

SOCIAL SCIENCES

PRESENTATION OF A MONOGRAPH

doi: <https://doi.org/10.61837/mbuir030125100a>

Živanka Miladinović Bogavac
ZLOUPOTREBA MEDIJSKIH SLOBODA
(ABUSE OF MEDIA FREEDOMS)

Tatjana K. ANDREJEVIĆ, assistant professor

Zadužbina Andrejević, Beograd

zandrejevic@gmail.com

The monograph *Abuse of media freedoms* by Prof. Dr. Živanka Miladinović Bogavac deals with an important and significant topic, since the right to freedom of expression is one of the basic and among the most important human and citizen rights, incorporated in a whole range of international and national documents.

This monograph was released in 2022 (Belgrade, Andrejević Endowment), it is published in Serbian and English, and was reviewed by renowned experts: Academician Prof. Dr. Boris Krivokapić, Academician Prof. Dr. Nedo Danilović, Prof. Emeritus Dr. Mirko Kulić and Prof. Dr. Milan Rapajić. It comprises 193 pages and the material is presented in an objective and systematic manner, describing, classifying, and scientifically analyzing the following topics:

1. The paradigm of freedom of expression and its drastic abuse,
2. Fake news,
3. Media manipulation from the critical perspective of Noam Chomsky,
4. Journalism and ethics,
5. The place and role of the media in the ethical system,
6. The concept and essence of media concentration,
7. Violations of the right to free, truthful, and timely information,
8. The place and role of regulatory bodies in the achieving media freedom and preventing monopoly in Serbia,
9. Media pluralism and its legal protection in Serbia,
10. Radio Television of Serbia as an indicator of media pluralism, and
11. State aid in promoting the principles of media pluralism.



The monograph also comprises Abstract in both Serbian and English and Index of terms. The author cites 96 references.

The monograph *Abuse of media freedoms* addresses a highly current and significant topic. Given the relevance of the subject, the author Prof. Dr. Živanka Miladinović Bogavac devotes particular attention to the paradigms of freedom of expression and its serious abuse, emphasizing hate speech as a direct negation of that freedom. She stresses that freedom of speech represents one of the greatest achievements of modern civilization, serving as both the foundation and core pillar upon which all other fundamental human rights are built.

The complexity of human society often makes it difficult to empirically and normatively distinguish between the right to freedom of expression and hate speech, as there is no clear boundary between the two, but rather an intersection of these two fluid phenomena. A particularly harmful form of abuse affecting society as a whole is unlawful media concentration – the shrinking of the media space and the transformation of freedom of expression into a tool used to suppress media freedom and enforce ideological uniformity. Recognizing the complexity and importance of this issue, the author advocates for the establishment of genuine media pluralism in Serbia. Following a detailed analysis, she argues convincingly for the need to improve the legal framework related to media concentration, ownership transparency, and other factors essential to promoting and safeguarding media freedoms, with the ultimate aim of narrowing the space for their abuse and contributing to the broader democratization of Serbian society.

In addition, the monograph also strongly advocates for neutralizing political influence on the media (especially the Public Media Service) as well as for the further harmonization of Serbian media legislation with relevant European and international standards, promoting the integration of high-quality comparative legal solutions into the Serbia's legal system.

Starting from the fact that freedom of the press is an important transmission between individuals, social groups and authorities, the author particularly deals with the issue of freedom of the press and hate speech as its negation and emphasizes that freedom of expression limits hate speech, while the use of hate speech is in fact the abuse of freedom of expression. The entire phenomenon is analyzed in terms of the complex relationship between state power – public opinion – freedom of the press – abuse of freedom.

Analyzing the paradigm of freedom of expression and its severe abuse, Dr. Miladinović Bogavac starts with determining hate speech as the negation of freedom of speech, and moves on to thoroughly analyze the notion of hate speech, its components, freedom of the press in relation to hate speech as its negation, and then presents hate speech viewed through the prism of the European Court of Human Rights practice by briefly presenting several cases: Leroy vs. France – racism and support for terrorism, Vejdeland and others vs. Sweden, Gunduz vs. Turkey – hate speech due to religious motives, Ferguson vs. France etc. Reviewing the hate speech practice in Serbia, she considers cases of the Organization for lesbian human rights “Labris”, the case of TV “Studio B”, Radio “Fokus” and the daily newspaper “Blic”, as well as judicial epilogues of the prosecution of hate speech in Serbia.

The author pays special attention to fake news, given the fact that it is an increasingly present phenomenon. Fake news as a media phenomenon is not a product of modern times though it became particularly popular at the beginning of this century, coming to the fore in situations of dangerous social crises, conflicts and great turmoil on the world stage, but also, to a no less extent, on the domestic political scene. Though crises are fertile ground on which fake news grows like weeds, their expansion in peaceful times is also witnessed. The high viewership of electronic media and the readership of written media are unimaginable today without sensationalism, the essence of

which is the desire to increase the earnings of media owners.

A special chapter is dedicated to another important issue – the problem of ethics in journalism, and the role or function of the media in the ethical system, since the main duty of journalists should be to provide the public with accurate, timely, unbiased and verified information from credible sources.

As media concentration in the hands of a small number of media moguls represents a serious problem of achieving media freedoms and what should be heard in them, and that is *Vox populi, vox Dei* (Voice of the people is the voice of God), the cases of Silvio Berlusconi, Ted Turner and Rupert Murdoch have been analyzed as well.

Since the issue of protection of media rights and freedoms is very important, the author briefly addresses media pluralism and its legal protection in Serbia. Namely, the protection itself is not limited to external influence, such as the political factor. That protection should also have an internal character, within the media space itself. The public media service has a significant role in guaranteeing the respect for the principle of media pluralism, considering that the primary task of the public media service, unlike others, is the protection of the public, that is, the general interest. The author also briefly focuses on state aid in promoting the principles of media pluralism, as this is also an important issue. One type of state assistance is at the normative level, which is the adoption of laws, by-laws and strategies. The next form of that assistance is the implementation of the law

in practice, that is, at the organizational level – through the creation of special bodies and organizations authorized to control the implementation of media laws and cooperation with numerous non-governmental organizations.

Given the scarcity of literature in this region addressing the misuse of media freedoms, the scholarly contribution of this book is considerable, especially in advancing the understanding of media freedoms and their abuse, and in situating these issues within the broader corpus of international human rights law. The monograph's academic contribution is further reflected in the author's advocacy for the comprehensive democratization of Serbian society and the enhancement of legal and political culture. Professor Dr. Živanka Miladinović Bogavac calls for a significant improvement in the position, independence, and accountability of regulatory (and self-regulatory) bodies, the development of new self-regulatory institutions such as a Council for Electronic Media, and better staffing and financial-resourcing of professional services within these bodies.

Having in mind the important scientific contribution of the monograph *Abuse of media freedoms* that offers critical insights into the nature of media freedoms and their abuse, the reviewers have recommended that this monograph be included in the recommended reading lists of higher education institutions and faculties that cover fields such as constitutional law, political systems, human rights and freedoms, and international human rights – at undergraduate, master's, and doctoral academic levels.