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Adaptive Reconstruction of Communication Laws and Regulations in Platform Communication Scenarios with Subject, Behavior, and Responsibility Paradigm Transformations

Xue Li

Humanities and Law School, Chengdu University of Technology, Chengdu, Sichuan, China

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Abstract: The technical architecture of digital platform reconstructs the order of information dissemination, which forces the systematic adjustment of subject, behavior and responsibility of communication laws and regulations. Focusing on the paradigm shift of legal regulation in the platform communication scene, this paper puts forward a three-fold adaptive reconstruction path: in the subject dimension, it breaks through the traditional media organization accreditation standards and establishes a gradient accreditation system of " quasi-news communication subject" based on communication influence indicators; In the behavioral dimension, it reveals the dual legal attributes of " technical tool" and " communication will " of algorithm recommendation, and constructs a new qualitative framework of communication behavior ③ with algorithm involvement as the core; In the responsibility dimension, we should innovate the dynamic rights relief mechanism and risk prevention system, and form a collaborative governance model of " technical compliance-industry self-discipline-judicial guarantee" .

1. Introduction

The emergence of digital platforms as the dominant communication infrastructure has fundamentally reshaped the landscape of information dissemination. Their unique technical architectures – characterized by algorithmic curation, massive scale, network effects, and user-generated content – have dismantled traditional, linear models of information flow, creating new dynamics of influence and reach. This technological paradigm shift exerts immense pressure on the established frameworks of communication laws and regulations, which were largely conceived for an era dominated by centralized media organizations. The core challenge lies in the profound misalignment between these legacy regulatory structures and the novel realities of platform-governed communication. Existing frameworks struggle to adequately define the subjects responsible for content, qualify the behaviors involved (especially those driven by algorithms), and assign appropriate responsibilities and remedies in this complex, multi-actor environment. [1]

This paper aims to contribute a coherent and actionable blueprint for recalibrating communication laws and regulations to effectively govern the power and complexities of digital

platform communication infrastructure, ensuring they serve the public interest while navigating the realities of the digital age.

2. The subject problem: the reconstruction of the identification standard of the platform as the " quasi-news dissemination subject"

2.1. The dual dilemma of legal identity

2.1.1. Failure of traditional subject identification standard

(1) Limitation of the applicability of the dual framework of "content producer-disseminator"

The definition of " Internet information ①service provider" in Article 15 of the current Measures for the Administration of Internet Information Services fails to cover the new communication mode that the platform aggregates and reorganizes user-generated content through algorithms, resulting in an institutional vacuum in identity classification. [2]

(2) Technical resolution of the elements of "editor's responsibility"

The responsibility identification chain of " manual review-editing and publishing" in traditional news laws and regulations fundamentally conflicts with the automatic communication mechanism of" user uploading-algorithm distribution" on the platform, resulting in the application dilemma of the" necessary measures" clause in Article 1195 of the Civil Code concerning the indirect tort liability of network service providers.

2.1.2. Role conflict between the appearance of technology neutrality and the substantive control of communication

In the digital communication ecology, the technology platform is often shown as a" neutral tool" , but the deep logic of its technical architecture and rule design often implies substantial control over the communication content. This separation between the technical representation and the power essence has triggered the ethical dispute over the positioning of the platform role and the structural contradiction of social governance. [3]

(1) The technical attribute of the algorithm architecture masks the platform content intervention ability.

The platform packages the algorithm as a value-free mathematical tool through technical discourses such as" data-driven" and" user preference". However, the feature engineering, weight setting and feedback mechanism of the algorithm all imply artificial value judgment, such as the heat attenuation coefficient of the recommendation system and the dynamic update of the sensitive thesaurus, which essentially constitute the visibility of information.

Concealed regulation. At the same time, the platform transforms social content governance④ requirements into technical parameters (such as content security threshold and traffic allocation rules), and achieves control objectives through the" self-optimization" mechanism of machine learning. This process of transforming political decision-making into technical decision-making not only evades public accountability, but also maintains the moral high ground of technology neutrality.

(2) The format text of the terms of the agreement weakens the responsibility cognition of the subject of communication

The user agreement is designed with a long and obscure clause structure and a forced click interaction. In the user registration process, the" I have read and agreed" button is often placed in the visual focus with a high saturation color, while the" View Agreement" link is often hidden at the edge of the interface with a smaller font size. This makes most users choose not to read completely

or even directly, thus transforming the platform responsibility into the user's unilateral obligation, and finally forming the collective unconscious transfer of users'data sovereignty and content rights, and the closed loop of the platform's liability exemption under the legal cloak of" users' independent consent" .

2.2. The dynamic evolution of accreditation standards

2.2.1. Functional Evolution from" Tool Provider" to" Communication Leader"

Digital platform has evolved from a simple information transmission channel to a core builder of communication order. It reconstructs the whole chain power relationship of information production, distribution and reception through the infiltration of the bottom layer of technical architecture and the implicit control of communication rules. This qualitative change of role poses a fundamental challenge to the regulatory framework of traditional communication law based on the assumption of" neutral media", and it is urgent to redefine the legal status of the platform from the perspective of functionalism. [4]

2.2.2. Index Construction of Communication Effectiveness Evaluation System

The traditional legal framework is based on the binary judgment of objective results and subjective intention, which is difficult to cope with the complexity and concealment of platform behavior in the era of algorithm. It is necessary to build an evaluation system with the relationship between rights and obligations as the core and technical characteristics as the observation dimension, and bring the platform communication behavior into the normative vision of legal evaluation to realize the transformation from technical facts to legal facts.

2.3. The system debugging path of power and responsibility matching

The tension between the expansion of platform power and the limitation of responsibility is essentially the normative dilemma of unbalanced allocation of rights and obligations in the digital age. It is necessary to reconstruct the normative structure of the relationship between power and responsibility through the two-way interaction between legal interpretation and institutional innovation, and realize the substantive integration of technical governance and the principle of rule of law, establish a" technology-communication" compound responsibility identification framework.

(1) Gradient standard for distinguishing basic service provision from dissemination of value-added services

Based on Article 1195 of the Civil Code, the standard of" substantial control" is introduced. Maintain the principle of fault liability for acts that only provide technology-neutral services such as information transmission and storage;For those who deeply participate in information dissemination through algorithm sequencing and traffic intervention, the principle of fault presumption is applied, and the platform is required to prove that its technical design has done its duty of reasonable care.

(2) Responsibility measurement model with weighted coefficient of communication behavior

According to the" Important Internet Platform Obligations" stipulated in Article 58 of the Personal Information Protection Law, the risk weight coefficient evaluation model is constructed. The algorithm is involved in depth (technical dominance), information diffusion range(social impact Power) and the probability of infringement of rights(degree of damage to legal interests)as the core variables, and the parameter weight interval is set through judicial interpretation. When the comprehensive coefficient exceeds the legal threshold, it triggers the special review obligation and aggravated legal responsibility of the platform.

3. The behavior problem: algorithm recommendation as the legal nature of new communication behavior

3.1. The normative conflict of the definition of legal attributes

3.1.1. Dilemma of constitutional rights balance

The technical operation mode of digital platform is reshaping the realization mode of constitutional basic rights, and the traditional right protection paradigm is facing the deep challenge of technical power redistribution. It is necessary to reconstruct the dynamic balance mechanism between technical governance and basic rights protection under the framework of constitutional hermeneutics. [5]

3.1.2. Departmental regulations are out of focus

In response to the spread of platform algorithm, the existing departmental law framework presents structural dislocation between regulatory tools and regulatory objects, which needs to be bridged by legal interpretation and system renewal.

On the one hand, the function of the interpretation clause is empty. There is a fundamental contradiction between the interpretation right of automatic decision-making stipulated in this article and the black box characteristics of the algorithm. When the platform refuses to disclose the core parameters of the recommendation algorithm on the grounds of" trade secrets" , users often get a stylized explanation that is divorced from the specific decision-making context, which cannot achieve the legislative purpose of Article 24 of the Personal Information Protection Law to protect the right to know. It is necessary to turn the interpretation standard into decision-making causal chain disclosure through judicial interpretation, and require the platform to at least explain the selection rules of characteristic variables and the logic of weight distribution, so that the interpretation right can be changed from formal declaration to substantive restriction.

On the other hand, the continuous failure of the consent rule. The current " inform-agree" framework is difficult to regulate the continuous portrait recommendation behavior. The general consent checked by the user for the first time is interpreted by the platform as unlimited authorization for dynamic data collection and algorithm iteration, which leads to the ineffectiveness of the principle of" specific and clear" purpose restriction stipulated in Article 13 of the Personal Insurance Law. The mechanism of" dynamic consent" should be introduced, and the obligation of re-authorization should be set for the change of data usage scenarios(such as the use of shopping data for political content recommendation), and" micro-consent" (such as the revocable authorization of a single recommendation)should be realized through technical means, so as to rebuild the balance between autonomy of will and technical manipulation.

3.2. The hierarchical construction of the legal qualitative framework

The gradient identification of platform legal responsibility should be based on the substantial influence of technical behavior, and the accurate anchoring of legal evaluation should be realized through typological standards to avoid the structural contradiction of the coexistence of responsibility generalization and regulatory gaps.

3.2.1. Dichotomy of behavior nature

(1) Technology neutral behavior

Strictly limited to the basic technical services without additional value judgment, including but

not limited to physical layer support behaviors such as data storage, network access and server hosting. The core feature of this kind of behavior lies in the complete decoupling between technical function and content dissemination, that is, service providers have neither the ability nor the intention to intervene in the information dissemination process.

(2) Communication intervention behavior

The strict liability of Article 47 of the Cyber Security Law is triggered, and the platform is required to bear the burden of proof on the correlation between its technical behavior and illegal consequences. The composition of responsibility should meet three requirements at the same time: the algorithm system has amplification effect on the dissemination of specific content, the platform has substantial control over the configuration of algorithm parameters, and there is a provable causal chain between illegal behavior and algorithm intervention behavior.

3.2.2. Compliance obligation gradient setting

The hierarchical allocation of platform compliance obligations should follow the principle of proportionality, match the differentiated responsibility intensity according to its technical control and social influence, and avoid the double damage of" one size fits all" supervision to technological innovation and rights protection.

(1) Basic compliance requirements

According to Article 24 of the Personal Information Protection Law, the platform should clearly explain the core logic of the recommendation mechanism to users, including but not limited to basic recommendation parameters(such as geographical location and equipment information), content sorting rules(such as heat weight and aging coefficient)and data usage scope. The explanatory text should conform to the standard of" understandable by ordinary people" and avoid using technical terms such as" collaborative filtering" and" neural network" to blur the disclosure essence.

(2) Enhance compliance requirements

Prior review mechanism: For large platforms with an average daily push volume of more than 1 million times, a dynamic matching system of" push scale-audit ability" shall be established according to Article 47 of the Cyber Security Law. Including the deployment of AI preliminary review system (recognition accuracy≥95%), the retention of manual review team(the ratio of auditors to push volume≥1:5 million), and the full review of high-risk areas such as current politics and medical care.

Obligation of continuous monitoring: the platform needs to generate a map of hot content propagation tracks every hour, record key nodes(such as forwarding fission rate and cross-layer diffusion path)and analyze abnormal fluctuations(such as the surge of forwarding volume within 15 minutes)

500%). When suspected illegal information is found, the data traceability mechanism stipulated in Article 29 of the Data Security ②Law shall be started immediately to save the complete transmission link evidence.

3.3. The legal transformation of risk regulation mechanism

The effectiveness of risk regulation in the digital age needs to be based on the deep adaptation of legal norms and technical characteristics, and the paradigm transformation from passive response to active prevention and control can be realized by constructing a hierarchical regulatory framework and a multi-collaborative governance system.

3.3.1. Hierarchical supervision system

Low risk: the content dissemination rate is less than 10, 000 times per hour, and the influence

scope does not exceed the provincial administrative region;

Medium risk: the transmission rate reaches 10, 000-50, 000 times per hour, or the influence scope covers more than two provincial administrative regions;

High risk: the transmission rate exceeds 50, 000 times per hour, or a national issue is formed to trigger a systemic public opinion crisis.

3.3.2. Collaborative governance system

(1) Innovation of administrative supervision

According to Article 8 of the Administrative Regulations on Internet Information Service Algorithm Recommendation, the platform needs to file the core parameters of the algorithm(such as feature weight value and feedback learning rate)and major update logs with the network information department, and the filing information will be publicized every quarter for social supervision;

(2) Platform self-discipline mechanism

The platform should set up an algorithm ethics committee(the proportion of external experts is≥40%)to conduct quarterly ethical impact assessment on the recommended algorithm according to the Measures for Ethical Review of Science and Technology, and the assessment report should be included in the scope of corporate social responsibility disclosure;

4. The responsibility problem: the three-dimensional reconstruction path of the dissemination of laws and regulations

4.1. The upgrading of reputation protection system

Algorithmic distribution creates a viral effect, making reputational harm instantaneous and ubiquitous. An integrated" prevention-relief" mechanism is needed:

Dynamic Injunctions: Courts can issue temporary orders per Civil Code Art. 1024 to freeze dissemination chains within 1 hour and reset algorithmic recommendation weights.

Algorithmic Audits: Platforms must commission third-party bias audits (e. g. , amplification of defamatory content), reporting results under Cybersecurity Law Art. 47.

Right to Counter-Clarification: Injured parties can compel platforms to distribute clarifications via original channels with equal algorithmic distribution weight.

4.2. The reshaping of news authenticity rules

Deepfake-algorithm synergy exponentially increases disinformation detection costs. A full-chain" source control-process verification-outcome accountability" framework is required:

Source Verification Obligation: For high-risk domains, platforms must verify content sourcesand display dissemination paths;

Dynamic Fact-Checking: Use blockchain to timestamp news elements, triggering authenticity alerts when algorithmic monitoring detects>20%deviation in key facts;

Expanded Joint Liability: Original publishers and major platforms share criminal liability under*Criminal Law Art. 291-1for fake news exceeding 100k shares, though platforms may exempt themselves by proving" reasonable technical measures".

4.3. The construction of collaborative governance system

Constructing a governance community of" government leading-platform taking responsibility-public participation-judicial bottom";

Information sharing platform: establish a communication risk database based on the National Internet Emergency Center to synchronize the disposal records of sensitive content on each platform in real time;

Joint disciplinary mechanism: impose" computing power degradation" punishment on platforms that repeatedly violate the rules, such as limiting the scale of calling server resources, and limiting their merger and expansion capabilities through Article 22 of the Anti-Monopoly Law;

User's co-governance right: give the user committee the co-decision right to the platform content review rules, and major algorithm changes need to go through the hearing procedure.

5. Conclusion

Digital platform has evolved from" information channel" to" communication infrastructure" , and communication laws and regulations must realize the paradigm shift from institutional supervision to behavior regulation, post-engagement accountability to whole-process governance. In the future, it is necessary to establish an algorithm impact assessment system to promote the convergence of rules between communication method and artificial intelligence method, especially to deal with the deep forgery risk brought by AIGC.

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