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AI-driven disinformation as a threat to democracy – European states’ regulations for counteracting it

ABSTRACT: Systematically conducted disinformation campaigns, which are often carried out as a part of larger hybrid operations in cyberspace, pose a significant threat to the security of states and their democratic values. Such disinformation also helps to accelerate processes such as polarisation, verbal aggression and radicalisation, which can all contribute to democratic backsliding. The aim of this presentation is to examine the disinformation threat in democratic societies, in particular, mechanisms that undermine the principles constituting the pillars of democracy, such as competitive and fair elections, self-determination and free public debate. The paper goes on to discuss regulations for countering disinformation in selected European Union Member States. The analysis shows that counteracting disinformation goes beyond the solutions implemented within the framework of a nation state. The Internet effectively exceeds the territorial sovereignty of the state, which makes it difficult to regulate cyberspace in the national legal order. In addition, it is difficult to provide a legal definition of disinformation and fake news that, under the guise of protecting information, will not harm the public good, limit freedom of speech, introduce censorship or reduce media pluralism. Democratic values are therefore threatened not only by disinformation itself, but also the legislation aimed at countering it.

Keywords: threats to democracy, disinformation, freedom of speech, democratic values, European Union