

# Discussions on Freedom of the Press and Freedom of Expression in Türkiye: Analyzing the News Coverage of the “Disinformation Bill”

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**How to cite this paper:** Şen, A. F. (2022). Discussions on Freedom of the Press and Freedom of Expression in Türkiye: Analyzing the News Coverage of the “Disinformation Bill”. *Advances in Journalism and Communication*, 10, 410-424.  
<https://doi.org/10.4236/ajc.2022.104025>

**Received:** September 15, 2022

**Accepted:** December 5, 2022

**Published:** December 8, 2022

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## Abstract

This study aims to examine the news coverage of the draft “disinformation bill” to reveal how the media as a key actor deal with the media freedom matter in the framework of free speech and focuses on the importance of press freedom as a fundamental principle in a democratic society. Analyzing the news coverage of the new bill provides insight into discussing how the divided media landscape and media ownership interpret the principle of press freedom. This study argued that critical news coverage of the legislative regulations on media freedom and combating disinformation can contribute to a more democratic public sphere and discussion. It needs more discussion on what should be done to prevent disinformation. This study concluded that the critical news coverage in regard to the disinformation bill was more included *Cumhuriyet* and *Birgün* which are anti-government and independent left-wing media defended the media freedom notion more than *Habertürk* and *Sabah* which are mainstream and pro-government. This result is connected to the polarization of Turkish news media.

## Keywords

Freedom of the Press, Freedom of Expression, Disinformation, Fake News, New Media, Social Media

## 1. Introduction

Article 10 of the European Convention on Human Rights points out that “Everyone has the right to the freedom of expression and this right shall include freedom to hold opinions and receive, and impart information and ideas without interference by public authority and regardless of frontiers. This Article shall not prevent States from requiring the licensing of broadcasting, television, or cinema

enterprises. The exercise of these freedoms, since it carries with its duties and responsibilities, may be subject to such formalities, conditions, restrictions, or penalties as are prescribed by law and are necessary for a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing the disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary” ([European Convention on Human Rights, 2021](#)).

In Türkiye, “The Law Proposal Amending the Press Law and Some Laws” was submitted to The Turkish Grand National Assembly on 26 May 2022. By the Bill draft, taking into account the point and effects of fake news, while administrative measures are being strengthened within the scope of combating disinformation, an independent crime has been created with the title of “publicly disseminating misleading information to the public”. In this respect, it has been acknowledged as a crime to publicly disseminate false information about the country’s internal and external security, public order, and general health, in a way that is suitable for disturbing the public peace, just for the purpose to create anxiety and panic among the people ([The Turkish Grand National Assembly, 2022](#)). The draft of the “disinformation law” led to public debates and was received negatively due to its articles carrying a sentence of up to three years in prison if journalists spread information that can be defined from the government’s perspective as fake news or disinformation. Furthermore, Turkish lawmakers began negotiating on 4 October 2022, a contentious media bill, proposed by the ruling party, AK Party, and its nationalist allies, that the opposition and media rights groups argued would intensify a years-long crackdown on critical reporting. On the other hand, the government claimed the law would tackle “disinformation” in the press and social media. [Esen \(2022\)](#) argues that the 40 articles of the “disinformation law” placing new restrictions on online news sites and social media platforms operating in the country represent an alarming move to tighten the regulation of cyberspace.

The draft includes significant amendments in terms of 1) Press Law (e.g. including online news websites within the scope of the Press Law along with the printing and publication of printed works), 2) Turkish Criminal Code (by introducing a new crime titled Public Dissemination of Misleading Information), 3) Electronic Communications Law (by introducing the concept of Over The Top (OTT), services for the first time) and finally, 4) The Law No. 5651 (also known as the Internet Law), by introducing several significant obligations and liabilities on social network providers. When overviewing the most crucial amendments that impact social network providers, it is seen that natural person representatives of foreign Social Network Providers (“SNPs”) with daily access to more than 1 million must be Turkish citizens residing in Türkiye. Additionally, it is required for the representative of the SNPs to provide the information which is requested by the public prosecutor and courts for the identification of the potential perpe-

trators of the following crimes under the Turkish Criminal Code: Sexual harassment of children, public dissemination of misleading information, damaging the government's union and integrity, crimes against the Constitution, crimes against government secrets and spying. If such an obligation is not fulfilled, the relevant public prosecutor will apply to Ankara Criminal Judgeships of Peace to request reducing the internet bandwidth of the suitable SNP at the rate of 90% (Gürkaynak et al., 2022).

The bill was criticized by the opponent circles on account of threatening up to three years imprisonment for those found guilty of the deliberate publishing of "disinformation and fake news" intended to instigate fear or panic, endanger the country's internal or external security, public order, and general health of Türkiye's society. It was argued that the critical problem of such a bill, where the definition of disinformation and "intent" is left so vague, puts millions of Türkiye's Internet users at risk of criminal action for posting information with which the government disagrees. In addition, the bill also contains increasing any sentence by 50% where information is published from anonymous user accounts. It is foreseen this severely would undermine anonymity on the Internet and further intimidate those wanting to post evidence of wrongdoings but are afraid of the consequences of being publicly identified. The law would also evaluate news sites under the Press Law and give their journalists access to the official press accreditation and public advertising funds through the official Press Advertising Agency, Basın İlan Kurumu (BIK). In practice, it means this would enable the government to fund pro-government news sites while banning critical media deemed to have breached the disinformation law (Article 19, 2022).

It can exist disputes between the freedom of expression and other national interests. For instance, in the US, the First Amendment is the cornerstone of journalistic independence, so political expression is protected greater than commercial expression. Put another way, the courts have long recognized the importance of a so-called "marketplace of ideas" in the political realm, wherein ideas should be allowed to compete with one another freely. From the marketplace perspective, the best ideas should emerge victorious from the robust competition, which in turn should result in a better-functioning democracy. In order to permit robust competition, restrictions on communication should be limited. While there are significant limitations to that marketplace metaphor-for example, some people effectively have a louder voice than others because of their position in society, and people are not fully rational (Zamith, 2022).

Similarly, Article 26 of *The Constitution of the Republic of Turkey (1982)* notes, "Everyone has the right to express and disseminate their thoughts and opinions individually or collectively through speech, writing, pictures or other means". Article 27 highlights the freedom of expression that "Everyone has the right to freely learn and teach science and art, to explain, to disseminate and to research in these fields". Article 28 also focuses on Freedom of the Press and includes these words, "The press is free and cannot be censored. Establishing a printing house cannot be made conditional on obtaining permission and depositing financial

guarantees”. In addition to these abstract and broad definitions, it is highlighted that “the state shall take measures to ensure freedom of press and information”. On the other hand, in Article 26, the freedom of expression and dissemination of thought has been restricted for reasons of national security, public order, public security, the fundamental characteristics of the Republic, and the protection of the indivisible integrity of the State with its territory and nation, the prevention of crimes, the punishment of criminals, the failure to disclose information duly designated as a state secret, the reputation or rights of others, and their private and family life. It has been put that the use of these freedoms may be limited to the purposes of protecting the professional secrets stipulated by the law or fulfilling the judicial duty by the requirements (see [The Constitution of the Republic of Turkey, 1982](#)).

As Türkiye gets closer to the elections scheduled for next spring, opposition parties and press watchdogs see the law as a ploy to tighten the noose around journalists and stifle online and social media criticism ([Ertan, 2022](#)). [Edelman Trust Barometer \(2022\)](#) claims that the government-media distrust spiral will undermine institutions and further destabilize society, and two institutions people rely on for truth are doing a dangerous tango of short-term mutual advantage, with exaggeration and division to gain clicks and votes. Accordingly, [Edelman Trust Barometer \(2022\)](#) points out that the media business model has become dependent on generating partisan outrage, while the political model has become dependent on exploiting it, and whatever short-term benefits either institution derives, it is a long-term catastrophe for society. Hence, it can be claimed that the bill on “disinformation and fake news” and objections toward it is a result of a vicious cycle of distrust in the world.

In this context, it is important to debate these amendments in the media as a key actor the most would be affected by this legal arrangement and also be informed to citizens as social media users in terms of freedom of expression and freedom of the press. This study aims to examine the news coverage of the draft “disinformation bill” to reveal how the media as a stakeholder deal with the media freedom matter in the framework of free speech and censorship and focuses on the importance of press freedom as a fundamental principle in a democratic society. Analyzing the news coverage of the new bill is essential to show how the divided media landscape and media ownership shape public opinion and interpret the principle of press freedom.

## 2. Theoretical Overview

It is acknowledged that freedom of expression is a core human right that is guaranteed under international law and by virtually every constitutional bill of rights in the world. It is key to human development, dignity, personal fulfillment and the search for truth, and a fundamental prerequisite for democracy and good governance. The right to freedom of expression is recognized in all of the main international and regional human rights treaties. This includes, most notably, the Universal Declaration of Human Rights (UDHRs), which was adopted

unanimously by the United Nations General Assembly in 1948. While the UDHR is not formally legally binding on States, its guarantee of freedom of expression is widely regarded as having acquired legal force as customary international law. Freedom of expression is also protected in regional human rights treaties, including the African Charter on Human and People's Rights, the American Convention on Human Rights and the European Convention on Human Rights. The right applies to expressions regardless of the media through which they are made, including broadcasting and newspapers, the Internet, public debates, academic research and verbal expressions. The right to freedom of expression includes not only the right to "impart" information and ideas (i.e. the right to speak) but also the right to "seek" and "receive" information from others. In other words, freedom of expression enables every citizen not only to contribute to the public sphere, but also to have access to a wide range of information and viewpoints. This is a very important aspect of the right, which serves as the underpinning of important freedom of expression concepts such as media diversity and the right to access information held by public authorities ([Freedom of Expression Briefing Note Series, 2014](#)).

The nature of a free speech principle includes four justifications for that principle: arguments concerned with the importance of discovering truth, free speech as an aspect of self-fulfillment, the argument from citizen participation in a democracy, and suspicion of government. Each of these arguments emphasizes the interests of either the speaker or the audience, or perhaps that of the public in an open tolerant society. Therefore, the free speech interests of speakers, recipients (listeners, readers, and viewers), and the general public in the unimpeded communication of information and ideas are considered. One important question is whether it is right to treat political speech as more worthy of protection than other types of speech. To some extent this entails arguments similar to the arguments related to according freedom of expression special protection against government interference. The implications of this differential treatment appears in four areas of political speech such as sedition and related offences, racist hate speech, blasphemy and incitement to religious hatred, and disclosure of official secrets ([Barendt, 2007](#)).

Freedom of speech actually refers to the freedom of expression or freedom of communication ([Alexander, 2012](#)). Freedom of speech and the press has been the international buzzword since the end of the Cold War in the late 1980s. The positive concept of press freedom has crystallized the undisputed paradigm throughout the world, and it inspires the standard for quality journalism ([Youm, 2015](#)). [Scannell \(2020: p. 247\)](#) points out rights of the public engaged in rational-critical debate, backed up by freedom of the press, freedom of opinion and speech and freedom of assembly and association. Basic political rights, crucially concerned with voting equality, underpin these. [Svensson et al. \(2016\)](#) pay attention to the tensions between the state, the market, the media, and the citizens regarding free speech and differentiate democracy-driven from market-driven freedom of expression. Accordingly, the governance of freedom of expression and the varied poss-

ible roles of the state require protecting and securing free speech, with contributions that engage with ideas about freedom, the state, public service, and governance. Market-driven freedom of expression implies the conditions of media markets and resulting situations for journalism and public speech, commercial constraints on speech, various aspects and implications of the rise of native advertising and efforts to regulate it, the commodification of social relations, and the demands of authenticity in online communications. Democracy-driven freedom of expression concept includes various restrictions and control of media content, both regulatory and self-regulatory, in particular, aspects of the balance between regulation and self-regulation for the press, legal limits on sexist advertising, and addresses the preferable legal approach to hate speech, and political advertising limits in the law.

The EU Charter of Fundamental Rights (Article 11) stipulates that “The freedom and pluralism of the Media shall be respected” and the Council of Europe has supported a new system of monitoring and alerts on media freedom. It can be mentioned the development of two cultures of media freedom. The negative rights approach that is more prevalent in US law is increasingly separated from the more positive rights approach to international human rights and the European Convention on Human Rights (ECHR). One of the key international tendencies of late is a bifurcation between the world of these increasingly influential international human rights standards that support separate media freedom right, and the US First Amendment that does not. Much US First Amendment jurisprudence is against special rights for journalism or the media, arguing instead for generic speech rights, but the ECHR and the international human rights system are more open to the notion that law should protect a “watchdog media” through specific privileges such as source protection and support for journalism. As the world’s democracies seek global principles for the regulation of new media, this international divergence is a problem. Two main theories of freedom of the media are forefront: the negative theory and the positive theory. In simple terms, the negative theory is concerned with freedom from liberty defined as the absence of constraint, particularly constraint by state actors. This theory argues against the specific protection of media freedom. Freedom of expression and media freedom should be the same because singling out the media for special treatment will lead to manipulation and pressure. The positive theory is based on the identification of the functions and purposes of democratic communication and the notion that special privileges might be necessary to ensure that media can fulfill these (Tambini, 2021: p. 136, 142). Tambini (2021: p. 152) argues for a notion of media freedom in which a renewed politics of media reform and institution building can be organized and proposes that there should be a fundamental right to media freedom, and emphasizes that it needs to have a coherent and widely understood notion of what the media in fact are, what they are free from, and to do what. Therefore, it is put forward to that media accountability needs to be articulated vis a vis civil society and citizens through clear and transparent procedures, not opaque negotiations with governments, and should

embrace a positive principle of freedom of the media.

Although the idea that government control of news media content should be minimal and that freedom of the press should be guaranteed by the state's most fundamental laws has become popular in the world, it is not necessarily realized when governments feel that security and stability are threatened. But freedom of the press is also legally protected even in states where authoritarian forms of government prevail. On the other hand, governments want political information streams to reflect and buttress their political goals and to weaken or smother information that might benefit their opponents and need the media to circulate government propaganda and counter unfavorable stories, and vilify their opposition. The political importance of free expression was widely debated by intellectuals, government leaders, and ordinary citizens. Most saw great benefits in free speech and the ability to circulate it widely through news media. There was broad agreement that truth will emerge only from battles of clashing ideas in which these ideas about shared problems are freely and rationally discussed. It has been concluded from this idea that news media are an essential element of public life, which product and convey the public discussions. The locations of the boundary lines between exercising press freedom and protecting the safety and security of the population vary widely. For example, democratic countries ban publication of stories likely to engender racial and religious hatred, justifying war crimes, promoting child pornography, or endangering the lives of military and law-enforcement personnel. Authoritarian states have similar rules, which they enforce more diligently. These norms reflect each country's political culture and dominant political philosophies. Evaluation of each state's political environment involves assessing the degree of political control over the selection and framing of news content (Graber, 2014).

Sen (2013: pp. 8-9) points out that the literature on the press freedom has highlighted, in one way or another, at least four distinct reasons in favor of encouraging and facilitating uncensored public discussion. The first reason is the intrinsic value of freedom of speech and public communication in the freedom of human beings. Second, seen as an instrument, the role of a free press in disseminating knowledge and facilitating critical scrutiny is a necessary requirement of informed politics. Third, the protective role of press freedom in giving voice to the neglected and the disadvantaged, and thus helping the cause of greater human security, is accepted. Fourth, the functioning of a free press and its contribution to open public discussion are important in generating new ideas, including the formation and scrutiny of values. In addition, press freedom also contributes greatly to the emergence of shared public standards, which are central to discussions on social justice. Oster (2015) argues that a theory of media freedom has to rebut the objections against media freedom as a distinct fundamental right and the rationale for media freedom is the media's significance for public discourse and also highlights that a theory of media freedom has to clarify the relationship between freedom of the media and freedom of expression. Kenyon (2016: p. 36) considers that questions about "who, what, why and how" of positive free speech

suggests a paradox and there remains a need to protect communicative structures that support diverse public speech. Because structures that affect public communication also influence political processes, there is a sense in which the “architecture” of public speech must precede public and political debate. Thus free speech should entail media of different institutional forms, internal organization, personnel and economic bases containing speech of diverse content and style, aimed at different ends, creating different and only partially overlapping publics, and seeking to influence political decisions.

On the other hand, it is observed that journalists the world over face increasing digital surveillance used to hamper press freedom, promote misinformation, or discredit their work and press freedom is in decline around the world. In some countries, new media laws have had the consequence of censoring journalists. Journalists also face growing levels of cyber bullying from often-anonymous actors serving to discredit them and their independence. They also contend with AI-powered surveillance of their movements and automated attacks on their work. In 2020, the UN Human Rights Council called on the Member States to “refrain from interference with the use of technologies such as encryption and anonymity tools”. Yet in recent years, 57 laws and regulations in 44 countries have been adopted or amended to threaten freedom of expression online (Palmer, 2022). In the digital age, threats to freedom of the press have been gathered around violence, misinformation, and censorship. The threats to freedom of expression and democracy also come from misinformation and censorship. Free, independent, and pluralistic media in print, broadcast, and online not only enhance freedom of speech as well as will contribute to peace, sustainability, poverty eradication, and human rights (UNESCO, 2022).

### 3. Methodology

In order to understand how the news media discuss freedom of the press in the context of the new disinformation bill, which is social media oriented, it has been analyzed the news coverage by a quantitative content analysis method. The news texts have been categorized according to a specific coding frame to reflect the differences among news organizations. This study is based on a concept-driven (deductive) perspective (Kuckartz, 2019) and a free press approach as a basis for a democratic society. It has examined the news coverage in the context of two aspects of press freedom. Thus, it has attempted to reveal the tendencies of the news media about press freedom. At this point, it has been acted from two perspectives to code and categorize the news (McQuail, 2013: p. 28, 34):

- 1) “A free press would be expected to expose the misdeeds of governments, hold them to account for misuse of power, and give a truthful account of the conditions of the people. In Marx’s view, freedom of the press is a means to uncover the underlying truth about society”. This view has been evaluated as the framework of the critical perspective toward the new bill.



2) “A primary public responsibility of journalism is to avoid any incitement to hatred or violence or damage to reputation. Another comes under the heading of moral responsibility. Despite the freedom so often claimed and celebrated, there is evidently quite a wide universe of expectations”. At the core of this exploration are questions about the nature of the “public interest” in what the media do. Therefore, it is defended the particular restrictions on the media due to legal and regulatory obligations, duties stemming from the occupational role, causal responsibility for (harmful) consequences, and moral responsibility for unintended or long-term harm. In this study, this stance has been dealt with as advocating intervention in the context of the case of the new bill.

However, as McQuail (2013: p. 30) noted, a recurrent problem for those engaged in the debates on this issue is the difficulty of establishing in any consistent or objective way just what the public interest in the press might be. Hence, this study has analyzed the media’s free press approach in the context of Turkish news media, which is determined by political and economic conditions, and categorized the news frame into two viewpoints: The first perspective is on increasing or protecting diversity and plurality and accessing quality information. The second represents advocating more intervention in social media. This contradiction is derived from the dynamics influencing the news organizations’ attitude to the principle of freedom of the press and freedom of expression in social media. Notably, this study claims that media-politics relationships, political parallelism, and media ownership determine the news framework about the “disinformation bill”.

The news articles on the disinformation bill were collected from the news websites constituting sampling units to conduct a quantitative content analysis. It was chosen the news websites, which represent Turkish media characteristics as the sampling units. Accordingly, the sampling units are as follows: *Habertürk* represents the mainstream media and a center-right political line. Whereas *Sabah* adopts a pro-government and right-wing editorial policy, *Cumhuriyet* is anti-government and on the center-left political line. *Birgün* is an independent news site and has a left-wing editorial policy. This research has been limited to a total of 56 online news reports published in the period between the dates 26 May 2022-5 October 2022. The law draft was put forward on 26 May 2022, to the Turkish Grand National Assembly and it was begun debating on 4 October 2022, therefore the analysis focused on this period in which raising the news coverage.

#### 4. Findings and Discussion

This study is based on the coding of online news content and involves the frequency counts of the tone of the news and primary definers. It was analyzed how the “disinformation bill” was framed by the different news websites which are liberal-mainstream, the right wing and pro-government, the center-left, and the radical-left. In **Table 1**, it was categorized the tone of the news as supportive,

**Table 1.** The tone of the news (26 May 2022-5 October 2022).

	Supportive	Critical	Neutral	Total
<i>Habertürk</i>	-	-	3	3
<i>Sabah</i>	-	-	2	2
<i>Cumhuriyet</i>	-	24	4	28
<i>Birgün</i>	-	22	1	23
<b>Total</b>	-	<b>46</b>	<b>10</b>	<b>56</b>

critical, and neutral on the new bill proposal that would target social media users and regulate digital media. The disinformation bill was criticized in particular for attempting to increase online control and tighten prohibitions on social media. As Yazicioglu et al. (2022) noted, skeptics of the proposed law say the bill aimed to pressure digital media before the upcoming elections in Türkiye. If the bill were passed, it would consider digital media outlets as conventional media and subject them to the same rights and regulations as print and broadcast outlets, including the eligibility to apply for press cards and provisions around access to state advertising revenue. Since the bill has controversial aspects, it is essential to identify the points of consensus and conflict in the news media.

It is seen that *Habertürk* reported three the news with a neutral tone. *Habertürk*, in the first news, conveyed that the deliberations on The Draft Law on the Amendment of Some Laws and the Press Law, which includes regulations on social media and internet journalism and is known as disinformation regulation, was started at the Parliamentary Justice Committee; in the second news, that the Press Law, which is known as the “Disinformation Law” in public, and the 40-item bill that envisages changes in some laws would be discussed in the new legislative term. These news frameworks can be depicted as “reported”, which does not contain any discussion and is based on conveying information. *Habertürk* also mentioned as of 1 October the Turkish Grand National Assembly resumed its legislative work, The Assembly opened its session with the Disinformation Act, and Social Media Law brought what sort of changes and new regulations. *Sabah* reported the news in a neutral tone and as a cited form and announced that the Disinformation Law would be discussed in October 2022. *Cumhuriyet* conveyed 24 news with critical and four news with a neutral tone. The critical news discussed the bill by highlighting its problematic aspects and referring to the views of the opposition political actors and legal experts. In addition, it defined the bill as the “censorship law” by a negative word choice and indicated the professional press organizations’ reactions to the bill. Except for the critical news framework, *Cumhuriyet* reported neutral news regarding the process or cited the officials’ utterances. *Birgün* included critical evaluations regarding the bill known as the “disinformation law,” and pointed out negative aspects of this bill. It also put a negative emphasis by defining the new bill as a “social media censorship law”, and also dealt with the controversial articles of the bill from the views of the opposition parties and press professional organizations and journalists. It reported

also neutral news based on a press statement of the ruling party's representative. **Table 1** shows that *Habertürk* and *Sabah* that represent the mainstream and pro-government media conglomerates, did not cover the critical views of the dissident social groups, which evaluate this bill as anti-democratic and oppressive. This attitude can be interpreted that the mainstream media ignoring the pluralist discussions on freedom of the press and supporting the bill implicitly.

Furthermore, the concept of primary definition dominates news agendas and contains assumptions about the impacts of the media in constructing "public opinion". The ability of any source to gain a definitional advantage is related to active negotiation and contestation (Miller, 1993). News plays a crucial role in defining events. Hall et al. (1978: p. 53) point out the social production of news and argue that the media do not simply and transparently report events that are naturally newsworthy. Therefore, "news" is the end product of a complex process that begins with a systematic sorting and selecting of events and topics according to a socially constructed set of categories. Hall et al. (1978: p. 58) also point out the primary definers of topics and that the media stand in a position of structured subordination to the primary definers. Accordingly, the critical point about the structured relationship between the media and the primary institutional definers is that it permits the institutional definers to establish the initial definition or primary interpretation of the topic in question. The importance of the matter in terms of this study is to identify the news media discuss the disinformation bill and the freedom of press issues from which actors' perspective. Thus, it has been displayed as the primary definers of the news in **Table 2**.

When it is analyzed the distribution of the news according to the primary definers, it can be argued that *Habertürk* and *Sabah* framed the news text on basis of the ruling party's official statements and did not cite the opposition parties and the media professional organizations' objections. Besides relatively less news coverage, the news was conveyed in informative form and did not include the assessments from different perspectives. *Cumhuriyet* included the statements of representatives of the ruling party and the information from the details of the legalization process of the bill in nine news reports; the other nine news reports reported the arguments of three definers as the representatives of the opposition

**Table 2.** Primary definers or accredited sources.

	The official representatives of the ruling party	The official representatives of the opposition parties	Legal experts	Journalists and press professional organizations
<i>Habertürk</i>	3	-	-	-
<i>Sabah</i>	2	-	-	-
<i>Cumhuriyet</i>	9	10	4	5
<i>Birgün</i>	5	5	-	13
<b>Total</b>	<b>19</b>	<b>15</b>	<b>4</b>	<b>18</b>

parties, legal experts, and journalists and press professional organizations. Although it was seen that there was a balanced distribution in terms of the profile of the primary definers, it included more critical ideas in total regarding the bill. *Birgün* mostly reflected the journalists' and press professional organizations' views and voiced their concerns about the bill, in particular censorship risks.

How the news is framed plays a vital role in shaping public opinion. The media serves to promote a consensus on general issues. *Birgün* was the newspaper that gives the most coverage to the views of journalists and professional press organizations on the disinformation bill. Considering that the freedom of the press and expression are very important principles in the protection and development of democracy, the news and discussions regarding this bill need to be more intense. When the overall distribution is considered, it is seen that the number of the primary definers criticizing the bill is higher totally. This framework stems from the critical and opposing media defending powerfully the principle of the freedom of the press. On the other hand, the mainstream *Habertürk* and pro-government *Sabah*, which are under the media conglomerates, referred to only the ruling party's representatives as a primary definer and did not report the dissident social groups' critical views on the bill. These findings can be explained by the liberal-pluralist discussions such as the relationship between freedom of expression and freedom of the media and the role of the media in society. Furthermore, in this case, the left-wing media more focused on freedom of the media and highlighted the aspects of the bill undermining freedom of expression than the mainstream and right-wing media.

## 5. Conclusion

The scope of the freedom of speech has constituted a crucial part of freedom of press debates. As Graber (2014: pp. 246-247) notes, freedom of the press depends on who will win in this power struggle over control of the information that reaches the public. In the past, governments have always been the winners because their legal status gives them a distinct advantage. But that could change, considering that the tools for foiling repression are also becoming more prevalent and potent. It should be crystallized whether an unrestrained flow of conflicting opinions produces truth, or it obscures fact and often generates confusion. So, we should continue thinking about the interplay between governments and news media to reach an ideal democratic society. McQuail (2013: p. 30) points out that the underlying cause is simply that the benefits of the press are varied and sometimes mutually incompatible with the desire for social harmony and order and the pursuit of accountability, change, and novelty. Therefore, the position varies from country to country and from issue to issue.

A free press is crucial to inform citizens of a healthy democracy. It necessities that a variety and plurality in media should have been guaranteed to uphold the freedom of expression as a fundamental human right. The critical views were opposed to the bill due to the fact that social media posts can be accused of "dis-

information” and argued that by introducing the term “spreading” along with those who spread fake news, many practices can be faced, which will undermine democracy and the principle of freedom of expression. On the other hand, propaganda, and disinformation, also known as “false” or “fake news”, present risks to democratic societies. It should be discussed how to tackle disinformation and propaganda better, while safeguarding media freedom. The central tenets of media freedom should be considered beyond the free market approach and constructed on the media’s independence of the state and capital and its diversity and plurality. At this point, it is important to balance conflicting rights. In this sense, how the “disinformation bill” was framed depends on the media structure and relations between media and politics.

As Schudson (2020: p. 37) noted, journalism plays a role in building public conversation. This study revealed the failures of the mainstream and capital media in putting forward critical debates and critical views on the legislative regulations on media freedom and combating disinformation can contribute to a more democratic public sphere and discussions. Hence, the critical reactions and discussions in the news media have yielded new negotiations with policymakers and provided for the bill to be postponed but were not enough to be revised. Therefore, it needs to be further discussed what should be done to prevent disinformation and protect the freedom of the press. In conclusion, it has been seen that critical news coverage in regard to the draft disinformation bill has been more included in left-wing media. However, media freedom is a fundamental principle that should be defended by all societies and news organizations beyond political divisions.

### Conflicts of Interest

The author declares no conflicts of interest regarding the publication of this paper.

### References

- Alexander, L. A. (2012). Freedom of Expression. In R. Chadwick (Ed.), *Encyclopedia of Applied Ethics* (pp. 339-344). Academic Press.  
<https://doi.org/10.1016/B978-0-12-373932-2.00257-X>
- Article 19 (2022, June 8). *Scrap the “Disinformation Bill” and Stop Digital Censorship*.  
<https://www.article19.org/resources/turkey-scrap-the-disinformation-bill-and-stop-digital-censorship/>
- Barendt, E. (2007). *Freedom of Speech*.  
<https://doi.org/10.1093/acprof:oso/9780199225811.001.0001>
- Edelman Trust Barometer (2022, January 18). *Breaking the Vicious Cycle of Distrust*.  
<https://www.edelman.com/trust/2022-trust-barometer/breaking-vicious-cycle-distrust>
- Ertan, N. (2022, June 6). *Turkey’s Independent Journalists Stand against So-Called Disinformation Bill*.  
<https://www.al-monitor.com/originals/2022/06/turkeys-independent-journalists-stand-against-so-called-disinformation-bill#ixzz7cWaaJ7Ex>

- Esen, B. (2022). *Turkey's New Disinformation Law: An Alarming Trend towards Cyber-Authoritarianism*. Stiftung Wissenschaft und Politik.  
<https://www.swp-berlin.org/en/publication/turkeys-new-disinformation-law-an-alarming-trend-towards-cyber-authoritarianism>
- European Convention on Human Rights (2021). *Article 10 Freedom of Expression*.  
[https://www.echr.coe.int/documents/convention\\_eng.pdf](https://www.echr.coe.int/documents/convention_eng.pdf)
- Freedom of Expression Briefing Note Series (2014). *Briefing Note 1: Freedom of Expression as a Human Right*. Centre for Law and Democracy International Media Support (IMS).  
<https://www.mediasupport.org/wp-content/uploads/2015/02/foe-briefingnotes-ims-cld.pdf>
- Graber, D. A. (2014). Freedom of the Press: Theories and Realities. In K. Kenski, & K. H. Jamieson (Eds.), *The Oxford Handbook of Political Communication* (pp. 237-248). Oxford Handbooks. <https://doi.org/10.1093/oxfordhb/9780199793471.013.80>
- Gürkaynak, G., Yıldız, C., & Gürün, N. (2022, June 7). *Law Proposal Amending the Press Law and Further Laws Has Been Published*.  
<https://www.mondaq.com/turkey/compliance/1199264/law-proposal-amending-the-press-law-and-further-laws-has-been-published>
- Hall, S., Critcher, C., Jefferson, T., Clarke, J., & Roberts, B. (1978). *Policing the Crisis*. The Macmillan Press Ltd. <https://doi.org/10.1007/978-1-349-15881-2>
- Kenyon, A. T. (2016). Who, What, Why and How Questions for Positive Free Speech and Media Systems. In M. Edström, A. T. Kenyon, & E. M. Svensson (Eds.), *Blurring the Lines: Market-Driven and Democracy-Driven Freedom of Expression* (pp. 29-39). University of Gothenburg.
- Kuckartz, U. (2019). Qualitative Text Analysis: A Systematic Approach. In G. Kaiser, & N. Presmeg (Eds.), *Compendium for Early Career Researchers in Mathematics Education* (pp. 181-197). ICME-13 Monographs, Springer.  
[https://doi.org/10.1007/978-3-030-15636-7\\_8](https://doi.org/10.1007/978-3-030-15636-7_8)
- McQuail, D. (2013). *Journalism and Society*. SAGE Publications.  
<https://doi.org/10.4135/9781526435798>
- Miller, D. (1993). Official Sources and "Primary Definition": The Case of Northern Ireland. *Media, Culture & Society*, 15, 385-406.  
<https://doi.org/10.1177/016344393015003004>
- Oster, J. (2015). Theory of Media Freedom. *Media Freedom as a Fundamental Right (Cambridge Intellectual Property and Information Law)* (pp. 24-54). Cambridge University Press. <https://doi.org/10.1017/CBO9781316162736.004>
- Palmer, C. (2022, May 3). *Press Freedom under Digital Siege*.  
<https://360info.org/special-report-press-freedom-under-digital-siege>  
<https://doi.org/10.54377/3361-c479>
- Scannell, P. (2020). *Media and Communication* (2nd ed.). Sage Publications.
- Schudson, M. (2020). *Journalism: Why It Matters*. Polity Press.
- Sen, A. (2013). Press Freedom: What Is It Good for? *Index on Censorship*, 42, 6-14.  
<https://doi.org/10.1177/0306422013503105>
- Svensson, E. M., Kenyon, A. T., & Edström, M. (2016). Introduction: Rethinking Freedom of Expression and Media Freedom. In M. Edström, A. T. Kenyon, & E. M. Svensson (Eds.), *Blurring the Lines: Market-Driven and Democracy-Driven Freedom of Expression* (pp. 9-18). University of Gothenburg.
- Tambini, D. (2021). A Theory of Media Freedom. *Journal of Media Law*, 13, 135-152.

<https://doi.org/10.1080/17577632.2021.1992128>

*The Constitution of the Republic of Turkey* (1982).

<https://www.mevzuat.gov.tr/mevzuatmetin/1.5.2709.pdf>

The Turkish Grand National Assembly (2022, May 26). *The Law Proposal Amending the Press Law and Some Laws*. <https://www.tbmm.gov.tr/Yasama/KanunTeklifi/316898>

UNESCO (2022, May 30). *Threats to Freedom of Press: Violence, Disinformation & Censorship*.

<https://www.unesco.org/en/threats-freedom-press-violence-disinformation-censorship#fostering-freedom-of-speech>

Yazicioglu, Y., Hacıoğlu, H., & Sahinkaya, E. (2022, June 10). *Turkish Media Groups Voice Concern over Draft Disinformation Bill*.

<https://www.voanews.com/a/turkish-media-groups-voice-concern-over-draft-disinformation-bill/6611631.html>

Youn, K. H. (2015). Freedom of the Press. In J. D. Wright (Ed.), *International Encyclopedia of the Social & Behavioral Sciences* (pp. 392-397). Elsevier.

<https://doi.org/10.1016/B978-0-08-097086-8.95054-2>

Zamith, R. (2022). *The American Journalism Handbook: Concepts, Issues, and Skills*. UMass Amherst Libraries.