Legal Framework for Socially Responsible Social Media Platforms in Pakistan

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ARTICLE DETAILS

ABSTRACT This research is aimed to investigate wider phenomenon of possible need for legislation for regulation of social media in Pakistan. In-depth interview research method was applied under Qualitative study to investigate this phenomenon. Overall, 10 respondents from law and media departments from public as well as private sector universities of five main cities were chosen to collect their opinion with the help of 15 structured questionnaire with open ended approach. The study found out that there was no legislation existent for regulation of social media in Pakistan. The study revealed voices were raised from different corners of society including journalistic bodies labelling restriction and embargo on freedom of speech. The study concluded that the government should introduce such legislation after having detailed discussion with relevant stakeholders including public sector media organizations, information departments, law and media departments and other relevant stakeholders. The study concluded that socially responsible legislation was required for socially responsible social media in Pakistan.

Purpose: The basic objective of this study was to unearth existing legal framework for regulation of social media in the country at par with the international best standards for regulation of social media. This study was tasked to ascertain the opinion of the relevant stakeholders of social media of public and private sector and recommend socially responsible social media in the country. However, the legislation should equally be acceptable for all the relevant stakeholders to make social media effective with its positive use in the long run.

Design/Methodology/Approach: Qualitative study was employed along with in-depth interviews having 15 structured questions with open approach to collect data from 10 respondents from five media and law departments from public and private sector universities.

Findings: The results showcased the findings that there was no existent legal framework for regulation of social media in hand. However, in recent past, the federal government has constituted a separate department called National Cyber Crime Investigation
Agency (NCCIA) to regulate social media as well as investigate online crimes being committed on social media. However, the legislation was unavailable in this regard. The results revealed all the stakeholders can assemble at one point and draw an effective legislation in this regard to make social media socially reasonable.

**Implications/Originality/Value:** This study seems valuable to the extent as it provides a ray of hope to the depressed consumers of social media especially the parents and teachers as the socially responsible legislation may turn social media as positive platforms. This study may also provide guidelines for the future researchers to investigate the phenotype at provincial and district level in the country.

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**Introduction**

**Background of Study**

In today’s world, 2.19 billion are users of Facebook, 1.57 billion users of YouTube, and 336 billion users express their thoughts on X. Social media platforms have ensured borderless communication flow about social, cultural, ideological and artistic expression (Myers, Syrdal, Mahto, & Sen, 2023). The freedom of speech has been protected under First Amendment enshrined in the 7-page long Constitution of the United States of America. Every American citizen enjoys massive freedom to criticise its government functionaries including their President, Vice President, Secretary of State, CIA Chief, Administration and the Congress as well (Lasson, 2022). Absolute freedom of expression especially on social media has increased cybercrimes i.e., hate speech, copyright infringement, child pornography, online violence, stalking, and incitement of violence have pushed different governments to enact laws for regulation of social media networks (Kethineni, 2020). But the governments have ensured freedom of expression should not be comprised in the name of regulation of social media. For stance, in recent past, massive protest have been witnessed in different parts of the globe including in major cities of the developed nations against Israeli atrocities against innocent Palestinians (Uri, 2014). The Turkish Radio and Television Corporation (TRT) has launched a series of reels on its social media platforms wherein a large number of citizens are shown criticizing their government functionaries for an unconditional support of the USA backing Israel to commit war crimes in Gaza (Gerstenfeld, 2010). In one of the reels, the US President Joe Biden confronted a beleaguered young female surrounded by a large numbers people during Joe Biden’s speech at Mother Emanuel church in Charleston, South Carolina. The young female went on rampage and interrupted the President and shouted at him,

“Ceasefire now. Ceasefire now”. Upon which, the US President had to utter words like, “I have been quietly working with the Israeli government to get them to reduce and significantly get out of Gaza and using all that I can to do that”.

During another televised video, Hillary Diane Rodham Clinton confronted the same situation wherein a young man shouted at her by saying,

“You are a war criminal! The people of Libya, the people of Iraq, the people of Syria, the people of Yemen, the people of Palestine, as well as the people of America, we will never forgive you. Free, free Palestine! Linda, Linda, Raise your hands. You killed kids on stolen land. Free, free Palestine”.

There are lot of reels, which went viral on various social media platforms ensure the guaranteed
freedom of speech to the US citizens enshrined in their constitution (Tornada, 2023). Furthermore, the USA and other developed nations have implemented unprecedented censorship on mainstream from airing pro-Palestinians material, wherein the social media jumped into to fill that gap and such reels and videos are tangible evidences for representing the voices of masses of developed nations supporting Palestine (Sahhar, 2015). Social media platforms have become mouthpieces for raising voices for humanitarian aid, freedom of Gaza, free Palestine and for the respect of humanity being victimised by the atrocities of Israel. However, on the other side, the social media users in third world countries including Pakistan are using the mediums without a sense of responsibility (Kvasničková Stanislavská, Pilář, Margarísová, & Kvasnička, 2020). For instance, social media platforms aired a news that “Anwar Maqsood died” and the news was aired from one Maqsood’s verified social media account. Contrary to the situational fake news, Anwar Maqsood appeared before camera and shared, ‘I’m alive’ and went on to implore the folks to never trust on social media platforms besides sharing of having not a single personal social media account”. In another incident, social media platforms scandalized one of the Pakistani’s leading higher education institute i.e., Islamia University of Bahawalpur into a fake and fabricated ‘sexual and drugs scandal’. Multiple government institutions carried out back-to-back inquiries but found nothing. The provincial government of the Punjab Province sent a one-man Judicial Commission led by Justice Sarfaraz Dogar, who, after a weeklong investigation, concluded the ‘scandal’ was fake. The Judicial Commission fixed the responsibility on five policemen including a former District Police Officer Bahawalpur and a private person and two social media personnel. In a similar incident in Bahawalnagar, the social media went on to blame two prime state institutions to the extent that it built a perception among general masses that “two state institutions were at loggerheads”. Social media platforms have been found misusing its ‘authority’ by spreading fake news and disinformation thus displaying ill-mannered social behaviour (Cortada & Aspray, 2019).

Rationale of Study
The rationale behind this study is a quest to find out the legal framework for developing socially responsible media in Pakistan. The world is changing drastically day-by-day with the advent of technological advancement. For instance, Artificial Intelligence (AI) has changed the entire information management landscape thus having great impact on media functionality in different parts of the world. Traditional media houses including print media i.e., newspapers and electronic media i.e., televisions have adopted modern approach of information flow. Social media have dominated the traditional media mediums and now even the traditional media has been forced to follow the social media platforms operated by world leaders. However, like other mediums, social media also have certain associated problems. The rationale behind this study is explore the doable solutions to further ensure smooth functioning of social media platforms having positive outcome on Pakistani society.

Statement of Problem
As social media platforms have great impact on functionality of the traditional media platforms, there is dire need to ascertain exact problems associated with social media platforms. For instance, unreliable information, unauthentic sources of information, propaganda, fake news, misinformation etc are key problems of social media. The phenomenon of fake news has surfaced several issues, which are affecting adversely the social fabric of different societies of the third world nations. For example, there seems several regulatory frameworks for smooth operation of traditional media but third world countries still lack legal framework for social media platforms. Different relevant stakeholders consider legal framework as a ‘restriction’ or ‘ban’ on freedom of speech. Therefore, different voices mainly from journalistic circles emerge as an opposing wall in front of the government’s move of introduction any legal regulatory framework for social media. However, such voices are mum over the grave damage caused by fake news spread on social media platforms in past on various occasions. This study may be an effort to address this main issue by searching some doable answers.
Research Objectives
1. To analyse existing legal framework for regulation of social media
2. To explore authenticity of social media
3. To suggest socially responsible regulatory framework for social media

Research Questions
4. What is an existing legal framework for regulation of social media?
5. How social media can become an authentic source of information?
1. What can be socially responsible regulatory framework for social media?

Literature Review
Regulation of social media has become a burning question among developing countries wherein the trends of fake news has shaken the trust of society (Ravenelle, Newell, & Kowalski, 2021). Different research studies have strengthened this notion that various researchers have concluded that social media platforms have dramatic and significant impact on our lives and the lives of the generations in the days to come (Leung, 2013). However, they believed over-regulation on social media can also lead towards undermining freedom of expression. Notwithstanding the reality of having paramount effect of social media on social fabric, economic life, political structures and socio-cultural lives of societies (Dahlgren, 2011). However, negative and excessive use of social media have created immense problems as well. According to a study, different stakeholders have expressed mixed opinions about freedom of expression, regulation of social media and restrictions on freedom of speech. Good regulation can further enhance efficacy and authenticity of the social media platforms and it can lead towards developing socially responsible social media (Balkin, 2017; Dwivedi et al., 2021).

According to another study, governments can enact laws for regulation of social media but the government’s action must be justified because there would be voices of freedom of expression among different circles of society especially the journalistic bodies and news organizations would raise voices against the government’s action (Suzor, 2019). As per the United Nations Special Rapporteur on Freedom of Opinion and Expression, ‘fake news’ and ‘non-objective’ information dissemination are two different and opposing concepts which pave the ways for prohibition on the spread of misinformation with a propaganda in mind (Trinder, 2021). According to the House of Commons of the United Kingdom, a committee on Digital, Culture, Media and Sports, there was a dire need of spreading awareness among general public about digital literacy, because fake news was a potential threat and could lead towards stringent restrictions on misuse of social media (Vese, 2022).

According to a study, advancement of technology has transformed an eastern country into a ‘Digital Bangladesh’ but misuse of social media has also increased ratio of cybercrimes in the country. The study concluded that the country also enacted Information and Communication Technology Act 2001 but the legislation was found quite insufficient to prevent cybercrimes especially when social media emerged after the enactment of the abovementioned law. In order to combat increasing cybercrimes, the Bangladesh government has enacted a new Digital Security Act 2018, which deals with online offences committed on Facebook, Instagram, X (Twitter) and other social media platforms (Babu, 2023).

According to a study, the Australian government also introduced a Criminal Code Amendment Act 2019 to curtail ‘abhorrent violent conduct’ on various social media platforms by ensuring immediate removal of violent conduct from the said platforms (Valcic, 2021). A study concluded that fraudulent and cheating practices on social media platforms have become a growing lucrative business. For instances, credit cards crimes, online banking fraud, offering lucrative jobs, and such nature of other frauds are a few examples in this regard. The Supreme Court of the USA Justice
Louis Brandeis in 1927 expressed his thoughts in one of the verdicts by sharing that instead of imposing silence (restrictions) the concepts like falsehood and fallacies can only be defeated through more speech. According to a study, the United Nation’s Human Rights Council also confirmed the ‘right to freedom of speech’ and access to information in the USA in Cyberspace in 2012. In some of the States, ‘hate-speech’ has been labelled as crime along with a legal recourse to deal with the persons involved in hate speech but in most of the states of the USA, there is absolute freedom of expression and access to information (Ivanova & Myltykbaev, 2020).

A study revealed that the German Government enacted the German Act in 2017 commonly known as the Network Enforcement Act (NetzGD) to curtail illegal use of social media communication in the country. This was an effort to improve authenticity of information flow on different social media networks. This legislation was first in nature introduced across the globe to regulate illegal content shared on social media networks (Celeste, 2019).

According to a study, different social media platforms including Facebook, X (Twitter), YouTube, Instagram, LinkedIn and other platforms already have introduced internal regulatory policies by inking a memorandum of understanding ‘Code of Conduct’ with the European Commission, which ensure prevention of hate speech. However, different countries have also enacted laws to curtail hate speech and other online violence in accordance with their native cultural and religious bindings (Prystai, 2024). A study revealed that the unchecked spread of hate-speech on social media platforms has been enlisted in the United Nations by its Secretary General as one of the major human rights challenges. Findings revealed that stringent legislation was necessary to counter this hate-speech and shun other fraudulent practices on internet through social media platforms. The study further concluded that there needs to be a coherent national legal framework to tackle multi-faceted process of hate-speech on social media (Denu, 2021).

According to the Council of Europe Committee of Ministers Declaration, there should be no compulsion on freedom of speech on internet or broadly on social media platforms but the committee stressed upon the need that freedom of speech should avoid spreading prejudice approach to injure human dignity, insult to sentiments of others especially minors and human rights violations. According to another study, YouTube and Twitter have wider internal regulatory process, which immediately remove hate-speech content against any person or a group of people but the USA was avoiding to sign the document of Additional Protocol to Cybercrime Convention to criminalize hate-speech (Scott-Baumann & Perfect, 2021).

According to a study, the French government has empowered its Regulatory Broadcasting Agency (RBA) to monitor, interrupt, suspend and even rebuke broadcasting false and fake information online. The rationale behind this approach was to ensure safeguarding the honesty and credibility of the electrical process in France when the French government was opposing electronic voting and online information dissemination on internet (Small & Small, 2021).

According to a study, the government in Pakistan has made efforts at several occasion to introduce regulatory framework to curtail spread of false information, fake news, disinformation and hate speech because the social media platforms enjoyed unregulated immense power in Pakistan. Findings of the study revealed that unregulated power of state and the powers of other non-state actors were causing manipulation of society as per their wishes and whims. However, the state remained unable in introducing any legal framework but regulation of social media thus transforming this medium into a socially responsible and credible media platform (Alshehail, 2022).

Knowledge Gap
After detailed literature review of existing body of knowledge available in English content, it has
been established that social media platforms like YouTube, Facebook, X, Instagram and others have internal regulatory networks which, to some extent, prohibit hate-speech, unethical content, Xenophobia, etc on social media platforms or on internet. The United Nations’ General Assembly, European Union Commission, Additional Protocol against Cybercrime Convention and other platforms have enacted laws and policies to ensure freedom of speech but in responsible manner. The literature search revealed that Pakistani government at multiple occasions tried its best to introduce a legal framework for social media at par with the international best practices adopted by the developed nations, but owing to multiple reasons especially strong voices from the journalistic bodies and news organizations, the government remained unable to introduce any such legal framework. Therefore, it seems a great room for improvement exists in this sector and this paper is an effort to explore the areas, which may assist the people in power corridors to introduce doable legal setups duly accepted for all the relevant stakeholders to comply with for wider national interest.

Theoretical Conceptual Framework

Background

The Commission on Freedom of the Press outlined different concepts about press freedom. Besides others, different scholars introduced a Social Responsibility Theory (SRT) wherein they stressed upon the need to adopt social responsibility theory while dissemination of information (Koltay, 2015). For instance, they agreed to the core objective of media freedom or freedom of expression but imposed a condition of ‘self-responsibility’. In other words, the SRT outlines that press should enjoy absolute freedom without any restrictions, however, the editorial board of the news organizations themselves involve public representatives in their editorial policy, who may assist the newsmen in devising policies, developing content and broadcasting such content which should ensure safety of public rights. In case of violation of public policy, the news organizations should introduce punishment model for the violators. In late 1990s, however, Hachten and Stevenson altogether dropped the SRT from their schema of press freedom and adopted the idea of freedom of expression as flourished by the Western countries (Ngugi, 2008). However, the Press Foundation of Asia evolved a new concept of developmental journalism and developed courses. This catchy phrase was developmental journalism was labelled as ‘government-say-so-journalism’ and the Anglo-American scholars dissociated from this developmental journalism model. The western scholars, however, have revisited their thoughts and now they have coined the term ‘public journalism’ which is gaining momentum in the USA. The SRT believes press should be free from any chains but it should act in responsible manner (Rothenberger, Tribusean, Hoffmann, & Löffelholz, 2019).

Relationship of Theory

The SRT seems quite relevant to the study in hand as the theory stressed upon the need for media to adopt responsible approach for broadcasting media content. The theory further urged the media conglomerates to involve public representatives in decision-making for evolving editorial policy with consumer-centric approach. The champions of the social responsibility theory believed the owners of the media organizations need to think about editorial and news reporting content and involve public opinion before broadcasting the content. This theory seems quite suitable for this study because it widens the scope of the overall media functionality conditioning public interest. In fact, this SRT provides viable and doable guidelines for media organizations and owners of the media outlets to always keep in mind the public interest first and then broadcast the media messages. Therefore, this theory seems suitable for developing media socially responsible besides providing its absolute freedom of expression.

Methodology

From two major methodological paradigms including qualitative and quantitative, the researchers of this study found qualitative approach was appropriate for this study. In fact, the researchers
examined different methodological approaches in view of the phenomena under discussion and found qualitative methodology could be employed to discuss this unique phenomenon. For instance, quantitative methodology could provide statistical results with ratio of men, women, adults and respondents of other age groups about need of developing, adopting, enactment or implementation of possible legal framework but qualitative approach would provide exact and appropriate understanding to the policymakers. Moreover, from multiple qualitative methods for data collection, the researchers found this study in hand desires in-depth understanding would provide ample insight into the phenomena of adoption of legal framework. Therefore, a semi-structured method of in-depth interviews along with 15 open ended questions was adopted for this study.

**In-Depth Interviews**

In-depth interviews of 10 respondents were conducted through telephonic conversation while providing the questionnaire in advance to them. Lahore, Multan, Bahawalpur, Rawalpindi, and Gujranwala cities were selected as population of the city and two respondents were chosen from each city, and from higher education institutions / media / law departments to know their opinion about any legal framework available or should be adopted for regulation of social media platforms. The rationale behind this methodological approach was to gather respondents’ opinion from media departments instead of taking opinion from media men as they would definitely link it to freedom of expression. Furthermore, there seems no social media reporter working in any news organization till date in Pakistan.

**Data Analysis**

To collect and analyse qualitative data, the researchers prepared a detailed interview protocol guides for the respondents with given scheme as:

**Respondents for Legislation for Regulation of Social Media in Pakistan**

In-depth interview participants [two male and one female] from media and law departments were chosen in Pakistan.

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<th>Name</th>
<th>Byname</th>
<th>Gender</th>
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<tr>
<td>Muhammad Aslam</td>
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<td>Niaz Ahmad</td>
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The researchers have set three main themes which are given as:

1) Existing Legal Framework for Regulation of Social Media
2) Authenticity of Social Media
3) Socially Responsible Regulatory Framework for Social Media

**Theme No. 1**

**Existing Legal Framework for Regulation of Social Media**

There were certain questions which emerged during hectic literature review and three main themes were set by the researchers. For instance, what is the existing legal framework for regulation of social media in Pakistan? According to a respondent,
“Currently, Pakistan contains only one body i.e., Pakistan Electronic Media Regulatory Authority, and this body is meant to deal with electronic media only. This authority has nothing to do with social media”.

Similarly, another respondent having professional experience of law before joining to public sector and hailing from law department of a public sector university of Lahore believed as,

“The Prevention of Electronic Crimes Act 2016 was enacted to deal with crimes committed online in different sectors including banking, digitally fraudulent practices etc, but nothing has been enacted so far to deal with social media”.

Interpretation of Theme: - the respondents from various walks of life believe the social media was functioning without any boundary rather the law enforcement agencies were demanding from the government for enactment of laws to curtail defamatory use of social media. As per the responses collected regarding this theme, the PEMRA was the sole existing body to deal with the electronic media functionality in Pakistan and there were certain other associations of media organizations to deal with print media. However, the government was planning to enact certain laws for social media. The Prevention of Electronic Crimes Act 2016 was yet other legislation but again this was for the prevention of online crimes, which certainly were not related to expanding role of social media in Pakistan.

Theme No. 2
Authenticity of Social Media
Authenticity is considered the core element of any medium of mass media. Once print media was considered an authentic medium for news followed by electronic media which also attracted credibility in wake of an unprecedented wave of terrorism in recent past in Pakistan. However, social media, which is comparatively new medium still have to achieve credibility. According to a female respondent hailing from department of media and communication of a public sector university,

“Credibility and authenticity are quite important factors to unearth truth and reality ranging from news to analysis but this element is lacking in social media information spread model till date”.

Likewise, another male respondent from law department stated as,

“Credibility is itself a reality. If social media cause a source of spreading fake and false news then it ultimately lost it’s impact in the eyes of public. Social media does not have credibility till date”.

Interpretation of Theme: - print and electronic media had established their credibility in news because it has at least three layers of fact checking. For instance, information for news was checked by the person levelling allegations against the accused; accused himself and then it was checked from third independent source. Therefore, news published in newspaper or aired on any electronic media screen was believed to be credible and an appropriate action was initiated by the relevant government body. Furthermore, the PEMRA also used to initiate disciplinary action against the news channels for broadcasting fake, false and propaganda-oriented content to injure any party, group or individuals. However, such element is lacking these days for regulation of social media because there is no legislation, law or any government body to deal with social media. Therefore, authenticity is lacking in social media information model.

Theme No. 3
Socially Responsible Regulatory Framework for Social Media
Socially responsible media is always in favour of strong democratic societies across the world. However, when it comes to regulation, all the mediums of mass media start fearing from this concept
because regulation of mass mediums is widely interlinked with the concept of freedom of speech. According to a female respondent of a public sector university of Lahore,

“The Federal Government has recently constituted a National Cyber Crime Investigation Agency (NCCIA) in Pakistan to deal with social media. This is a regulatory mechanism for social media and it will deal with cyber-crimes across the country. This is indeed a very good development.”

As per another male respondent,

“The establishment of NCCIA is a good omen but still legislation is required with clear direction. For instance, the NCCIA has been separated from the Federal Investigation Agency of Pakistan. So, we can say it’s already establishment entity within FIA without any legislation”.

The FIA is already dealing with online frauds and the Cyber Crime Wing was part of the FIA before newly established NCCIA. Still there is a long journey ahead for effective legislation of the NCCIA, so, at this point nothing firm can be affirmed. According to a respondent of law department of Bahawalpur,

“Socially media should work under social responsible theory of mass media so that we can utilize social media with positive objective. Till date, social media is working without any boundary or restriction or any socially responsible concept. We need to make social media effective with clear and positive objective”.

**Interpretation of Theme**: - in recent past, the government of Pakistan has issued a notification wherein it has been mentioned that the government has constituted a separate body from the FIA named as NCCIA. This body will supervise cyber crimes being committed on social media and other internet services. According to the notification, this body will regulate social media but still no law has been enacted. All the respondents of this study have focused on formulation of a legal mechanism having strong lawful backing. The government was desiring to introduce such legislation but different media outlets and digital journalists start protesting against such legislation labelling it with the freedom of speech. However, the respondents believed the government should step forward and enact such laws because safety and security of privacy of lawful citizens of Pakistan was the prime job of the government.

**Findings**
This study has found out that the government of Pakistan was quite serious for regulation of social media but there is certain difference of opinion about regulation of social media. Difference of opinion on mechanism is vivid to the extent that such legislation should avoid imposing embargo in free and transparent flow of information as it was the basic right of the public to know. The study further found out that there is no effective legislation existent for regulation of social media in Pakistan rather any such voice raised from any corner is believed to be a restriction on freedom of expression on social media platforms. Freedom of speech and freedom of expression are linked with basic and fundamental rights of the lawful citizens of democratic societies across the globe. Article 19-A of the Constitution of Islamic Republic of Pakistan 1973 and Right to Information Act also guarantee the ‘basic right to know’ about any development happening in public sector bodies of Pakistan. The study revealed that social media was replacing traditional media i.e., print and electronic media but without any regulation, it was endangering the privacy of other citizens using social media platforms. For instance, the study found out that legislation for regulation of social media was equally required
for the security of privacy but it should be socially responsible. The study further revealed that socially responsible social media would be beneficial for the citizens as well as for the government as well.

**Conclusion**

This research study concluded with this affirmation that effective legislation for socially responsible social media was necessary for cyber safety and cyber security of the individuals of the country. The study concluded that to make social media socially responsible, ‘socially responsible legislation’ was required otherwise it would be labelled as restriction on freedom of speech. The study concluded that federal law ministry of the government, provincial ministries of law, law and media departments of public as well as private sector universities and other relevant stakeholders should be involved in finalization of document for enactment of law for regulation of social media. The news channels [public and private sector], the press information department, directorate general of public relations and journalistic bodies should also be involved for brainstorming to make it a comprehensive legislation and then it should be put for discussion, improvement and enactment in the national assembly of Pakistan.

**Recommendations and Suggestions**

After detailed discussion and analysis, the researchers suggest following recommendations given in following order:

1. The journalistic bodies should welcome such legislation for regulation of social media for cyber security and safety of public at wider level.
2. The press information department and other public sector departments should introduce such legislation for brainstorming of relevant stakeholders before enactment of such law.
3. The federal government in consultation with provincial governments of Pakistan should initiate such legislation for regulation of social media.
4. The federal government ministry of higher education including HEC and PHEC should also circulate such document to law and media departments for discussion and finalization of such document.
5. A massive awareness campaign should also be launched for public awareness for positive and meaningful use of social media.

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