequisite and fundamental guarantee for the sustained and healthy development of journalism. However, false news is against the truth of news, which makes our world full of “bubbles”, seemingly colorful yet so illusory that we cannot see the world as it is. In recent years, false news and misrepresented reports continue to appear despite repeated prohibitions, which are in breach of the principles of truth in the news. Besides, they have become the public hazard in the press world, not only damaging the credibility of the news media, but also harming the community and the public. To eliminate false news, we should establish and improve relevant judicial punishment system, build “honesty” convention, and awaken reporters’ conscience. In relation to journalists, they should implement the principles of “self-monitoring, self-control, self-examination, self-adjustment”, so as to truly eradicate false speech and behavior in the bud before they occur. With regard to the readers, they should improve the ability to identify false news, establish reasonable supervision system, and form a good system. Only by taking the above measures can we truly and effectively prevent as well as eradicate false news.

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