

# The Brazilian presidential election of 2018 and the relationship between technology and democracy in Latin America

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**Abstract:** The Brazilian elections in 2018 represent an authentic model in a post-Cambridge Analytical phase where the myth of the sanctity of data has been broken. The big influence of the algorithmic revolution on democracies in Latin America has never been more evident. The misuse of algorithms creates an artificial environment that does not put us in contact with different realities; the consequences of this conjuncture have the deepest impacts, especially in countries that rely on a deficient educational system. Besides that, the broad use of zero-rating on the internet delivery in developing countries is also considered a factor of fake news dissemination. The information bubbles promote political polarization to the detriment of diversity - and the diversity is par excellence one of the pillars of democracy. This essay intends to demonstrate the impact that the phenomenon of disinformation has on underdeveloped countries, analyzing the new role of the legislator in the elaboration of hypercomplex laws with multi-stakeholder interests, that respect the essential core of digital human rights as the freedom of expression online.

It is also intended to make a comparison with the growing and current phenomenon of Brazilian misinformation with other contemporary phenomena related to new technologies, in order to demonstrate the current importance of the Internet in the protection of democracy in developing countries. It is important to determine that the blocking of websites and services on the web violates the human rights – and that there are also other alternative measures to the solving of these problems in a less authoritative manner, such as programs involving digital and media literacy and the fast-check websites.

**Key-words:** Freedom of speech; Democracy; Disinformation; Hate Speech; Freud; Big data

## 1. Introduction

The Brazilian elections in 2018 represent an authentic model in Latin America where, in a post-Cambridge Analytica phase, the myth of the sanctity of data has been broken. Never has the ungovernability of the digital technologies been this evident. On the other hand, the net continues to gather all the elements of a genuine democratic public sphere<sup>1</sup>. However how to guarantee such democratic feature, the full exercise of freedom of speech, and the free access to information amongst all these diverse political and legislative movements?

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<sup>1</sup> The internet ideally supplies simultaneously: universal access, non-coercive communication, freedom of speech, unrestrained agenda, participation outside the traditional political institutions, generating public opinion in face of authentic process of discussion (Buchstein, 1997, 9. 251).

## 2. The phenomenon of disinformation

The big data took a role of public sphere, where the users experience an embodiment of their “digital selves” developing the culture of autonomy<sup>2</sup>. It is evident the existence of a new form of space, a mixture of a space of sites in a certain territory with the space of flows of the internet. The new technologies, along globalization, weakened the State concept of sovereignty, giving origin to numerous democratic deficits, where a population suffers directly the consequences of a government they did not elect<sup>3</sup>. A citizen’s feeling of belonging to a determined nation has been damaged. This situation reduces the State influence, once only one individual who identifies himself as part of a society would be willing to obey the precepts regarding to collectivity.

The political apathy has reached the means of communication as well. The social movements in Tunisia, Iceland, the countries of Arabian Spring – especially Egypt – and also the “Occupy” movements, clearly demonstrate the political role the community has on the web<sup>4</sup>. The live streaming became a new modality of activism that, with the help from the platforms, decentralizes the classic media model. As the State does not exercise its function to inform transparently, it ends up pushing the internet to play this role<sup>5</sup>. The internet in this context represents a direct communication channel between the elector and the political power, without intermediation<sup>6</sup> – once inside the web we are all communicators. Such characteristic provides the individual a more intense feeling of participation<sup>7</sup>, and, consequently, a more democratic one, since he based on his own desires and values, will be responsible for the elaboration of the content published<sup>8</sup>.

Thus, the platforms acquire an importance on the guaranteeing of freedom of speech<sup>9</sup>. The access to information is a fundamental aspect of the democratic life, in

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<sup>2</sup> It is a type of social network that differs from other communities or forms of association, due to the one-sided right of leaving it that the users have. One’s will is one’s volatile foundation (Baumann; Donskis, 2014, p. 12).

<sup>3</sup> Canotilho, 2005, p.343-353.

<sup>4</sup> The movements are simultaneously global and local, where both physical and virtual space must work collaboratively, in a hybrid way (Castells, 2013, p.138)

<sup>5</sup> The ideas of transparency and exactness of information by the State derive from classical thinkers such as Kant. The individual would depend on clear and honest information for public use of their own reason. The publicity and transparency in the public sphere, according to the Kantian legacy are constituted on constitutive notes of democracy (Kant, 2003, p. 66).

<sup>6</sup> It is what is called the disintermediation phenomenon (Lévy, 1993, 208).

<sup>7</sup> The cyberculture whereas maintain the universality, dissolves the totality. Once inside the internet, the sender and the receptor of information alternate position. This simultaneous trade of experience and information would be responsible for the creation of a new sense (Lévy, 1999, p. 249).

<sup>8</sup> The individual while exercising his freedom of speech emancipates, turns out to be more than a just one part of society as a whole. Such classic concept is more intense in the web community due to the autonomy that the user has to personalize directly the published content (Tocqueville, 1998, p. 56)

<sup>9</sup> Although nowadays half the world’s population still has no access to the internet. The GMSA report shows that 40% of the world still has no access to the internet – the communitarian webs are an alternative in the inclusion of this portion of the world’s population according to the report. Available at: [https://giswatch.org/sites/default/files/giswatch18\\_web.pdf](https://giswatch.org/sites/default/files/giswatch18_web.pdf). Access:19.01.2019.

which the plurality of ideas, the assurance of access and neutrality of the web are essential for the information flow on the web to meet these political principles<sup>10</sup>. Such requirements are objectives for a sustainable and inclusive development, with the minimum of equality of opportunities. Yet, in practice, this idea of the internet as a new pure concept of a “public square” is not real, since this freedom is only illusory – and controlled by big companies<sup>11</sup>.

Besides, the use of algorithms, such as automation of decision-making, gave origin to echo-chambers, a negative consequence from the platforms’ model of business. The misuse of algorithms creates an artificial environment that does not put us in contact with different realities; the consequences of this conjuncture have the deepest impacts, especially in countries that rely on a deficient educational system. The information bubbles promote political polarization<sup>12</sup> to the detriment of diversity – and the diversity is par excellence one of the pillars of democracy.

The 2016 American elections and the BREXIT/Cambridge Analytica case are clear examples of how digital platforms can be dangerous political tools, capable of interfere directly the electoral results. The current worry with fake news (or the multi-party politic) is verified in most democratic countries – in special those developing ones. The online hate speech and the fake news are direct products of a growing phenomenon of disinformation. Obviously the fake news isn’t itself a new fact<sup>13</sup>, the campaigns of disinformation have always existed, however, the internet granted this practice new shape and amplitude. The current concept of fake news admits several types of motives, from the pecuniary to the ideological. Furthermore, in its majority, it has a temporary aspect, adopting a model of a short-term maximization of profits<sup>14</sup>. The considerable growth of fake news is initiating a process of mistrusting the digital environment, similarly to what happened to the traditional media, creating a context of informational disorder.

The internet forces the juridical systems when it elaborates its domestic regulation to take in consideration what occurs beyond its limits. This moment is crucial

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The 2018 accessibility report elaborated by A4AI affirms that 60% of the countries have internet for unaffordable costs, and also the number of new users already experiences a deceleration (from 12% in 2016 to 7% in 2017). Available at: <https://a4ai.org/affordability-report/report/2018/>. Access: 22/01/2019.

<sup>10</sup> It is in this exchange of ideas that the Socratic dialectic concerns, necessary to the development of any group of individuals, especially in political questions that result in a society progress (Plato, 2010, p. 26)

<sup>11</sup> Such condition, allied to the concentration of earnings, the lack of coverage of broadband and the high costs of connection are obstacles to the effective democratization of internet.

<sup>12</sup> The phenomenon of polarization is the result of intense defense of ideals nourished by the new technologies, that allied to the artificial sentiment of unanimity promoted by the algorithms, guarantees power to the individuals in defense of their ideologies - even if they are contradictory or controversial.

<sup>13</sup> The homo sapiens is himself a post-truth, whose power depends on creating fictions and believe them. Since Stone Age the myths were used to gather human collectivities – whereas believing the same fictions, obeying the same laws and cooperating more effectively (Harari, 2018, p. 290).

<sup>14</sup> Oxford Internet Institute. News and Political Information Consumption in Brazil. Available at: [https://comprop.oii.ox.ac.uk/wpcontent/uploads/sites/93/2018/10/machado\\_et\\_al\\_por.pdf-](https://comprop.oii.ox.ac.uk/wpcontent/uploads/sites/93/2018/10/machado_et_al_por.pdf-). Access: 01.22.2019.

to work on measures that rescue these universal and democratic values intensely represented by the internet along the years. The overall impact of these techniques has its effects increased in developing countries. These countries are especially more vulnerable to techniques of profiling and fake news due to the precariousness of the media literacy of their populations and the services of provision of internet over their territory. In the Brazilian case, the situation has yet an aggravating factor because of the enormous influence the internet has in the country<sup>15</sup>. Concomitantly, Brazil has also been experiencing, since the 2014 presidential elections, a radicalization of its political debate, indirectly fomented by a long period lacking legislation on protecting data in the country.

### 3. The phenomenon of disinformation and the 2018 elections in Brazil

Jair Bolsonaro's victory on the 2018 elections was the result of dissatisfaction to the classical Brazilian model of politics, giving voice to a great portion of the society that did not feel represented. The current Brazilian president has shared innumerable racist, homophobic and misogynist declarations – and yet, he won the last election with relative ease. What would explain such results? This scenario is close to a type of revolt to what is correctly political. A reflection of the fact that the leftist movements, for a while, have been responsible, almost exclusively, for the detention of means of production, of knowledge, of education and the public thinking. The political affection for candidates such as Bolsonaro and Trump is justified by the practice of this type of representatives of simplifying the answers to the complex political questions<sup>16</sup>. It is interesting to note that the necessity of paternal protection does not separate from the state of abandonment that characterizes the human being, in the beginning and throughout life, since suffering always threatens the individual from three directions: from the body itself, condemned to aging and to dissolution, from the external world, source of smashing and merciless forces of destruction, and, finally, from the relationships with others human beings that, at any moment, can become a source of sorrow and anxiety<sup>17</sup>. Thus, these are movements that currently, with the support of new information technologies, end up infantilizing the electorate.

On the presidential elections of 2018 the declared expenses on the online push were 1,3 % of the total costs in campaign, and the elected candidate was the one who least invested in propaganda, either online or offline<sup>18</sup>. The role of militancy and the organic

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<sup>15</sup> A clear example of this influence is the facebook that according to its own more recent reports affirmed that Brazil has 127 millions of active accounts on the platform, occupying the fourth in a global ranking. Available at <https://moneytimes.com.br/facebook-chega-a-127-milhoes-de-usuarios-no-brasil/>. Access: 21.01.2019.

<sup>16</sup> These far-right movements ride on childish fantasies, which involve the figure of a great father, simultaneously loved and feared, who in a communion of affections will protect all his people (Pondé, 2012, p.113).

<sup>17</sup> Freud, Civilization and its Discontents, 1976, p. 95.

<sup>18</sup> This data has revealed that the political capital does not depend on the value invested on propaganda made through social networks in the traditional form of push. Data from *Você na Mira* Report, elaborated by InternetLab. Available at: <http://www.internetlab.org.br/wp-content/uploads/2018/11/Relatorio-Voce-Na-Mira-3-InternetLab.pdf>. Access: 12.28.2018.

engaging was not replaced by technology; the example of Jair Bolsonaro's digital campaign demonstrated a much more defused and complex structure than the classic pushing model of the platforms. The hate speech was used as political marketing – and it was successful. This result is extremely worrying for such a country as Brazil, that has faced a military dictatorship, comports intense population blending, has an inefficient education system besides having great social inequality.

The 2018 presidential elections in Brazil are an authentic case of the current interaction between the internet and the democracy, where the dissemination of fake news was done essentially over personal communication apps, such as WhatsApp<sup>19</sup>. The growing sharing of fake news is explained by the private nature of the app in question that does not identify the source of the shared information precisely, reduces possible embarrassment when sharing content, besides inspiring users reasonable trust in the information published. Even the greatest difficulty at fake news dissemination via WhatsApp, which is the access to telephonic data, is relativized in the Brazilian scenario. Due to the period of absence of a definite legislation on the collection of data in the country<sup>20</sup>, big companies had easier access to phone numbers, among other data, which allowed the private initiative to promote the elaboration of complex database of dubious legality<sup>21</sup>.

The broad use of zero-rating on the internet delivery in Brazil can also be considered a factor of fake news dissemination. The zero-rating causes a series of digital colonialism<sup>22</sup> that links its users to the use of certain apps and services – in Brazil's case, the WhatsApp. The responsible companies argue that this method is the affirmation of a shortage based on the intense web traffic that is actually artificial<sup>23</sup>, once there is no explanation for the limitation of broadband per traffic. The cost of internet is given per the speed and not per the GB. Besides the technical explanation,

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<sup>19</sup>The fake news dissemination phenomenon using private apps like Whatsapp, according to the Organization of American States is one without precedents in the world Affirmation by Laura Chinchilla, former Costa-Rican president and the head of the OEA mission in Brazil in October 2018. Available at: <https://noticias.uol.com.br/politica/eleicoes/2018/noticias/2018/10/25/fake-news-pelo-whatsapp-e-fenomeno-sem-precedentes-no-mundo-diz-oea.htm>, access: 01/20/2019.

<sup>20</sup> In opposition to these practices, the General Law of Protection of Data was created (Law 13. 709/2018) to establish the Brazilian system of data protection. However, this project has been target of constant criticism, especially when it comes to a creation of a competent, specialized authority to judge cases related to the protection of data. Besides, a possible immunity of government data to the security systems, as proposed by the government recently, is also a great concern. Consequently, although notable, this projects is still far from being the solution to the serious insecurity of the delivering and storing data in the country. Available at: [http://www.planalto.gov.br/ccivil\\_03/ Ato2015-2018/2018/Lei/L13709.htm](http://www.planalto.gov.br/ccivil_03/ Ato2015-2018/2018/Lei/L13709.htm). Access: 13.01.2019.

<sup>21</sup> Companies as Serasa Experian, benefiting from the current lack of legislation on the data protection, have considerably complete databank of consumers, offering sophisticated services of profiling – being Facebook one of its most important ex-clients. Available at: <http://www.meioemensagem.com.br/home/ultimas-noticias/2018/03/28/facebook-encerra-parceria-com-serasa.html>. Access: 01.21.2019.

<sup>22</sup> Pinto, 2018, p.2.

<sup>23</sup> IDEC, Artificial shortage: contesting the implementation of allowances in fixed internet services. Available at: <http://www.internetlab.org.br/wp-content/uploads/2017/11/Livro-IDEC-Escassez-Artificial.pdf> Access: 01.12.2019.

this practice still seems illegal, going against article 7 from Civil Rights Framework of the Internet (Law n. 12.965/14) that says that the access to the internet is essential to citizenship; a disconnection in this case would only happen in case of debit<sup>2425</sup>.

In the report of the International Union of Telecommunications, from 190 countries, about 130 have unlimited internet. According to the Open Signal Report, about 68% of Brazilians need wii-fii to be connected<sup>26</sup>, those data proves how zero-rating can condition most of national users to depend on certain services on the web. Based on these reports, we can conclude that the zero-rating is not a step ahead but an obstacle to the internet universalization. The existence of an allowance stimulates zero-rating techniques because it presumes limitation, in addition to turning a palliative measure into a permanent one<sup>27</sup>. The continued use of social networks by Brazilians also expresses a lack of training on managing the internet and other technologies. This gathering of circumstances clearly consist on a kind of deterioration of on-line rights.

Fortunately in face of the given situation, some measures have been taken by Brazilian organizations to fight this disinformation phenomenon. Institutions such as O Truco<sup>28</sup> and Aos Fatos<sup>29</sup>, have worked on the translation of guides about the verification of news and combat the fake news produced by IFCN, available online at zero costs. The Lupa institution<sup>30</sup> also keeps several measures aiming media education, through Lupa Education Program. Nonetheless, given the continental proportions that Brazil has, as well as the precarious internet distribution services, these actions have very restricted effectiveness. On account of this, the State action when it comes to media education is necessary, in the sense of promoting equality of opportunities among the citizens.

This need unfortunately does not seem to be shared among the Brazilian political representatives. Mistaken Law Projects under appreciation by the National Congress demonstrate that the parliamentarians are more interested in restricting the online content<sup>31</sup>. with the creation of new virtual crimes than to elucidate the voters about the

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<sup>24</sup> Available at: [http://www.planalto.gov.br/ccivil\\_03/\\_ato2011-2014/2014/lei/112965.htm](http://www.planalto.gov.br/ccivil_03/_ato2011-2014/2014/lei/112965.htm). access: 01.04.2019.

<sup>25</sup> Besides the national legislation, such willingness goes against the international principles to which Brazil is a part, as the case of the American States Organization and its system of principles about freedom of speech. This strict system represents a political and democratic advance in the American continent, especially the content of principle 5 that considers the previous censorship and the creation of obstacles to the free information flow by the State as authentic forms of violation of freedom of speech. Available at: <http://www.oas.org/pt/cidh/expressao/showarticle.asp?artID=26&IID=4>, access: 01.12.2019.

<sup>26</sup> Available at: <https://opensignal.com/reports/2017/01/brazil/state-of-the-mobile-network> Access: 12.27.2018

<sup>27</sup> The Brazilian cities that are far from urban centers are especially more vulnerable to abusive prices to zero-rating techniques due to the lack of other options. In theses, users should be responsible for paying for the services, not the application providers; the common individual should be free to choose how to use his mobile internet.

<sup>28</sup> More information at: <https://apublica.org/chechagem/> Access: 01.12.2019.

<sup>29</sup> More information at: <https://aosfatos.org/aos-fatos-e-noticia/> Access: 12.20.2018.

<sup>30</sup> More information at: <http://lupa-rj.com.br/> Access: 12.29.2018.

<sup>31</sup> It is also worrying the adoption of some extreme measures by the Brazilian judiciary power in the sense of blocking apps widely used by the population, such as WhatsApp throughout the country, as occurred in

political function of the internet<sup>32</sup>. The Internet Managing committee in Brazil (Cgi.Br)<sup>33</sup> assures that the internet and its use must observe the freedom, the human rights and privacy on the web, not admitting neither political nor anti-ethical filtering. Brazil is one of the most interacting nations on the web, in addition to having the Civil Rights Framework of the Internet, elaborated in the multistakeholder model. With Bolsonaro's winning it is possible that all these achievements might be subtracted. At the moment, several law projects are under voting at the National Congress in the sense of altering the Civil Rights Framework<sup>34</sup>, in a totally one-sided and retrograde manner. It seems that a democratically and collaboratively elaborated document as the Civil Framework could only be altered in such a manner, with multidisciplinary participation of professionals, where an analysis can measure how risky these changes are. The first and most radical defense of a project of interdisciplinary action, that surpasses the contexts of different scientific fields, is due to the complexity of the problems faced, once one knows that, in the contemporary world, the awareness/resolution of human issues is not without a perspective of convergence of partial knowledge<sup>35</sup>. It is perceived that the internet, being a democracy on its own, needs to be defended and only global politics can meet its needs and impasses. The internet, as well as democracy, needs to be defended.

#### 4. The relation between the 2018 elections in Brazil and other group phenomena in the contemporary times

It is important to highlight the aspects that interweave the presidential elections of 2018 in Brazil and markers of group phenomena in the contemporary times and throughout human history. It is questioned the possibility of guaranteeing freedom of speech and information when one knows the individuals are not untied from groups or clusters. And what can one's belonging to a group represent in the enabling of human deeds? The first point that is worth discussing is referred to the group omnipotence. Disparate individuals in the ways of living, occupation, character or intelligence, for instance, for having been turned into groups, adhere to a new type of collective mind which make them feel, think and act very differently from what each member would feel, think and act individually<sup>36</sup>. From this perspective, it opens the possibility of anonymity and of one's expressing oneself against the civilization pacts, once the

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2016, based on a decision by judge in the city of Lagarto, state of Sergipe. The nationwide blocking is contrary to the article 12 from the Civil Rights Framework of the Internet that does not predict this action as a modality of sanction. More information at: <https://www.conjur.com.br/2016-mai-02/juiz-determina-bloqueio-whatsapp-partir-14h-segunda> Access: 12.28.2018.

<sup>32</sup> The increasing legislative interest about the internet is comprehensible; with restriction of content the act of governing becomes less complex, once possible corruption scandals or other administrative crimes would have their publicity restricted.

<sup>33</sup> More information at: <https://www.cgi.br/> Access: 01.10.2019.

<sup>34</sup> This plurality of law projects worried specialists, giving origin to the Coalition Rights on the Web project that follows simultaneously all the ongoing law projects concerning the internet. More information at: <https://direitosnarede.org.br/> Access: 01.10.2019.

<sup>35</sup> Japiassu, 1976, p. 2.

<sup>36</sup> FREUD, Group Psychology and the Analysis of the ego. 1976, p. 104.

substitution of the individual's desire for the community's sake is a decisive step of civilization<sup>37</sup>.

It is also observed that the groups are apt to respond the excessive stimuli. Those who desire to produce effect on them do not need, necessarily, to offer logic sequence to presented arguments, because the excess and the repetition have, many times, more effect<sup>38</sup>. Such fact is evident, moreover, in strategies of propaganda used all over the world, with mention to the system used in Germany, during World War II. Thus, what is requested from the group leader, social representation of a father figure, is, fundamentally, demonstration of strength and violence; the groups wish to be led, oppressed in the name of ideologies, in short, to fear a master; all this in name of belonging to a group and being protected from the enemies. In the context of the elections in question, it was fairly documented by the media situations of aggressions, in everyday sections of society, among supporters and opposition of political parties but they were centered, primarily, around the representative figures of right and left, namely, Jair Bolsonaro and Luís Inácio Lula da Silva, respectively. Based on that, one can think about the interrelation between the group necessity of illusions/fictions, the embracing of the politic of the post-truth in the contemporary world and the uncontrolled production of fake news on the internet.

A factor that enhances the social-political context highlighted above is how the structure of the relational trades nowadays is, when it comes to those which are seen strange or different from a pattern. Beyond the liquidity of the affects, of the ephemerality that characterizes the affective bonds, it is evident, even more, the necessity of electing an enemy that could be identified and held responsible for all the misfortune that falls on a society. In this choosing the enemy to be combated would lay the perverse possibility of rescuing the least dignity and respect, in a moment of shortage of material and symbolic goods<sup>39</sup>.

It is clear that in situations of crisis, such as Brazil, when the reality is hostile, site of privation and permanent frustration, the constant threat of fraying the social fabric that has as a characteristic the intolerance and the increment of real and symbolic violence, phenomenon also seen in globally.

And together with the election of the stranger to the subject, see the polarization between "Petralhas" and "Bolsomitos" in Brazilian soil, the increment of hatred is easily legitimate. It is also important to mention that the hatred, very powerful affection but repressed in the Judeo-Christian tradition, is attached to the dimension of displeasure and frustration, invariably. Thus, the manifestations of hatred, even more common, point to the narcissistic, selfish factor to the detriment of differentiating factors attached to the possibility of dialogue between the individuals<sup>40</sup>, which

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<sup>37</sup> FREUD, Civilization and its Discontents 1976, p. 115.

<sup>38</sup> FREUD, Group Psychology and the Analysis of the Self, 1976, p. 102.

<sup>39</sup> Bauman, 2017, p. 110.

<sup>40</sup> Mendes, 2012, p. 31.

characterizes democratic systems. It is seen that in the last Brazilian election, hatred was used in the service of group cohesion appealing to greater goods such as God and the traditional Brazilian family.

From the slavery heritage constituting the Brazilian society, among innumerable other factors and the people's denial<sup>41</sup> to dwell on the roots of impossibility of guaranteeing a minimally equalitarian society<sup>42</sup>, the space for electing populist and messianic political leaders is granted. And we must not forget that in the name of the recently elected Brazilian president there is the word Messiah, which is not without effect.

The scenario outlined from the social and political scheme is the choice of a leader capable of government from denying the real and scientific evidences, once the task of transforming the reality and history itself was taken on him, even on the cost of buffering incompleteness, human trait par excellence.

The role of social networks, widely used in the Brazilian presidential election in 2018, points to the risks to democracy such as the proliferation of fake news, the demand for immediate answers to problems of long-term resolution and the increment of narcissistic culture, which induces to political alienation and the establishment of the empire of fake consciousness.

#### 5. Alternatives for solving the conflicts related to freedom of speech on the internet

Yet, what would the solutions to these problems involving fake news dissemination be? Would the use of legislations with energetic punitive actions, such as in Germany<sup>43</sup> (NetDg), do? We understand that platforms, in the role of private companies, must not have the attribution to decide what whether is or is not authentic, because this would open a practically unrestrained power to manipulate and censor. The implementation of simplistic and energetic laws has its effectiveness reduced in the face of the complexity of actors, norms, procedures that the conflicts about the internet hold. The verification process of facts must be transparent, the platforms as intermediaries must only offer a neutral environment for discussion. Restrictive laws as the German model also influence directly minor companies, being a clear obstacle to innovation. It is essential, due to the grand variety of services offered on the web, to elaborate different legislations for the several functions performed, as for example more neutral rules for intermediaries of infrastructure<sup>44</sup>. The models of soft law are more adequate due to the

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<sup>41</sup> Term designated by Sigmund Freud to designate a mechanism of psychic defense that consists in a refusal by the individual to recognize the reality of a traumatizing perception; (Laplanche; Pontalis, 1985, p. 562).

<sup>42</sup> Sousa, 2017, p. 151.

<sup>43</sup> *Netzwerkdurchsetzungsgesetz* (henceforth Enforcement Act – GNEA German Network). Available at: <https://www.gesetze-im-internet.de/netzdg/> Access: 12.15.2018.

<sup>44</sup> An example of legislation in this sense is the Honest Ads Act in the United States that is about the advertisements. Available at: <https://www.congress.gov/bill/115th-congress/senate-bill/1989>. access: 12.20.2019.

nature of cooperation online the internet has; without common ground it is not possible to have an agreement that links all of its holders.

The automatic removal of content has unfeasible consequences, because it is a double process of restriction of freedom and control. The fake news industries are the ones to be penalized, not the user. The increase of restriction on legislations that concern the improper online content causes the chilling effect, impeding the full freedom of speech exercise. Another question to be stressed is the consequences of a State Organ holding responsibility for analyzing these situations – especially when it comes to the political debate. We understand that conceding such attribution to the State could easily materialize an instrument of censorship, in an authoritarian government, a side effect from these measures would be excessive to dissidents<sup>4546</sup>.

The improper content is produced by humans; therefore the response to this movement must also be human, even if there is great disparity between man's limited capacity of analyses in face of an almost endless algorithmic production. Algorithms are limited when it comes to exhibiting nuances, negotiating compensations or exercising the necessary discretion. This absence of flexibility empties completely the citizens' rights of significant representation and participation<sup>47</sup>. The large companies as an alternative to these law projects could cooperate to a transparent demonstration of the technical difficulty at meeting the deadlines attributed to them at the removal of improper content. The platforms also need to make an effort on making their terms of use more accessible to lay users, making the use of terms more simplified and attractive. The opportunity of judicial revision and right of reply to decisions of content removal would be another way of clarifying their users about their terms of use.

Others actions such as establishment of seals of privacy, firmer register of audits, the use of expiration date are also more proactive ways of functioning of the internet. The use communitarian web in countries of great territorial dimensions can also be an alternative in the shape of guaranteeing accessibility for those who is not connected yet, preventing the dissemination of zero-rating and abusively limited access to internet. The diversity among the medias fights against disinformation, the process of media literacy goes through more information, not any less.

## 6. Conclusion

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<sup>45</sup> The State intervention in one's the freedom of speech cannot be previous to its conduct. Thus, the individual guarantees one of the most vigorous characteristics of the right to freedom, which is the power of choice. Even though the man, as a free being, opts for abusing such freedom, he will do so having in mind that it will bring him a sanction (Maia, 2016, p. 16).

<sup>46</sup>The blocking access to internet in Zimbabwe, as a response to a protest against the raise on the fuel price, is a clear example on how the State can make use of new technologies to promote repressions against opposition Available at: <https://edition.cnn.com/2019/01/17/africa/internet-shutdown-zimbabwe-censorship-intl/index.html> Access: 01.18.2019

<sup>47</sup> Gurumurthy; Barthur. 2017, p.55

Based on what was exposed, can one think of a productive relation between technology and democracy in countries such as Brazil? In face of what was seen in the analyzed electoral period, we verify that there has been an increase of debates in social networks, in universities, at workplaces, inside family nucleus, and in several other spaces. It is possible to think that amidst the hate speeches, disinformation phenomenon and spread of fake news, many communities that seek to understand what occurred in the social and political surroundings were created, in and out of the internet

Obviously if there is not 0% offline criminality, we must not expect this utopian percentage exists in the online world, but it is undeniable that the guarantee of freedom of speech and information needs to be reinforced on the web. It is important to determine that the blocking of these sites and services on the web violates the human rights – and that there are also other alternative measures to the solving of these problems in a less authoritative manner. The checking for risks before implementing legislations towards the internet are essential; the legislator himself cannot accomplish this task satisfactorily, due to the technical dependency on other areas of knowledge. The internet strength is in its decentralization; any platform or service that desires this centralization is not the ideal, seen that this has always been a collaborative construction, with multistakeholder governance. Based on it, we can ask ourselves if nowadays there is an implicit right for us to co-create the internet, in the sense of turning its users and consumers into capable citizens. The automatic content removal would sum nothing to this task, it would only reduce the role of internet as a respectful and democratic alternative at the information capturing by the citizens.

This phenomenon seems to point to the fact that, more and more, the contemporary world is warned about the necessity to compose with alterity, to foment empathy towards difference, which can induce to the creation of a new relational economy, capable of being ahead of moral and symbolic misery that threats to increase ever more. Since the internet and any other technology can be source of social causation<sup>48</sup>, it is up to humans to reconstruct what they have produced.

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<sup>48</sup> Castell, 2013, p. 70.

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