

Journalism in the dock: an analysis of Folha de São Paulo Judicial discussions during the Brazilian 2018 Elections

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Abstract

This research investigates whether the judicialization of information can be used as a way to obstruct the work of journalists in crucial moments, such as during elections. To achieve the objectives, we used a bibliographical methodology, based on reading works by authors in the Social Communication and Law fields, in addition to a case law study of the case in which Folha de São Paulo, one of the biggest newspapers in Brazil, was sued during the 2018 Brazilian presidential elections. The study is justified by a scenario in which society debates the importance of work by means of communication in the face of information dissemination, including fraudulent information, that causes worldwide impacts in varying contexts, from the economic to the electoral field. The research takes place in a moment when Brazil discusses regulation to handle that issue, which is in an advanced debate stage in National Congress. We divided the study into three moments: initially we discuss the issue in the concept of fake news, then we study the context of electoral fake news beyond the means of communication in the electoral context and carry out the case study about the Folha de São Paulo case. The study focuses on the role played by journalism and the judicial system in promoting freedom of speech during the electoral period, one of the most crucial times for democracy. The results show that the role of the press during election coverage is paramount to follow the backstage and unveil scenarios related to the elections, one of the most decisive moments in a democratic system. The study evidences that judicialization can be a way to attempt to control the freedom of press and that the judiciary has an important role in protecting that right in the face of press work based on the accuracy of facts, aiming to supervise the powers and disseminate information on public interest.

Keywords: Freedom of speech. Fake news. Judicialization. Fraudulent information.
Freedom of press.