

Digital Platforms and Freedom of Expression: A Comparative Analysis of Turkey and Global Approaches

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Abstract: The rise of digital technologies, particularly social media platforms, represents one of the most transformative societal shifts of the 21st century. While these platforms expand access to information and enable active participation in public discourse, they also present complex challenges for freedom of expression. Issues such as misinformation, hate speech, cyberbullying, privacy violations, and illegal content circulation highlight the limitations and responsibilities of digital platforms. This article examines the multidimensional impacts of digital platform regulations on freedom of expression, with a focus on Turkey's legal framework and comparative international approaches. The study explores the evolution of digital legislation in Turkey, including the Internet Law No. 5651, the 2020 Social Media Law, and the 2022 Anti-Disinformation Law. It further analyzes global regulatory models, such as the European Union's Digital Services Act (DSA) and Digital Markets Act (DMA), Germany's NetzDG, and the United States' Section 230. The paper emphasizes the critical role of platforms in shaping public discourse and calls for a nuanced understanding of the balance between state oversight, individual rights, and platform governance.

Keywords: Freedom of speech, digital platforms, social media regulation.

Introduction

The emergence of digital technologies, particularly social media platforms, has become one of the defining social transformations of the 21st century. The communication possibilities offered by the Internet have enabled individuals not only to access information but also to participate as producers and publishers in public debates. This development has led to the emergence of a multi-voiced, network-based public sphere beyond the unidirectional and limited structure of traditional media (Castells, 2009). Social media provides individuals with the opportunity to reach potentially global audiences, representing one of the most visible manifestations of freedom of expression in the digital era (Fuchs, 2014).

However, this new digital public sphere also introduces significant paradoxes. The rapid dissemination of misinformation, hate speech, cyberbullying, privacy violations, and illegal content has highlighted the limitations and responsibilities of digital platforms (Gillespie, 2018).

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In this context, the regulatory efforts of states and international actors intersect directly with the boundaries of freedom of expression. While maintaining public order and national security is emphasized, states are simultaneously responsible for safeguarding fundamental rights and freedoms, creating a delicate balance (Balkin, 2018).

The rise of digital platforms has shifted freedom of expression debates beyond the traditional state-individual dichotomy. Issues such as content moderation, algorithmic biases, and transparency have become central components of the freedom-security balance. As Gillespie (2018) notes, platforms are not merely technical infrastructures but “gatekeepers” shaping societal norms and determining content visibility. This development necessitates a re-evaluation of Habermas’s (2006) public sphere concept, and John Stuart Mill’s (1859/2011) “harm principle” resurfaces as a framework to discuss what constitutes permissible expression in digital contexts.

In Turkey, legislation such as the Internet Law No. 5651, the 2020 Social Media Law, and the 2022 Anti-Disinformation Law exemplifies the tension between freedom of expression and state control (Akdenez, 2021; Inceoğlu & Sözeri, 2022). These legal measures raise concerns about censorship and increasing tendencies toward self-censorship among users.

At the international level, the European Union’s Digital Services Act (DSA) and Digital Markets Act (DMA), Germany’s NetzDG, and the United States’ Section 230 illustrate diverse approaches to balancing freedom of expression with digital regulation (Suzor, 2019). These comparative examples are critical for understanding how states manage the increasingly digital public sphere.

This article aims to examine the multidimensional impacts of digital platform regulations on freedom of expression. First, it addresses the historical and theoretical foundations of freedom of expression in the context of digital dynamics. Next, it analyzes the evolution of Turkey’s digital legislation, discusses global regulatory approaches comparatively, and evaluates the content management practices of platforms.

Freedom of Expression Debates

Discussions on freedom of expression trace their intellectual roots to John Stuart Mill’s seminal work, *On Liberty* (1859/2011). Mill’s “harm principle” limits individuals’ right to express themselves freely only when their actions directly harm others, forming the intellectual backbone of liberal democracies’ freedom of expression regimes and protecting citizens from excessive state interference (Barendt, 2005). However, the digital age challenges the applicability of this principle. Rapid dissemination of misinformation, hate speech, and systematic cyberbullying on social media can threaten individual security and social cohesion without producing direct physical harm, necessitating a re-evaluation of Mill’s classical liberal framework.

Freedom of expression is not only the individual’s right to voice opinions but also a mechanism enabling citizens’ participation in public discourse. Jürgen Habermas’ “public sphere” offers a critical theoretical lens, viewing communicative freedom as an epistemic dimension of democracy (Habermas, 1989). The rise of the Internet and social media has prompted scholars to revisit this theory, recognizing the potential for increased participation and pluralism (Dahlgren, 2005; Habermas, 2006). Yet social media does not guarantee equal participation, with phenomena such as echo chambers and polarization eroding the public sphere’s functions (Sunstein, 2017).

The focus of freedom of expression debates has shifted from state–citizen relations to platform–citizen relations. Social media companies now play a central role in defining digital speech. Platforms act

as “gatekeepers,” shaping societal norms and content visibility through algorithms and community standards, often without transparency (Gillespie, 2018; Noble, 2018; Suzor, 2019). Consequently, considerations of freedom of expression must include both state regulation and private-sector content policies. Jack Balkin’s (2018) “information fiduciaries” framework suggests that platforms should safeguard users’ expression and privacy, aligning commercial practices with human rights responsibilities (UN, 2011).

In sum, the theoretical landscape of digital freedom of expression spans classical liberal principles, public sphere theory, platform capitalism, and human rights-based regulatory approaches.

Digital Platform Regulation in Turkey

Turkey’s legal framework for Internet regulation began with Law No. 5651 on “Regulation of Publications on the Internet and Combating Crimes Committed Through These Publications” (2007), initially aimed at protecting children and preventing catalogued crimes. Over time, it became the primary legal basis for Internet censorship in Turkey, granting broad powers to the Telecommunications Authority (later BTK) to enforce access-blocking measures (Akdeniz, 2011; Altıparmak & Akdeniz, 2018).

The 2010s saw social media increasingly influence political communication, drawing state attention, especially after events like the Gezi Park protests (2013), the December 17–25 investigation (2013–2014), and the July 15 coup attempt (2016). Temporary restrictions on platforms such as Twitter and YouTube highlighted Turkey’s challenges regarding digital freedoms (Yesil, Sözeri, & Khazraee, 2017).

The 2020 Law No. 7253, commonly known as the Social Media Law, amended Law No. 5651 by requiring platforms with over one million daily users to appoint a representative in Turkey, imposing advertising bans and bandwidth reductions on non-compliant platforms. Mechanisms to remove or restrict content for privacy or personal rights protection were strengthened. Although the government justified these regulations as protecting users’ rights, academics and civil society viewed them as enhancing state control over platforms and restricting freedom of expression (Akdeniz & Altıparmak, 2020; İnceoğlu & Sözeri, 2022).

The 2022 Anti-Disinformation Law further introduced Article 217/A into the Turkish Penal Code, criminalizing the public dissemination of false information intended to cause public fear, panic, or threaten national security, public order, or health, with imprisonment ranging from one to three years. Critics argue that vague language and potential criminalization of journalistic reporting raise serious freedom of expression concerns, resulting in increased self-censorship (ARTICLE 19, 2022; Human Rights Watch, 2022; İnceoğlu & Sözeri, 2022).

These regulations illustrate the narrowing of the public discourse space in Turkey, shifting from merely protecting citizens from digital harms to actively restricting debate. Scholars argue that Turkey’s Internet policies have become increasingly authoritarian, using freedom of expression as a tool of control rather than protection (Yesil, 2016; Akdeniz, 2021). The European Court of Human Rights has condemned certain access-blocking practices as violations of freedom of expression (Ahmet Yıldırım v. Turkey, 2012).

Overall, Turkey’s digital platform regulations exemplify the tension between state control and freedom of expression, highlighting critical debates over democratic participation and the governance of digital public spaces.

Global Comparative Perspective

The relationship between digital platforms and freedom of expression can be understood not only within universal norms but also through the comparative analysis of different political systems and cultural contexts. Globally, liberal democracies tend to prioritize the protection of free expression, whereas authoritarian regimes emphasize control, censorship, and surveillance (Freedom House, 2023). This divergence results in the same platforms functioning under entirely different roles and constraints depending on the country.

In the United States, freedom of expression enjoys one of the strongest constitutional protections. The First Amendment significantly limits government interference in speech (Barendt, 2005). Nonetheless, the role of social media companies as private actors in content moderation raises concerns about whether platforms act as “new censors” (Klonick, 2018). For instance, the permanent suspension of Donald Trump’s accounts on Twitter and Facebook following the January 6, 2021 Capitol riot demonstrated the influence of private companies on democratic processes and their determinative role over freedom of expression.

In the European Union, freedom of expression is approached with a more balanced perspective, integrating limitations on hate speech and disinformation. The European Court of Human Rights (ECHR) protects expression while legitimizing restrictions on speech that incites discrimination or violence (Mendel, 2012). Recent legislation, such as the Digital Services Act (DSA), aims to enhance platform accountability, transparency, and alignment with public interest principles (Helberger, Pierson, & Poell, 2018). The EU thus exemplifies a framework that safeguards individual rights while promoting public oversight of the digital ecosystem.

In Turkey, debates around freedom of expression on digital platforms are largely shaped by state interventions and regulatory measures. Law No. 5651, the Internet Law, expanded state control over online expression by imposing obligations on social media platforms to remove content and establish local representatives (Yesil, Sözeri, & Khazraee, 2017). Access restrictions and content censorship on platforms like Twitter and YouTube have repeatedly reshaped the digital public sphere in Turkey. Despite these limitations, social media remains a critical tool for expression among opposition groups, activists, and civil society (Topak, 2019).

The Asian context, particularly China and India, provides additional insights. In China, social media platforms are entirely under state control, with services like WeChat and Weibo tightly regulated and censored by government mechanisms (MacKinnon, 2011). This exemplifies how freedom of expression can be severely restricted under the pretext of state security. In India, despite a democratic framework, government pressures on Twitter and WhatsApp indicate a gradual contraction of digital freedoms (Arun, 2019).

A global comparative perspective demonstrates that while digital platforms offer new avenues for freedom of expression, the scope of this freedom is shaped by each country’s political regime, legal system, and cultural values. Consequently, the issue of “freedom of expression and digital platforms” is not merely technological; it intersects with political power, economic interests, and societal norms.

Turkey in Comparative Perspective

In Turkey, freedom of expression debates have acquired a new dimension with the rise of digital media and social networks. Longstanding state interventions, censorship, and licensing mechanisms in traditional media have extended into the digital sphere. Despite being one of Europe's leading countries in Internet usage, Turkey occupies a limited position in global freedom of expression rankings.

The 2020 Social Media Law, amending Law No. 5651, increased state oversight of digital platforms. It required social network providers operating in Turkey to maintain a local representative and comply with content removal and data storage obligations (Kurban & Sözeri, 2020). While these measures expanded governmental control over social media companies, international human rights organizations have criticized them as restrictive of freedom of expression (Human Rights Watch, 2020).

Social media platforms in Turkey are frequently restricted under the pretext of "public order" and "national security," contrasting with global examples. Germany's NetzDG law, for instance, mandates the removal of hate speech and illegal content, whereas Turkish regulations are broader and more ambiguous (Yılmaz, 2021). Internet access is also often curtailed during political crises, such as post-2016 coup attempt restrictions and bandwidth throttling during the 2023 elections (Yesil, 2016; Freedom House, 2023). Compared to European Union countries, Turkey's approach is less transparent and offers fewer judicial safeguards.

Another distinctive aspect of Turkey is the high engagement of young people in using social media for news consumption and political participation. According to We Are Social (2023), over 80% of Turkey's Internet users are active social media users. However, Freedom House (2023) categorizes Turkey as "not free" in its Freedom on the Net report, illustrating the tension between the democratic potential of digital media and authoritarian tendencies.

Overall, Turkey's approach to social media regulation is influenced by both global trends and domestic political structures. In this respect, Turkey's digital governance practices resemble more centralized, state-first models like China or Russia rather than rights-based European approaches. This positioning directly impacts Turkey's international image concerning freedom of expression.

Discussion and Conclusion

Digital platforms play a central role in shaping freedom of expression and democratic participation in the 21st century. The Internet and social media have enabled individuals to amplify their voices on a global scale, elevating freedom of expression to a dimension markedly different from previous historical periods. At the same time, these spaces present new challenges, including disinformation, hate speech, cyberbullying, and self-censorship. Global comparisons reveal that the protection or restriction of digital freedoms largely depends on the political and legal frameworks of each country. In the United States, strong constitutional protections and the relative independence of the private sector coexist with the EU's rights-based regulations and transparency mechanisms, while countries such as China and Russia prioritize state control and surveillance. Turkey occupies a unique position within this spectrum, influenced both by Europe's rights-oriented approaches and by authoritarian tendencies that are increasingly reinforced through digital platforms.

In the Turkish context, Law No. 5651, the 2020 Social Media Law, and the 2022 Disinformation Law have become key instruments for enhancing state oversight of the digital public sphere. While these laws have the potential to limit freedom of expression, they are legitimized under the rationale of protecting

user rights. As emphasized in the academic literature and civil society reports (Akdeniz, 2020; İnceoğlu & Sözeri, 2022), the ambiguous wording of the legal framework increases the risk of censorship and self-censorship, constraining democratic participation. Young and active social media users, although capable of exercising freedom of expression, often limit their online behavior due to prevailing legal and political pressures.

In a global comparative perspective, Turkey's approach illustrates the precarious balance between protecting freedoms and expanding state oversight. In European cases such as Germany's NetzDG, regulations are relatively transparent and subject to judicial review, whereas in Turkey, broad and discretionary implementation poses significant risks to democratic standards. In the United States, restrictions on freedom of expression apply only in exceptional circumstances, with platform self-regulation generating a distinct dynamic from state intervention. Turkey's digital governance approach occupies a hybrid position between Europe's rights-based models and the US's market-oriented framework, increasingly trending toward authoritarianism.

At the same time, digital platforms themselves exert a decisive influence over freedom of expression through content moderation and algorithmic governance. Algorithmic biases and opaque moderation processes shape the expression space beyond state interventions, directly affecting democratic participation and pluralism (Gillespie, 2018; Suzor, 2019). This situation raises new debates in light of Mill's classical harm principle and Habermas's public sphere theory: safeguarding freedom of expression is now not only a matter of state regulation but also of the algorithmic and political management by private actors.

From a policy perspective, several strategies can help secure freedom of expression in Turkey's digital sphere. First, legal regulations should be implemented transparently and proportionately to prevent arbitrary access restrictions. Second, platform representation should function not only as a formal obligation but also as an effective mechanism for safeguarding user rights. Third, multi-stakeholder governance models involving civil society and academic actors could establish a more balanced framework between freedom of expression and public order.

In conclusion, freedom of expression in the digital age represents not only the right of individuals to voice their opinions but also an indicator of democratic participation, rule of law, and social equity. The Turkish case provides a striking illustration of both the democratic potential and authoritarian risks of digital platforms. Comparative analysis with global examples demonstrates that strategies for protecting freedom of expression must encompass not only legal regulations but also transparency, algorithmic accountability, and user-centered policies.

Conflict of interests

The authors declare no conflict of interest.

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