Chapter 52

Debunking Intermediary Censorship Framework in Social Media via a Content Retrieval and Classification Software

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ABSTRACT

Following the enactment of computer crime law in Thailand, online service providers are compelled to control illegal content including content that is deemed harmful or problematic. This situation leads to self-censorship of intermediaries, often resulting in overblocking to avoid violating the law. Such filtering flaw both infringes users' freedom of expression and impedes the business of OSPs in Thailand. The Innovative Retrieval System (IRS) is thus developed to investigate intermediary censorship in online discussion forum, Pantip.com, as a case study of social media. The result shows that there is no consistency of censorship pattern on the website at all. The censorship criteria depend on type of content in each forum. Overblocking is also high, over 70% of removed content, due to intimidation of governmental agencies, lawsuits from business organizations, and fear of intermediary liability. Website administrator admitted that he would cut off some users to avoid business troubles.

INTRODUCTION

Intermediary censorship has emerged as a contentious issue in the scholarly area of Internet filtering in recent years. In the context of Web 2.0, online service providers (OSPs) or social media like online discussion forums, social networking services and blogging services have become important public sphere whereby users are provided with space to generate their own content. This should, in any

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general context, promote freedom of expression of Net users. However, many regimes around the world have not been accommodating for this novel opportunity as they have made OSPs new choking points for Internet control by transferring to them the liability related to content published online, which Zuckerman (2009) refers to as "intermediary censorship". In fact, cyber crime laws in some countries have made intermediary liability a major regulatory component. Such is the case with Thailand's relatively new, yet highly controversial, Computer-Related Offence Act B.E. 2550 (2007) which requires online intermediaries to remove potentially infringing content, particularly those that may fall under lèse majesté – damaging or defaming the king and royal family – a historically serious crime in Thailand (Bangkok Post, 2009).

According to a local research on control and censorship of online media through the use of laws and the imposition of Thai state policies (iLaw, 2010), censorship and lawsuits have dramatically increased particularly under charges of defamation and lèse majesté as shown in Figure 1 and Figure 2. Also, according to the study on the impact of defamation law on freedom of expression in Thailand by ARTICLE 19 (2009), the Ministry of Information and Communications
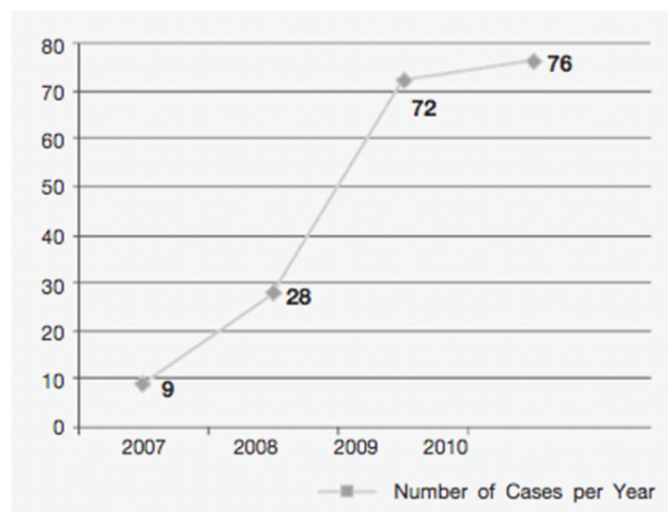
Technology (MICT) has shut down more than 2,000 websites alleged to have contained lèse majesté material. Based on reviews of related research and unobtrusive observation, however, the emerging filtering scheme at the intermediary level has led to a subjective censorship practice of sort (MacKinnon, 2009).

Online social media such as discussion forums, social networking, blogging and video sharing sites are among the most popular technologies emerging in the Web 2.0 age. Such applications enable ordinary users to post their own content, share information, and connect with large audiences. They have changed how people communicate and connect to each other. Not only have they enabled users to present themselves more easily and freely than before, but they also played a vital role in political and social activism. In Egypt, Tunisia, Iran, and Thailand, for example, democracy advocates have relied heavily on Facebook and Twitter to mobilize supporters and organize mass rallies.

RESEARCH QUESTIONS

Most social media services utilize both manual and auto filtering method to cope with a broad

Figure 1. Number of cases under Computer Crime Act in 2007 - 2010 (iLaw, 2010)

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