

Original Paper

Analysis on the Legal Problems of Short Video Information

Distortion

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Received: February 20, 2025 Accepted: February 28, 2025 Online Published: March 3, 2025

doi:10.22158/elp.v8n1p57

URL: <http://dx.doi.org/10.22158/elp.v8n1p57>

Abstract

As one of the new media communication media, the short video platform is an important tool to reflect online public opinion in modern and contemporary times. It reflects the social group image with its main characteristics of comprehensiveness of information, quick operation and wide audience range. However, due to the compatibility of creators in the roles of production, release and dissemination, and the large number of audiences, The distortion of its content has caused multiple problems such as false publicity, reputation infringement and privacy disclosure. This paper analyzes the legal problems of the distortion of public opinion information in the short video platform, and puts forward legal solutions from the aspects of platform responsibility strengthening, algorithm governance optimization, and user rights and interests relief, so as to create a positive and good social network public opinion environment.

Keywords

Short video, information distortion, regulatory liability, legal regulation

1. Introduction

The “objective environment” of media construction in the all-media era is actually a mimicry environment after selection, processing and structuring. At present, the field of short video has become an important source for people to obtain information. It has attracted a large number of users with its characteristics of low production threshold, wide dissemination of information and enrichment of spare time life, but the information transmitted on short video has certain inauthenticity. In the information age, in order to promote the efficient and convenient information, the sound development of social public opinion, and the overall coordination and stability of society, it is necessary to regulate the phenomenon of information distortion in the short video industry in the form of laws.

2. Current Situation of Short Video Information Distortion

According to the 52nd Statistical Report on the Development of the Internet in China released by the China Internet Network Information Center, as of June 2023, the number of Internet users in China reached 1.079 billion, an increase of 11.09 million over December 2022, and the Internet penetration rate reached 76.4%. The main reason why short video APP can become a major information platform is that it takes video animation as the expression form, has strong visual impact, high public acceptance, short video duration, comprehensive information coverage, and uses fragmented time to meet the needs of obtaining information. Besides, short video platform has built-in functions of live interaction and comment forwarding, which can shorten the distance between audiences and promote the rapid dissemination of information.

The main body of short video creation has the characteristics of civilianization and diversification. Its users are creators who integrate production, release and dissemination. As long as they pass the platform certification, they can publish their own works. In order to attract more users, short video content and categories need to be constantly updated, so there are situations where the creative subject wantonly tampers with real information in order to gain traffic attention. For example, through AI face changing, scene grafting and other technologies to falsify the technical distortion of facts. In 2023, an Internet celebrity used deep forgery technology to make fake celebrity endorsement videos, which were clicked more than 5 million times. In addition, content-type distortion also occurs frequently. Creators fabricate false information behind the scenes to attract attention, resulting in the spread of false information. Misleading clips of videos of real events often lead to a reversal of public opinion. Even use false information to commit fraud, make false assessments, and exaggerate product efficacy. As a result, hot events are repeatedly banned.

3. Legal Reasons for Short Video Information Distortion

Due to the characteristics of short video platform, such as wide audience, low user threshold, less review procedures and fast dissemination of information, it is easy to cause information distortion in the process of production, release and dissemination. China's "Network Short Video Content Review Standards" (2021) mentioned: In view of the new manifestations of pan-entertainment and vulgar kitchenery, which are highly concerned by the society, as well as the typical prominent problems such as pan-entertainment worsening the ecology of public opinion, using minors to produce bad programs, illegally spreading clips of radio and television and Internet audiovisual programs, and importing and broadcasting overseas programs without approval, It provides more specific and clear work guidelines for the front-line reviewers of each short video platform, which is conducive to further improving the basic check ability and level of short video platforms for online audiovisual programs, and promoting the clear online audiovisual space.

3.1 It Is Difficult To Identify the Subject of Responsibility

The short video platform is a network environment with the participation of all people, through which users can show their ideas, emotions, knowledge and ideas, Its videos are produced, released and disseminated through three processes, in which users can participate at any time, communicate with creators in real time and online, making information transmission more “grounded”, more direct and flat, breaking the one-way information transmission in the past, and gradually transforming people from “information receivers” to “information disseminators”. The multiple subjects of content producer, communication platform and forwarding user lead to the blurred boundary of responsibility. Although Article 1195 of the Civil Code stipulates the “notice-delete” obligation of network providers, it lacks regulation on the secondary transmission of algorithm recommendations. (1) Users gain attention. Once a video is released, the creator and the audience will live interact or forward comments in order to increase their own popularity and increase the number of fans, or maliciously clip videos, take words out of context, and extract influential information to attract fans to click and watch, so that the information will gradually be distorted. (2) Lack of social responsibility of the platform. In order to pursue traffic, some short video products will deliberately fabricate sensational news headlines, and use a short video of unknown origin with misleading and inciting words to attract users to watch, comment and forward. This phenomenon of lack of social responsibility is the problem that short video news needs to pay attention to. For example, short video platforms such as Douyin and Kuaishou, which are popular among young people, and other software such as Toutiao, Baidu, Thepaper.cn and Weibo also set short video portals on their home pages. Once social news appears, various video platforms compete to obtain “first-hand” information in order to win attention, and are likely to publish videos after partial understanding of the information to win users’ viewing. Increase the utilization of software, while ignoring the truth, resulting in information fragmentation. Malicious speculation by users and platforms. For controversial topics, in order to increase the response rate and forwarding amount, users will use inappropriate remarks, intensify contradictions and other ways to cause information deviation. In order to obtain clicks and page views, the platform will also play relevant videos repeatedly to attract audience's attention, intensify the debate on hot issues, and lead to the spread of false information. (4) Improper remarks by users. With the development of the application of digital technology, the right to speak of short video users has gradually increased. Users can make use of short video platforms to produce, publish and disseminate homemade videos to gain traffic heat, popularity and profit, and become producers and disseminators of public opinion. However, due to the different levels of the audience, personal accounts are easy to become a vent for personal emotions. Users take advantage of the non-public and anonymous characteristics of the network platform to vent personal feelings and vent personal emotions, and even exceed the boundary of “freedom of speech” restricted by law, malicious dissemination of distorted information and improper remarks, resulting in negative social impacts. (5) Low digital literacy of the audience. When encountering controversial short videos, some users fail to maintain an objective and rational attitude, and go with the flow to publish fact-free

speculative remarks, or even launch vicious comment interactions, which seriously pollute the network environment. The audience has a weak sense of self-supervision and does not have their own arbitrary ideas and rational conclusions, which can easily lead to facts deviating from the essence and difficulties in controlling their emotions. Verbal damage to others, malicious concealment of things often bring irreversible harm. For example, the Internet celebrity “Xiaoqixing” unilaterally advocated the “rice, flower and fish rip-off” of the Nujiang farmers’ music in Yunnan province on the Tiktok platform. Its fans criticized the Nujiang farmers’ music, causing a negative impact on local tourism for a while. However, the truth was that there was no “rip-off” phenomenon, but the Internet celebrities only made unilateral statements, which led to the irrational remarks of other users and led to information distortion. Deviating from the truth itself to maliciously insult others, really caused no small impact on the social environment.

3.2 Audience Ingestion Information Deviation

Short video user base is large, different users have different views on the same event, thoughts cannot be unified, as a bystander of an emergency, users willfully make comments, not only will make the original event deviate, but also easy to have extreme understanding of the event. (1) Directness of communication. The emergence of short video breaks the traditional interactive communication methods such as “face to face” and “offline”. It uses the network platform to make interactive comments, which shortens the distance between the communicator and the audience and changes the passive position of the public as the audience in the past. The public can choose the topics they are interested in in the field of short video and pay attention to them, update them constantly, comment and interact with them, etc. It is possible to communicate directly with the communicator. Although this mode of communication is convenient and fast, it is impossible to check the authenticity of information. Since information is communicated directly, it is difficult to determine the source and authenticity of information. The language of the Internet is unique, which is characterized by the instant, interactive, informal and oral nature of electronic text. It is easy for users to enter the scene and trigger empathy, and visual impact is easy to lead to user cognitive loss and single emotional point of view. (2) Pandering to vulgar tastes. Short videos have a wide audience, and many bad content and negative remarks are also spread through them, affecting the cultivation of correct values, absorbing vulgar content to attract popular traffic, and gaining attention with “vulgar” will not only affect the authenticity and comprehensiveness of information, but also affect the mainstream concept of society with one-sided remarks. (3) Communication anonymization. The anonymity system is often adopted on the short video platform, and the audience can criticize and comment at will, judge the right and wrong only by their own emotional guidance and value standards, and express their opinions emotionally, which is easy to drive the direction of public opinion and lead to information distortion.

3.3 Platforms Are Inefficient At Dealing with Problems

Information release on the short video platform is convenient and fast, and the enthusiasm of users is high, and the average daily growth amount is as many as one million, showing a massive growth trend. Compared with traditional media, such as books, periodicals and newspapers, which strictly review and check the content of public opinion, the relevant mechanism for reviewing short video content is slightly inferior. (1) Mistimed information review. According to the statistics of the Communication School of Beijing Normal University, nearly one-fifth of the false information on the short video platform is spread through the form of video comments and forwarding. Many users will take advantage of the mistiming of network communication to maliciously clip or take the authentic information out of context, resulting in the deviation of the actual content published and the final result presented. This series of behaviors is likely to cause information distortion, and even produce extreme remarks and false rumors, which will bring misunderstanding to the public. (2) Fewer review procedures. The short video platform only has two stages of preliminary review and review when reviewing videos, and there is a phenomenon of “first review and later review”, which will cause the rapid spread of illegal information while obtaining first-hand traffic attention, so the effective supervision procedure of short video platform is still an important link to reduce the incidence of public opinion caused by false information. (3) Lack of restrictions on the platform. At present, the right to review the authenticity of video is only controlled by the network platform, and professional supervision institutions do not have the relevant technical conditions to effectively review and timely curb the authenticity of information.

4. Short Video Information Distortion Legal Advice

In the era of big data, when people enjoy the quick and convenient dividend of short video communication information, they should also take measures to jointly control the social impact caused by short video communication distortion information.

4.1 Implement the Principal Responsibility System

As a communication tool of public opinion in the new era, short video has a wide audience, both mass media and network users should shoulder the responsibility of screening information, and implement the sound development of everyone's supervision and law-abiding. (1) The mass media bear the main responsibility. When screening information, media on various platforms should not take the traffic view as the benchmark, but should strengthen the review of video content based on the principle of event authenticity. Professional management departments should be set up to improve the authenticity of short video information supervision and deepen participants' awareness of responsibility. (2) The user assumes supplementary responsibility. The platform stipulates that short video users must register with their real names, which is an important maintenance of the “responsibility system”. Avoid bloggers who do not have relevant knowledge and ability, wantonly look at and judge hot events and information, and deliberately create false images and information in order to gain traffic. At the same

time, legislation and regulations should be established to establish a corresponding filing mechanism for big V and net celebrity bloggers to ensure that the information released by them is authentic and credible. The responsibility is implemented to individuals, so that short video users can improve self-regulation, enhance network consciousness, and cultivate responsibility awareness.

4.2 Cultivate Legal Consciousness

(1) Open a common law account. The short video platform is used to set up a special legal publicity account, analyze the newly revised laws or typical cases, and comment on the law of hot social topics, etc., to popularize the relevant laws to the public, ensure the authenticity of information, and enhance the public's trust in the law. (2) Use big V power. China's short video platform users and fans of up to ten million video bloggers nearly a thousand people, to regulate the network talent to improve information discrimination, seriously participate in online information education, do not be false information, rumors and slander disseminators, so as to correctly guide the direction of fans. (3) Standardize online speech. The network is not an "impossible place", in addition to its own constraints and platform restrictions, should be regulated by law. China's "Detailed Rules for the Review of Network Short Video Content" (2021) restricts 21 kinds of network speech that are harmful to society, so that the network "freedom of speech" has been limited to a certain extent, but these contents need to be detailed.

4.3 Strengthen Platform Supervision

The primary premise for the long-term development of short video platforms is to maintain social public morality as the goal, and to assume the social responsibility of providing real information and people's trust in the data era. (1) Establish a "technology neutral exception principle" to impose a higher duty of care on platforms that adopt algorithmic recommendations. (2) Increase review procedures. The current mechanism of China's short video platform only exists second trial, the law needs to increase the intensity of review of short video content, advocate the establishment of professional information review team of short video platform, avoid the drawbacks of artificial intelligence stereotyped screening information, increase the cost of manual review, not only can promote employment, improve the authenticity of information, but also make the network environment in line with mainstream development. Increase public trust in short video platforms. (3) Combat malicious dissemination. China's "Detailed Rules for the Review of Network Short Video Content" (2021) defines 21 kinds of video content that violate national regulations, but malicious transmission based on the above content should also be severely punished by legislation. Laws and regulations on the release and dissemination of short videos are still not perfect, and the law needs to define "malicious communication", and punish the forwarding or commenting of information that is known to be false or the forwarding of content that contains the above prohibited 21 violations, so as to standardize the network environment.

5. Conclusion

In the era of big data, the rapid rise of short video apps has become an important tool for information exchange, which has played a huge role in promoting social development. However, its own drawbacks make its information falsity and false. Therefore, it is necessary to analyze the legal problems involved in short video information distortion, and put forward corresponding legal solutions and suggestions. The control of short video information distortion needs to break through the mode of “post-responsibility” and turn to the comprehensive regulation of technology, law and ethics. In the future, it is necessary to further clarify the obligation of deep synthetic content identification through legislation, establish a platform algorithm filing review system, and finally realize the legal and orderly information transmission in the digital era.

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