

Abstract

The rapid development of science and technology has pushed forward rapid changes in the world's industrial order and social behavior patterns. The various values that human society follows and relies on will be bound to be in want of thoughts about the way to adapt on the basis of digital and intelligent technology in the future. On the wave of digital innovation, not only must the digital communications industry swiftly seek to respond, but also the society as a whole must improve its information and network literacy; Government agencies' thinking on the supervision of communication policies and the formulation of legal frameworks should even keep abreast of modern developments, as well as make appropriate adjustments in response to technological development.

Faced with this trend, the Executive Yuan passed a resolution on the draft bill "Digital Communication Act" (hereinafter referred to as the "DCA") in November 2017 and submitted the bill to the Legislative Yuan for deliberation. As the framework legislation proposed by the National Communications Commission in response to the needs in the times of the convergence and digital economy, the draft bill "DCA" takes citizen participation, information disclosure, rights and remedies as well as multiple values as important core concepts in the adjustment of the government's role; It also encourages non-governmental self-discipline and public-private collaboration without additionally imposing administrative control measures to the management of the Internet. However, the legislation thereof has not achieved complete success.

Nevertheless, the rapid development of technology has never stopped for this reason. The digital communication in the online world still continues to infiltrate the living environment of all the people, and the level of influence of various digital communication behaviors in the virtual field

upon the physical world is even greater than that in the past. As illegal content such as false information, cyberbullying, hate speech or discriminatory remarks gradually circulates all over in the digital communication environment, not only is the overall environment of using the Internet eroded causing the impact on the rights and security of users, but also the industry itself faces various legal risks as a result. In view of this, some critics have initiated a legal reform of the existing draft bill “DCA”, in the hope that after imposing the responsibility on the competent authority, the draft bill will become the general law for controls over Internet content in order to flexibly and effectively manage the illegal information on the Internet. As a result, the content of the regulations will meet the needs of the times, and will be furthermore conducive to industrial development, remedies for rights and interests infringed, and implementation efficiency as well.

In order to achieve this goal, this research checks on the existing laws and regulations related to false information, cyberbullying, hate speech or discriminatory remarks, etc., in our country, as well as the criteria for their definitions by means of extensive data collection and in-depth analysis, so as to evaluate the progress in the communication development in our country as well as the impact on the society due to the legal reform. On the other hand, this research also takes account of major countries or regions such as the European Union, Germany, the United Kingdom, the United States, Japan, and South Korea to analyze the management standards, supervision mechanisms, normative aspects and their responding actions regarding illegal content such as false information, cyberbullying, and hate speech or discriminatory remarks disseminated through digital communication or infringement, in order to take their examples as a reference for our legal reform. In the meanwhile, this research is to invite representatives from all walks of life such as academic and research circles, industries or platform

operators to participate all together in focus group meetings to re-conceive the direction of the current draft bill “DCA” through dialogues in terms of the overall structure, the normative nature, the provisions of responsibilities imposed on Internet Service Providers (ISPs), and other aspects of the draft bill.

In summary, this research explores the governance models and legal policies with regard to the development of digital communication services in various countries in order to ensure the overall consideration of aspects such as the industrial development, remedies for rights and interests infringed, as well as implementation efficiency of our country, so as to propose specific legal reforms and policy recommendations on the convergence to facilitate the synchronization of related regulations of our country with the international supervision trend.