Pobrane z czasopisma Studia Iuridica Lublinensia **http://studiaiuridica.umcs.pl**
Data: 03/11/2026 21:51:32

Articles

Studia Iuridica Lublinensia vol. 31, 3, 2022
DOI: 10.17951/sil.2022.31.3.189-201

Kinga Machowicz
The John Paul II Catholic University of Lublin, Poland
ORCID: 0000-0002-6519-7903
machowicz@kul.pl

The Impact of the Quality of Information on the Use of Freedom of Expression

Wpływ jakości informacji na korzystanie z wolności wypowiedzi

ABSTRACT

Both freedom of expression and information quality are socially significant issues. They are however treated separately in the studies to date. The subject of theoretical research, whose results are discussed in the present article, is the connection between the two problems. The objective of the article is to define the impact of the quality of information on the way freedom of speech is used. To achieve this, the following hypotheses are verified: 1) appropriate information quality is conducive to behaviors that are within the freedom to express opinions; 2) inappropriate information quality need not be intentional; 3) the deliberately wrong quality of information may result in situations that are not within freedom of expression; 4) it is possible to effectively counter the use of information of intentionally wrong quality. The article is of scientific and research character. The presented problems have an international scope.

Keywords: freedom of expression; right to information; information quality

INTRODUCTION

More than a decade ago A. Młynarska-Sobaczewska wrote: "There are few issues as popular in legal literature as freedom of expression, freedom of the press, and freedom of information. This does not mean, however, that these are concepts with meanings and boundaries adopted once and for all; they are not even unambiguous

CORRESPONDENCE ADDRESS: Kinga Machowicz, PhD, Dr. habil., Associate Professor, Faculty of Social Sciences, The John Paul II Catholic University of Lublin, Racławickie 14, 20-950 Lublin, Poland.

Pobrane z czasopisma Studia Iuridica Lublinensia **http://studiaiuridica.umcs.pl**
Data: 03/11/2026 21:51:32

or easily definable. These freedoms are always perceived in a certain doctrinal and political-system context, which is why it is even more difficult to make a synthesis of meanings and their ranges".[1] The lapse of time has not influenced the truth of this statement, furthermore, this also applies to disciplines other than legal sciences. The research, the results of which are presented in this article, was conducted in the field of political science and administration. There are few elements that do not raise any doubts. These include the conclusion that freedom of expression is not an absolute freedom and can be limited in strictly defined circumstances; in addition, literature often uses the words "limitations" and "limits/boundaries" interchangeably. Yet "the distinction between 'limitations' and 'boundaries/limits' appears trivial, its usefulness is, however, not confined to stylistic values. Without doubt, the description gains in accuracy, and even intuitively it seems obvious that boundaries of a phenomenon (concept, construct) stem from its very essence (it is they that make an object what it is), whereas limitations come from the outside and deform or annihilate the already given forms".[2] However, radical differentiation between the content of the two concepts is not common.[3] The constituent elements of the freedom under analysis are the object of enquiries by several disciplines of social sciences. For legal and political sciences, of key importance is to define these elements, determine the ways of solving conflicts between freedom of expression and other human rights, and also important are the actual circumstances of pursuing this freedom and the consequences of its violation. That is why the goal of the article is to determine the impact of the quality of information on the way of using freedom of expression. This objective can be attained by verifying the following hypotheses:

1. Appropriate information quality is conducive to behaviors that are within the freedom to express opinions.
2. Inappropriate information quality need not be intentional.
3. The deliberately wrong quality of information may result in situations that are not within the freedom of expression.
4. It is possible to effectively counter the use of information of intentionally inappropriate quality.

Challenges of defining information in scientific rather than in only dictionary terms are taken on by L. Floridi and R.W. Griffin. Studies on the classification of the properties and functions of information in the context of its quality are pursued

[1] A. Młynarska-Sobaczewska, *Wolność informacji we współczesnej prasie – zakres i zagrożenia*, [in:] *Czy istnieje IV władza? Wolność prasy w teorii i praktyce*, eds. T. Gardocka, J. Sobczak, Toruń 2010, p. 151.

[2] W. Brzozowski, *O pojęciu granic wolności sumienia i wyznania*, "Studia Prawnicze" 2007, no. 1, p. 70.

[3] For example, see J. Podkowik, *Bezpośrednie konstytucyjne granice wolności człowieka*, "Państwo i Prawo" 2017, no. 8, pp. 42–61.

Pobrane z czasopisma Studia Iuridica Lublinensia **http://studiaiuridica.umcs.pl**
Data: 03/11/2026 21:51:32

by, i.a., H. Batorowska and W. Babik. The stages of development of information society and threats to it were the subject of research first of all (but not only) by D. Bell, A. Toffler, M. Castells, P.F. Drucker, M. McLuhan, J. Rifkin, U. Beck, T. Goban-Klas, or L. Porębski. The new forms of propaganda disinformation are in turn investigated by S.C. Wooley and P.N. Howard. In Poland, the issues of freedom of expression are the subject of interest by many scholars, including R. Wieruszewski, M. Płatek, A. Bodnar, M. Wyrzykowski, or A. Gliszczyńska-Grabias, while information warfare and fight are within the scientific interest of, i.a., O. Wasiuta and S. Wasiuta.

The studies, whose results are presented in this article, were conducted using the desk research method.[4] The choice was motivated by the theoretical character of the research. This method was chosen because of its hybridity enabling the combination of the advantages of literary analysis, comparative analysis, and the interpretation of legal acts. The method of analysis as a qualitative method was used first and foremost to investigate the literature defining the semantic scopes of individual concepts. The comparative method made it possible to investigate the identity of the semantic scopes of the concepts defined by representatives of sciences and in judicial decisions.

THE DIVERSITY OF MANIFESTATIONS OF FREEDOM OF EXPRESSION

Freedom – the subject of discussion in this article – is expressed through several concepts. Differences in the ranges of meanings appear to stem from the stages of civilizational development. The First Amendment to the Constitution of the United States of America used the terms "freedom of speech" and "freedom of the press". The European Convention on Human Rights[5] uses the term "freedom of expression". Article 19 of the International Covenant on Civil and Political Rights[6] stipulates that everyone shall have the right to hold opinions without interference. Everyone has the right to freedom of expression; this right includes freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice. The exercise of these rights carries with it special duties and responsibilities. It may consequently be subject to certain restrictions, but these should only be such as are provided by

[4] Z. Bednarowska, *Desk research – wykorzystanie potencjału danych zastanych w prowadzeniu badań marketingowych i badań społecznych*, "Marketing i Rynek" 2015, no. 7, pp. 18–19.

[5] European Convention for the Protection of Human Rights and Fundamental Freedoms of 4 November 1950 (Journal of Laws 1993, no. 61, item 284, as amended).

[6] International Covenant on Civil and Political Rights of 19 December 1966 (Journal of Laws 1977, no. 38, item 167).

Pobrane z czasopisma Studia Iuridica Lublinensia **http://studiaiuridica.umcs.pl**
Data: 03/11/2026 21:51:32

law and are necessary: a) for respect of the rights or reputations of others; b) for the protection of national security or of public order, or of public health or morals.

In the EU's Charter of Fundamental Rights,[7] on the other hand, there is the concept of freedom of expression and information. In light of the goal set in the present publication and because of the convergence of two elements that make up the guaranteed human right, it does not seem essential to decide which of the solutions and if at all (freedom of expression entailing the right to information/freedom of expression and [freedom of] information) is more justified or better in some sense.

Freedom of expression is not an absolute right.[8] There is a pressing social need to restrict expression and the restrictions must be proportionate.[9] Any restrictions must be convincingly established and narrowly interpreted.[10] Limitations have to take account not only of potential relations with other human rights (especially conflict with them) but also of the fact whether the possible abuse of this freedom of expression concerns the public sphere or whether it refers to the private domain. The most frequently examined contexts of freedom of expression include the conduct of public debate: one of the pillars of democratic society. An inherent element of public debate is criticism of the environment. "The strict meaning of the concept of 'criticism' is analysis and assessment. It may take on the form of praise, approval, *sensu stricto* criticism, and disapproval. Praise means that the assessing person regards a specific state of affairs as optimal, approximating the ideal. Approval recognizes a certain reality or action as appropriate and deliberate, but still too distant from the ideal to deserve praise. Criticism in the strict sense of the word is an analytical judgment about the reality, expressing doubts about the need to take specific actions or the validity of a specific state of affairs, or supporting or denying such needs and justification. Finally, criticisms may take on the form of disapproval, which takes place when the criticizing person does not notice any positive aspects of the resulting state of affairs. Conscious criticism is treated as a separate political, economic, scientific, cultural or artistic task".[11]

A public person has to take into account a more stringent criticism of their activities both in public and private life.[12] Public persons are exposed to the necessity

[7] Charter of Fundamental Rights of the European Union, consolidated text (OJ EU C 202/389, 7.6.2016).

[8] See P. Thornberry, *Forms of Hate Speech and the Convention on the Elimination of All Forms of Racial Discrimination (ICERD)*, "Religion and Human Rights" 2010, vol. 5(2), p. 111.

[9] For example, see judgment of the ECtHR of 6 April 2006, *Malisiewicz-Gąsior v. Poland*, application no. 43797/98, item 56.

[10] Judgment of the ECtHR of 26 November 1991, *Observer and Guardian v. the United Kingdom*, application no. 13585/88, item 59.

[11] Judgment of the Court of Appeal in Białystok of 25 January 2001, I ACa 4/01, OSA 2001, no. 9, item 51.

[12] See judgment of the Court of Appeal in Warsaw of 7 October 2004, I ACa 8/04, LEX no. 558380.

Pobrane z czasopisma Studia Iuridica Lublinensia **http://studiaiuridica.umcs.pl**
Data: 03/11/2026 21:51:32

of enduring a more stringent criticism of their behaviors if it is undertaken in the interest of society, and have to endure a harsher interference in their lives if it is related to the function they perform. This does not mean that one can slander their reputation with impunity, for example by publicizing false information that may undermine trust in them.[13] It is impossible to recognize that a politician's consent can be required for publishing information about his/her behavior, which is essential from the point of view of characteristics expected of a public person.[14] Those who hold public offices and/or seek re-election and those who only run for these offices particularly resent disapproving comments during the election campaign. Disapproval arouses resistance and resolute response aimed to protect one's own interests, especially when it is publicized in mass media, leaflets, or pamphlets.[15]

Extreme and entirely unfounded disapproval stemming from or intended for disinformation may lead to act of verbal violence expressed as hate speech. On the one hand, in the context of tolerating disinformation measures, it is pointed out that social media, while undergoing a certain metamorphosis due to external actors, have become their tool for attacking democratic institutions.[16] On the other hand, emphasis is laid on the need to exercise moderation in countering hate speech: "Taking action against hate speech is sometimes considered an unjustified restriction on freedom of speech. In considering the questions of the limits of free speech, one must consider the degree of harm in the speech in question. There are no clear criteria for determining the degree of such harm. Hence, the response to hate speech should not be too restrictive of freedom of speech, but must be adequate to the damage it causes or may cause".[17] In addition, there is no currently developed model of hate crime in the penal code because the feeling of the injured or other parties assessing an event as hate-motivated is not taken into consideration. A ban on hate speech or toughening this prohibition may thus lead to stifling lawful criticism, and thereby to censorship or self-censorship, and even to restriction on the freedom of scientific research or artistic activity. It can be also argued that the control of hate speech leads to the general recognition of some subjects as taboo or to passing them over for the sake of political correctness.[18]

---

[13] See judgment of the Supreme Court of 8 February 2008, I CSK 345/07, LEX no. 448024.

[14] See judgment of the Supreme Court of 30 October 2003, IV CK 149/02, LEX no. 209289.

[15] See K. Machowicz, *Wolność wypowiedzi w Polsce wobec ochrony prawa do prywatności*, Warszawa 2018, p. 172.

[16] See J.A. Tucker, Y. Theocharis, M.E. Roberts, P. Barberá, *From Liberation to Turmoil: Social Media and Democracy*, "Journal of Democracy" 2017, vol. 28(4), p. 46.

[17] D. Habrat, *Protection of Human Dignity as a Basis for Penalization of Hate Speech against People with Disabilities in Polish Criminal Law*, "Studia Iuridica Lublinensia" 2021, vol. 30(4), p. 265.

[18] See M. Płatek, *Mowa nienawiści – przesłanki depenalizacji*, [in:] *Mowa nienawiści a wolność słowa. Aspekty prawne i społeczne*, eds. R. Wieruszewski, M. Wyrzykowski, A. Bodnar, A. Gliszczyńska-Grabias, Warszawa 2010, pp. 84–95.

Pobrane z czasopisma Studia Iuridica Lublinensia **http://studiaiuridica.umcs.pl**
Data: 03/11/2026 21:51:32

Hate speech may be seen as a kind of falsification of the perception of reality. However, it is not always that the falsification of reality, even if deliberate, gives rise to hate speech. Judicial decisions emphasize that freedom of the press does not mean the right to disseminate false information or interpretations distorting reality in the way devoid of any factual justification, or to present press materials in such a way as to prevent the reader from distinguishing between a statement concerning facts and an assessment formulated by the author, or presenting one's views as indisputable facts. Freedom of the press and freedom of expression therefore does not justify violation of personal interests by presenting information inconsistent with reality.[19] Freedom of the press and other mass media is not a value given to journalists or the media but it should serve the society, providing it with thorough information and shaping people's views by presenting assessments of events of universal significance. It is therefore impossible to accept that the society might benefit from the dissemination of false information or interpretations that distort reality in the way devoid of any factual justification, or from presenting press materials in such a way as to prevent the reader from distinguishing between a statement concerning facts and an assessment formulated by the author, or presenting one's views as indisputable facts. This kind of conduct is inconsistent with the mission of the press in democratic societies, as not exercising the right to information, and consequently, failing to implement public interest since the society does not gain anything from being misled, misinformed, and treated instrumentally. It is therefore in terms of misunderstanding that one should treat the reference to freedom of the press by persons/entities failing to see that it (freedom) is closely correlated with responsibility, and disseminating false information or their own opinions in the form of statements concerning facts, which always have greater convincing force than questionable assessments. This understanding of freedom of the press would express approval to the permanent lowering of the cultural standards of public debate and to the reduction of the level of decency, sensitivity, and responsibility.[20] The survey of these issues from the angle of political and legal sciences could therefore be summed up by concluding that to define the general concept of information is not of utmost importance: what is essential is the quality of truth connected with objectivity, or at least with the credibility of information. These attributes of information are analysed from the angle crucial to freedom of expression – freedom of the press: "(…) a journalist should not rely on a source that raises doubts as to its objectivity or reliability".[21]

[19] See judgment of the Court of Appeal in Warsaw of 28 June 2017, I ACa 639/16, LEX no. 2402435.

[20] See judgment of the Supreme Court of 29 November 2016, I CSK 715/15, LEX no. 2186564.

[21] Judgment of the Court of Appeal in Warsaw of 1 March 2017, VI ACa 1538/15, LEX no. 2402438.

Pobrane z czasopisma Studia Iuridica Lublinensia **http://studiaiuridica.umcs.pl**
Data: 03/11/2026 21:51:32

PRACTICAL ASPECTS OF INFORMATION QUALITY

Studies covering different aspects of the functioning of society show a general tendency towards the growing importance and amount of information, as well as the rising significance of information and communication technologies. They also point to different stages and information quality-related threats to the development of societies. Hence the emergence of terms in literature such as postindustrial society,[22] society of the third wave,[23] global village society,[24] post-market society,[25] post-capitalist society,[26] network society,[27] or information society. It is stressed that these issues are highly complex and interdisciplinary. They are the subject of interest of information science (especially economic information science), engineering science, economic science, sociology, political science, and law. All these disciplines may prove useful in the process of analysing the problems of the information society. The research tools and methods applied in them may contribute to a more complete analysis of the issues in question, and possibly to the development of a comprehensive theory of the information society.[28]

The key concept in these studies is information. L. Floridi regards information as a still misleading term. He argues that "this is a scandal not by itself, but because so much basic theoretical work relies on a clear analysis and explanation of information and of its cognate concepts".[29] R.W. Griffin sums up that information is data presented in a meaningful way.[30] The concept of information is very often defined by describing its attributes (features). This catalog contains: objectivity, communicativeness, compatibility, availability, meaning, relevance, truthfulness, continuity, accuracy, detailedness, processability, low-cost collection, credibility, usefulness, punctuality, explicitness, and uniqueness,[31] with W. Babik treating the

[22] D. Bell, *The Coming of the Post-Industrial Society*, New York 1976.

[23] A. Toffler, *Trzecia fala*, Warszawa 1997.

[24] M. McLuhan, *Nowa era komunikacji*, Warszawa 1999.

[25] J. Rifkin, *Koniec pracy. Schyłek siły roboczej na świecie i początek ery postrynkowej*, Wrocław 2001.

[26] P.F. Drucker, *Społeczeństwo postkapitalistyczne*, Warszawa 2002.

[27] M. Castells, *Galaktyka internetu. Refleksje nad internetem, biznesem i społeczeństwem*, Poznań 2003; idem, *Koniec tysiąclecia*, Warszawa 2009; idem, *Społeczeństwo sieci*, Warszawa 2011; idem, *Sieci oburzenia i nadziei. Ruchy społeczne w erze Internetu*, Warszawa 2013.

[28] See M. Goliński, *Społeczeństwo informacyjne: problemy definicyjne i problemy pomiaru*, "Dydaktyka Informatyki" 2004, no. 1, p. 45.

[29] L. Floridi, *Open Problems in the Philosophy of Information*, "Metaphilosophy" 2004, vol. 35(4), p. 560, cited after M.J. Schroeder, *Spór o pojęcie informacji*, "Studia Metodologiczne" 2015, no. 34, p. 19.

[30] R.W. Griffin, *Podstawy zarządzania organizacjami*, Warszawa 2000, p. 676.

[31] Zob. M. Deja, A. Rożej, J. Stochaj, J. Stolarski, *Organizowanie i monitorowanie przepływu informacji w jednostkach administracyjnych*, Warszawa 2015, p. 8.

Pobrane z czasopisma Studia Iuridica Lublinensia **http://studiaiuridica.umcs.pl**
Data: 03/11/2026 21:51:32

credibility of information as a consequence of the credibility of an information source.[32] K. Liderman in turn believes that information contains elements that ensure the certainty of the reliability of the message it conveys.[33]

In light of the aforementioned findings, the opposite of quality is disinformation and fake news used for disinformation. A. Demczuk defines disinformation as "any false, deceitful information that misleads the recipient, including information that is false in order to achieve such an effect, in such a way as to give the recipient useless, harmful knowledge, so that the recipient may then make a wrong decision on the basis of it. It must meet the criteria of both falsity and harm that is intentionally caused to the recipient".[34] Fake news is synthetically defined by M. Barańska as "information containing content that misleads the recipient, in order to create a belief about its reality and cause a change in behavior, attitudes and views, in accordance with the intention of the message sender, distributed *via* available communication channels".[35] At present, the aggressive policy of the Russian Federation is regarded as a particular challenge. Also dangerous is the activity of this state using non-military means (in particular, cyber-attacks and disinformation), aimed at destabilizing state structures and Western societies, and at causing divisions among members of organizations of Western European states.[36] The identification of a particularly intensive source of misinformation may result in the establishment of an institutionalized form of counteraction, e.g., like East Stratcom formed in September 2015 as part of EU diplomacy: a task force for strategic communication in the East, responsible for identifying Russian false information disseminated in the EU and Eastern partnership countries.

Also propaganda may be used to disinform. According to B. Dobek-Ostrowska, J. Fras, and B. Ociepka, propaganda is a technique of influencing the behaviors of citizens, guiding the public opinion and manipulating it. It is based on the most recent scientific achievements and results of empirical research in social psychology, sociology, political science, and communication theory, and on other social sciences.[37] Special threats from modern computational propaganda are highlighted by S.C. Wooley and P.N. Howard. These threats stem from the fact that manip-

[32] See W. Babik, *Środowisko informacyjne człowieka*, [in:] *Nauka o informacji*, ed. W. Babik, Warszawa 2016, pp. 66–67.

[33] See K. Liderman, *Bezpieczeństwo informacyjne*, Warszawa 2012, p. 18.

[34] A. Demczuk, *SARS-CoV-2 i COVID-19. Plotki, dezinformacje i narracje spiskowe w polskim dyskursie publicznym*, Lublin 2021, p. 17.

[35] M. Barańska, *The Subjective Dimension of Fake News*, "Studia Iuridica Lublinensia" 2021, vol. 30(5), p. 58.

[36] W. Fehler, A. Araucz-Boruc, A Dana, A. Lasota-Kapczuk, *Systemy sztucznej inteligencji jako wyzwanie dla sfery bezpieczeństwa i obronności RP*, "Zeszyty Prawnicze Biura Analiz Sejmowych" 2021, no. 2(70), p. 278.

[37] See B. Dobek-Ostrowska, J. Fras, B. Ociepka, *Teoria i praktyka propagandy*, Wrocław 1999, p. 32.

Pobrane z czasopisma Studia Iuridica Lublinensia **http://studiaiuridica.umcs.pl**
Data: 03/11/2026 21:51:32

ulation is assisted by computational techniques – IT automation. It encompasses all software that is interactive and ideologically oriented, i.e., it presents a definite idea, conception, or a selected perspective of public debate on political, social, or economic affairs. The software is produced by automatic bots that use false accounts and fake news networks.[38] That is why the opinion that propaganda is still politically controversial, especially in its covert form,[39] retains its relevance. It can be utilized not only to create one's own political image but also to fight political rivals.

Disinformation understood as the intentional use of low quality information prepared especially for the purpose can be a tool utilized in information warfare. J. Kossecki defines information fight as a special case of the process of social control, whose objective is to destroy the opponent by means of information. The weapon in this fight is destructive information, which:

- weakens the opponent's functional structures (primarily by impeding the transmission of information between decision-makers and decision executors),
- gives rise to ill-advised decisions, thereby prompting the opponent's wrong decisions (this is effected through entry into the opponent's system of false implementation and decision algorithms, which not only weaken it but may also result in its self-destruction).[40]

On the other hand, T.R. Aleksandrowicz perceives information fight as a conflict, in which information is simultaneously a resource, an object of attack, and a weapon, and at the same time this conflict includes the physical destruction of the infrastructure utilized by the opponent for operational action.[41]

In contrast, when describing information warfare, O. Wasiuta and S. Wasiuta present it as impacting on the population through dissemination of purposively selected information. The object of information warfare is both collective and individual consciousness. Information influence may take place both against the background of information and in the information vacuum. The resources of information warfare are various communication tools – from the media to mail and rumors. This information involves the distortion of facts or imposition upon citizens of emotional perception convenient for the aggressor.[42] The scale of the intensity

[38] See S.C. Wooley, P.N. Howard, *Computational Propaganda: Political Parties, Politicians, Political Manipulation on Social Media*, New York 2019, p. 4.

[39] See J. Hartley, *Communication, Cultural and Media Studies: The Key Concepts*, London–New York 2007, p. 188.

[40] See J. Kossecki, *Totalna wojna informacyjna XX wieku a II RP*, Kielce 1997, pp. 2–3.

[41] T.R. Aleksandrowicz, *Bezpieczeństwo w cyberprzestrzeni ze stanowiska prawa międzynarodowego*, "Przegląd Bezpieczeństwa Wewnętrznego" 2016, vol. 8(15), p. 14.

[42] See O. Wasiuta, S. Wasiuta, *Wojna informacyjna zagrożeniem dla bezpieczeństwa ludzkości*, [in:] *Walka informacyjna. Uwarunkowania, incydenty, wyzwania*, ed. H. Batorowska, Kraków 2017, p. 71.

Pobrane z czasopisma Studia Iuridica Lublinensia **http://studiaiuridica.umcs.pl**
Data: 03/11/2026 21:51:32

of undertaken action does not however change the tool used, which is low quality information.

It can therefore be assumed that the inappropriate, low quality of information may in practice have different causes. It may turn out to be only an undesirable side effect of the constantly changing society, resulting from the speed of information exchange, general cursoriness and specific consent to mediocrity. Another reason may, nevertheless, be the deliberate use of poor quality information in order to create threats to states and individuals.

CONCLUSIONS

To sum up the foregoing discussion, it should be said that the quality of information consists of many attributes, of which truth and credibility can be analysed in theoretical studies conducted using the desk research method. True information certainly enjoys the protection of freedom of expression. The expression whose source is false information can be conditionally granted the protection enjoyed by one of human rights. Of crucial significance in this case is the credibility of information resulting from verification of the informing person's credibility and from establishing whether s/he can have a specific kind of information. The first hypothesis formulated in the introduction to this article is thus positively verified.

The second hypothesis was successfully verified owing to the published results of studies by scholars investigating the development of society. That the quality of information put into circulation can be inappropriate (because of being too low) is evidenced by scholarly analyses concerning propaganda activities or actions undertaken as part of information fight or even information warfare. These activities are, in their essence, the opposite of freedom of expression. Consequently, they cannot enjoy the guarantees inherent in this freedom. Furthermore, they may conflict with human rights enjoyed by persons subjected to such unlawful actions since a manipulated message has a negative effect for example upon the right to information, whereas the unwritten but comparatively easy-to-identify attributes of the protected right include the truth and credibility of information. Another sphere jeopardized by dissemination of manipulated information is the privacy of persons/entities being in the center of public interest. These conclusions allow positive verification of the third hypothesis.

An optimistic note in the present discussion is the positive verification of the fourth hypothesis. It is possible to effectively counter the use of information of deliberately wrong quality but this requires multifaceted actions. Many problems have already been diagnosed and are even recognized as generally known facts (i.a., the mechanism of spoofing, a barrier to which would be to implement appropriate telecommunication solutions, or another threat in the form of unknowingly intro-

Pobrane z czasopisma Studia Iuridica Lublinensia **http://studiaiuridica.umcs.pl**
Data: 03/11/2026 21:51:32

ducing children into the digital world, who are too small to acquire an elementary knowledge about how to protect themselves against threats in this sphere of activity). However, there must be a political will resulting in taking a political decision. In the case of the possibility of achieving a prevention effect by implementing organizational and technical solutions, such a decision would have to result in the initiation of a legislative process, whose outcome would be legislation imposing upon appropriate entities an obligation to apply such solutions. Obviously, a barrier to making decisions might be political or financial costs. By assumption, however, ex-ante protection (prevention) may be less spectacular but is more effective than ex-post protection (which does not cover damage that cannot be measurably calculated under civil or criminal law). A positive verification of the hypothesis is therefore possible on condition of an additional assumption, which would be the taking of a political decision and its consistent implementation. In contrast, a possible lack of readiness to incur political or financial costs means a negative verification of the last research hypothesis. Since all the hypotheses specified in the introduction have been verified, it should be recognized that its goal has been achieved.

REFERENCES

Literature

Aleksandrowicz T.R., *Bezpieczeństwo w cyberprzestrzeni ze stanowiska prawa międzynarodowego*, "Przegląd Bezpieczeństwa Wewnętrznego" 2016, vol. 8(15).

Babik W., *Środowisko informacyjne człowieka*, [in:] *Nauka o informacji*, ed. W. Babik, Warszawa 2016.

Barańska M., *The Subjective Dimension of Fake News*, "Studia Iuridica Lublinensia" 2021, vol. 30(5), **DOI: https://doi.org/10.17951/sil.2021.30.5.53-74**.

Bednarowska Z., *Desk research – wykorzystanie potencjału danych zastanych w prowadzeniu badań marketingowych i badań społecznych*, "Marketing i Rynek" 2015, no. 7.

Bell D., *The Coming of the Post-Industrial Society*, New York 1976, **DOI: https://doi.org/10.1080/00131727609336501**.

Brzozowski W., *O pojęciu granic wolności sumienia i wyznania*, "Studia Prawnicze" 2007, no. 1.

Castells M., *Galaktyka internetu. Refleksje nad internetem, biznesem i społeczeństwem*, Poznań 2003.

Castells M., *Koniec tysiąclecia*, Warszawa 2009.

Castells M., *Sieci oburzenia i nadziei. Ruchy społeczne w erze Internetu*, Warszawa 2013.

Castells M., *Społeczeństwo sieci*, Warszawa 2011.

Deja M., Rożej A., Stochaj J., Stolarski J., *Organizowanie i monitorowanie przepływu informacji w jednostkach administracyjnych*, Warszawa 2015.

Demczuk A., *SARS-CoV-2 i COVID-19. Plotki, dezinformacje i narracje spiskowe w polskim dyskursie publicznym*, Lublin 2021.

Dobek-Ostrowska B., Fras J., Ociepka B., *Teoria i praktyka propagandy*, Wrocław 1999.

Pobrane z czasopisma Studia Iuridica Lublinensia **http://studiaiuridica.umcs.pl**
Data: 03/11/2026 21:51:32

Drucker P.F., *Społeczeństwo postkapitalistyczne*, Warszawa 2002.
Fehler W., Araucz-Boruc A., Dana A., Lasota-Kapczuk A., *Systemy sztucznej inteligencji jako wyzwanie dla sfery bezpieczeństwa i obronności RP*, "Zeszyty Prawnicze Biura Analiz Sejmowych" 2021, no. 2(70), **DOI: https://doi.org/10.31268/ZPBAS.2021.39**.
Floridi L., *Open Problems in the Philosophy of Information*, "Metaphilosophy" 2004, vol. 35(4), **DOI: https://doi.org/10.1111/j.1467-9973.2004.00336.x**.
Goliński M., *Społeczeństwo informacyjne: problemy definicyjne i problemy pomiaru*, "Dydaktyka Informatyki" 2004, no. 1.
Griffin R.W., *Podstawy zarządzania organizacjami*, Warszawa 2000.
Habrat D., *Protection of Human Dignity as a Basis for Penalization of Hate Speech against People with Disabilities in Polish Criminal Law*, "Studia Iuridica Lublinensia" 2021, vol. 30(4), **DOI: https://doi.org/10.17951/sil.2021.30.4.259-279**.
Hartley J., *Communication, Cultural and Media Studies: The Key Concepts*, London–New York 2007.
Kossecki J., *Totalna wojna informacyjna XX wieku a II RP*, Kielce 1997.
Liderman K., *Bezpieczeństwo informacyjne*, Warszawa 2012.
Machowicz K., *Wolność wypowiedzi w Polsce wobec ochrony prawa do prywatności*, Warszawa 2018.
McLuhan M., *Nowa era komunikacji*, Warszawa 1999.
Młynarska-Sobaczewska A., *Wolność informacji we współczesnej prasie – zakres i zagrożenia*, [in:] *Czy istnieje IV władza? Wolność prasy w teorii i praktyce*, eds. T. Gardocka, J. Sobczak, Toruń 2010.
Płatek M., *Mowa nienawiści – przesłanki depenalizacji*, [in:] *Mowa nienawiści a wolność słowa. Aspekty prawne i społeczne*, eds. R. Wieruszewski, M. Wyrzykowski, A. Bodnar, A. Gliszczyńska-Grabias, Warszawa 2010.
Podkowik J., *Bezpośrednie konstytucyjne granice wolności człowieka*, "Państwo i Prawo" 2017, no. 8.
Rifkin J., *Koniec pracy. Schyłek siły roboczej na świecie i początek ery postrynkowej*, Wrocław 2001.
Schroeder M.J., *Spór o pojęcie informacji*, "Studia Metodologiczne" 2015, no. 34.
Thornberry P., *Forms of Hate Speech and the Convention on the Elimination of All Forms of Racial Discrimination (ICERD)*, "Religion and Human Rights" 2010, vol. 5(2), **DOI: https://doi.org/10.1163/187103210X528138**.
Toffler A., *Trzecia fala*, Warszawa 1997.
Tucker J.A., Theocharis Y., Roberts M.E., Barberá P., *From Liberation to Turmoil: Social Media and Democracy*, "Journal of Democracy" 2017, vol. 28(4), **DOI: https://doi.org/10.1353/jod.2017.0064**.
Wasiuta O., Wasiuta S., *Wojna informacyjna zagrożeniem dla bezpieczeństwa ludzkości*, [in:] *Walka informacyjna. Uwarunkowania, incydenty, wyzwania*, ed. H. Batorowska, Kraków 2017.
Wooley S.C., Howard P.N., *Computational Propaganda: Political Parties, Politicians, Political Manipulation on Social Media*, New York 2019.

Legal acts

Charter of Fundamental Rights of the European Union, consolidated text (OJ EU C 202/389, 7.6.2016).
European Convention for the Protection of Human Rights and Fundamental Freedoms of 4 November 1950 (Journal of Laws 1993, no. 61, item 284, as amended).
International Covenant on Civil and Political Rights of 19 December 1966 (Journal of Laws 1977, no. 38, item 167).

Pobrane z czasopisma Studia Iuridica Lublinensia **http://studiaiuridica.umcs.pl**
Data: 03/11/2026 21:51:32

Case law

Judgment of the Court of Appeal in Białystok of 25 January 2001, I ACa 4/01, OSA 2001, no. 9, item 51.
Judgment of the Court of Appeal in Warsaw of 7 October 2004, I ACa 8/04, LEX no. 558380.
Judgment of the Court of Appeal in Warsaw of 1 March 2017, VI ACa 1538/15, LEX no. 2402438.
Judgment of the Court of Appeal in Warsaw of 28 June 2017, I ACa 639/16, LEX no. 2402435.
Judgment of the ECtHR of 26 November 1991, *Observer and Guardian v. the United Kingdom*, application no. 13585/88.
Judgment of the ECtHR of 6 April 2006, *Malisiewicz-Gąsior v. Poland*, application no. 43797/98.
Judgment of the Supreme Court of 30 October 2003, IV CK 149/02, LEX no. 209289.
Judgment of the Supreme Court of 8 February 2008, I CSK 345/07, LEX no. 448024.
Judgment of the Supreme Court of 29 November 2016, I CSK 715/15, LEX no. 2186564.

ABSTRAKT

Zarówno wolność wypowiedzi, jak i jakość informacji są istotnymi społecznie zagadnieniami. W dotychczasowych badaniach są one jednak traktowane osobno. Przedmiotem teoretycznych badań, których wyniki zawarto w artykule, jest związek tych zagadnień. Celem artykułu jest określenie wpływu jakości informacji na sposób korzystania z wolności wypowiedzi. Jego osiągnięciu służy zweryfikowanie następujących hipotez: 1) właściwa jakość informacji sprzyja zachowaniom mieszczącym się w ramach wolności wypowiedzi; 2) niewłaściwa jakość informacji nie musi mieć charakteru zamierzonego; 3) zamierzona niewłaściwa jakość informacji może prowadzić do sytuacji, które nie mieszczą się w ramach wolności wypowiedzi; 4) efektywne przeciwdziałanie wykorzystywaniu informacji o zamierzonej niewłaściwej jakości jest możliwe. Artykuł ma charakter naukowo-badawczy. Podjęta problematyka ma zasięg międzynarodowy.

Słowa kluczowe: wolność wypowiedzi; prawo do informacji; jakość informacji