

The Role of Self-regulation in Media Concentration in Mongolia: Based on the Network Theory

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Abstract

Free, fair, and independent media are essential for a democracy to function effectively. Media interact with politicians and other powerful members of society, play a significant role as a public watchdog, and serve the public. However, in a free democracy, the media must be held accountable and must be transparent. Journalists must follow specific legal and ethical regulations. Regulations for the media industry are generally divided into three categories: state regulation, independent self-regulation, and co-regulation with participation from civil society. Media Councils make ethical decisions on news coverage and journalistic behaviors by applying the Code of Ethics consisting of professional journalistic standards. It is important to point out that they are independent institutions set up by the media industry. An effective media self-regulation system is essential to promote the pluralism of journalism, diversity, and independent media, as well as to ensure citizens' rights to seek and receive reliable and credible information. Consequently, they are neither authorities nor courts.

This study focuses on the above three kinds of media regulation and their advantages and disadvantages in media concentration. It will also explain the relationship between network theory and media development. Furthermore, it will discuss the advantages of and opportunities for a media self-regulation mechanism in the current media development in Mongolia, based on resolved journalistic cases by the Media Council's Ethics Committees.

Keywords: media council, media concentration, state regulation, co-regulation, self-regulation, network theory

1. Introduction

Following the collapse of the Soviet-style system, Mongolia underwent a political and economic transformation, which led to the reform in the media sector. Prior to 1990, there were only two state-run daily newspapers available nationwide; a single Communist Party newspaper and another Labor Union newspaper were the primary sources of information for the Mongolian public. At that time, terms such as press freedom, pluralism, transparency, and accountability did not exist, and only ruling-party ideology dominated. Therefore, the public received information about the country only from one state-run television and radio channels; open markets and transparency could only be discussed in vague terms.

However, efforts to ensure the freedom and independence of the media in Mongolia remain insufficient. The country was ranked 88th out of 180 countries in the 'World Press Freedom Index' in 2023, declining sharply by 20 places in the past two years (RSF. 2023). The report noted that 'in Mongolia, more than half of the criminal cases related to slander and insults are filed against journalists and editors, which is stirring self-censorship.' At first glance, about 500 media organizations are operating in Mongolia; they are rapidly moving to the digital environment, and pluralism seems to exist. However, 74.3 percent of the most influential media organizations are dependent on politics (Press Institute of Mongolia. 2016).

One of the most important safeguards of media independence is self-regulation. Every citizen has the right to obtain reliable and factual information. To ensure this right, the media must establish and develop professional ethical standards and enforce them through citizen participation. International legal recommendations reflect the importance of countries focusing on policies to effectively implement self-regulation of the media, not only within the framework of journalistic work but also in strengthening democracy. For example, in one policy document, 'Self-regulation preserves the independence of the media and protects it from partisan government influence. It could be more efficient as a system of regulation as the media understand their own environment better than the government...' (Puddephatt. 2011). Therefore, media self-regulation is considered an effective model for strengthening democracy and developing civil society.

In practice, each country recognizes and implements media self-regulation at different levels depending on its political culture, legal status, economy, media development, and maturity. Democratic countries aim to protect the independence

of journalistic media by creating independent self-regulatory media bodies. In 2015, the first media self-regulatory organization in Mongolia, the ‘Media Council’ was established with a wide representation of journalists, media owners, journalistic associations, editors, and expert researchers. This study examines the possibilities and challenges of media self-regulation in Mongolia based on the current situation of media development and related regulations in the country.

2. Media Development and Its Regulation

Forms of regulation in the media sector are generally divided into three categories: state regulation, independent self-regulation, and co-regulation with participation from civil society (Kleinstauber. 2004). Recently, we have been making joint arrangements to tackle the complex issues that have arisen in the broadcasting and online worlds. Additionally, due to the characteristics of the media, the main focus area in the print and electronic environment is ‘self-regulation’, while in the broadcasting environment, it is ‘co-regulation’ because of public and commercial broadcasting regulations in Mongolia.

2.1 State-regulation

The freedom of free and independent media in Mongolia was guaranteed by the Media Freedom Law, adopted in 1998. Its responsibilities are clearly defined in the Parliament’s following resolutions. For example, Article 3.3.4.3 of the ‘National Security Concept of Mongolia’ within the framework of ensuring social stability, states, ‘Enhance the autonomous and independent status of the media, improve responsibility, professional competence, and ethical conduct norms of media personnel and maintain social stability.’ Furthermore, Section 3.6.1.4 of the Concept, within the framework of protecting national interests in the information sector, states, ‘Ownership and association with media shall be transparent, and their activities – reliable, balanced and impartial. Support publication and promotion of national values through mass media and contain at proper level information on foreign religion, culture, or public policy (State Great Khural. 2010).

The Parliament has developed and approved several policy documents to improve the legal framework for freedom of the media. For example, Section 5.5.9 of the activities to be implemented in 2021-2030 within the framework of Mongolia’s long-term development policy ‘Vision-2050’ states ‘Ensure freedom of the media in all aspects, and ethical and professional journalism’ (State Great Khural; Vision-2050. 2020)¹. Section 2.6.4 of the Action Program of the Government of Mongolia in 2020-2024 states, ‘The media sector will be developed in the direction of spreading factual information and enlightenment’ (Government of Mongolia. 2020)².

However, Article 13.14 of the Criminal Code stipulates that it is a crime to ‘publicly disseminate false information that harms a person’s honor, reputation, or business reputation of a legal entity’. The draft law on amendments to the Criminal Code, developed by the Ministry of Justice and Home Affairs and presented to the public in March 2022, proposed to add the crime of ‘insulting’ to the Code again. This creates a real risk for journalists and the media public being summoned by the police to make statements and being investigated, leading to self-censorship by creating fear and apprehension in editorial houses and journalists.

Moreover, from 1999 to 2021, 42% of the 1,146 civil and criminal cases (decided by the court) related to honor, fame, business reputation, slander, insults, and spreading false information were connected with journalists and media (Globe International Center. 2022). Courts decide an average of 52 civil and criminal cases connected with the dissemination of defamation, insults, and blatantly false information annually. Over the past 22 years, the vast majority of complainants of this type of crime have been high-ranking government officials, and 42% (483) of the defendants were media organizations and journalists. Specifically, as of 2021, 30% of plaintiffs in the cases decided by the court were high-ranking government officials, civil servants, and government organizations, whereas 22.5% were claims identifying journalists and media organizations as defendants (Globe International Center. 2022).

During the Mongolian Parliamentary Election in 2020, the number of complaints filed against media organizations and journalists about honor, fame, and business reputation increased significantly. The General Intelligence Agency of Mongolia (GIA) received 201 complaints on crimes against human political rights and freedom. Of these, 23 complaints were registered, alleging that journalists and media organizations spread false information that harmed the reputation of political parties, coalitions of parties, and candidates (General Intelligence Agency. 2020). The prosecutor’s office has the right to monitor complaints and information about crimes and violations and resolve them by the functions provided by law. According to the submitted information by the Prosecutor General’s Office of Mongolia (PGO)³, 193 people were charged with spreading false information under Article 13.14 of the Criminal Code, and 13 people were charged with the

¹Action Plan between 2021-2030 for the “Vision-2050” long-term development policy paper, Second annex of the 52nd Resolution by the State Great Khural (Parliament) in 2020

²Action Program for the Government of Mongolia in 2020-2024, First annex of the 203rd Resolution by Government of Mongolia in 2020

³ No.1145 official letter including some statistical data from the Prosecutor’s Office to MCM on August 31, 2020

crime of spreading false information during the election (Figure 1), and a total of 146 people (18 of whom were journalists and employees of media organizations) were involved in 206 cases (Figure 2).

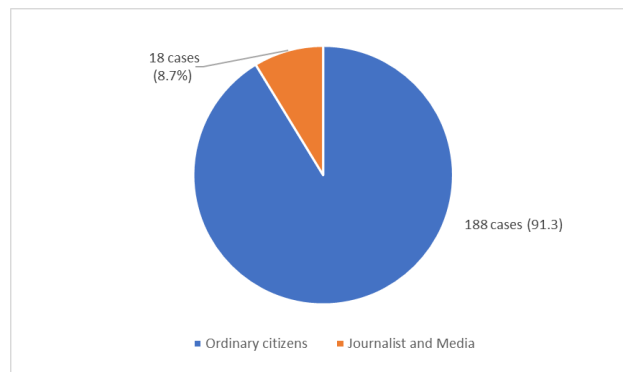


Figure 1. The number of cases related to false information complaints to court in Jan-Oct, 2020

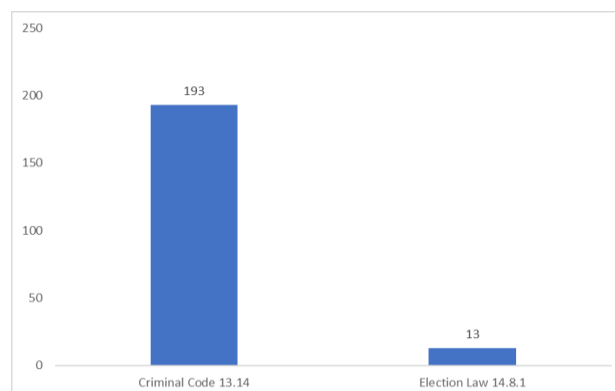


Figure 2. The percentage of monitored cases related to media and journalists by Prosecutors

Over 30% of the people complaining about the dissemination of false information by law and supervisory bodies and defamation by media organizations are influential people in politics. Complaints filed with legal and regulatory bodies, against editors and newsrooms, lead to inquiries and investigations, resulting in loss of time, annoyance and fear, self-censorship, defense costs for editors, and damage to the organization’s reputation. For example, The media company spent an average of one million MNT on legal fees to appeal against the decision of an authorized official, and three employees spent 2-3 work days participating in court hearings⁴. In addition, plaintiffs commonly demand high prices from editors. For example, a media organization suing for a record one billion MNT was documented in 2020.

However, the mass media needs to address social issues openly. Openness includes the right to ‘criticize’ within the freedom of the media. In Mongolia, it is still common for journalists to create fear and economic pressure by complaining to courts and law enforcement agencies, considering the role of criticizing ‘watchdogs’ to be slander and insults.

State regulations criminalizing insults and slander, and fixing punishments such as fines, arrest, and imprisonment aim to protect legitimate interests by preventing the defamation of human dignity and reputation. However, the criminalization of insults and slander to protect the reputation of an individual person does not meet the primary conditions for appropriateness (necessity). In other words, the regulation of freedom of expression includes the requirement not to create fear in exercising that freedom, and to choose the least invasive way to express freedom while protecting the legitimate interest of guarding one's reputation (Munkhsaihan. 2019).

2.2 Self-regulation

In Mongolia, more than 500 media outlets are operating currently: 130 are TV stations, and several hundred are small online news sites. All these media outlets compete for a small market of over 3.3 million people. In such markets, most media outlets exist only because of direct support from businesses, and the political affiliations of media owners. The ‘Media Freedom Law,’ adopted in 1998, prohibits the government from passing laws restricting media freedom, owning mass media, and censoring public information. However, there have been political attempts to tighten laws regarding freedom of speech and media freedom and to increase government control of the media.

The only self-regulatory body in Mongolia, the Media Council of Mongolia (MCM), was established on the initiative of a local group of media practitioners and civil society activists who saw the need for a media self-regulatory body to

⁴ Official letter from World Media LLC to the MCM in September 2020

improve the quality of journalism and defend journalists against government control and restrictions on freedom of expression. The council was formally established in 2015 with a small secretariat and a Board of Directors (BoD) consisting of 15 people, as well as two ethics committees with a total of 30 members. Each body is represented by an equitable number of personnel, including media owners, journalists, and media experts. All members of the BoD and its committees are unpaid volunteers.

From the start of 2015 to the beginning of 2022, the MCM received 457 complaints (Figure 3). Most cases were discussed and resolved in ethics committee sessions. Committee sessions take place at least once a quarter, with no less than 60% of all members attending. Committee members are highly experienced in journalism and recognized in the media industry. Two separate ethics committees review the complaint, and if there is an ethical mistake, the MCM recommends that the media organizations publish corrections or apologize.

During the first years of operation, the number of complaints rose steadily, but since 2020, the number dropped significantly to 52, as shown in Figure 3. The most plausible explanation for the decline from 2019 to 2020 is the Covid-19 pandemic because, before 2020, complainants had to hand in their cases physically and in person. In 2021, the MCM introduced an online portal to file complaints via its website, but the number of cases has not yet reached pre-covid levels.

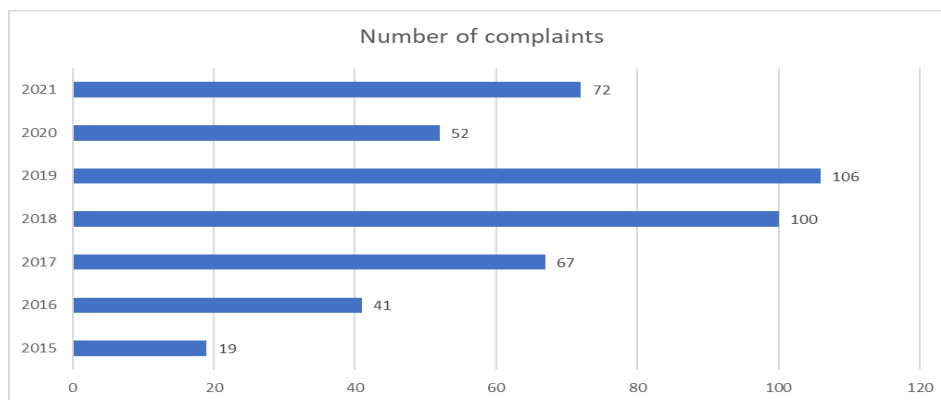


Figure 3. The Number of Complaints Submitted to Media Outlets in 2015-2022

In 2021, 25 of the 72 complaints were reviewed in advance by the MCM secretariat and rejected according to Article 2.3 of the Complaint Procedure of the MCM for the following reasons: they were overdue, the materials were not fully prepared, and they did not apply to the functions of the MCM. Seven complainants withdrew their applications.

Thus, the two ethics committees thoroughly discussed 40 complaints, and the following conclusions were made under Article 6.3 of the Complaint Procedure:

- *Following Article 6.3.1 of the Complaint Procedure, we informed the public that 17 newsrooms did not violate the code of ethics;*
- *Under Article 6.3.2 of the Complaint Procedure, we informed the public that 9 newsrooms have corrected their violations and apologized without mentioning their names;*
- *Following Article 6.3.3 of the Complaint Procedure, we informed the public by name that 14 newsrooms violated the code of ethics.*

A breakdown of the complaints filed to the MCM (Figure 4):

- 44 percent by ordinary citizens
- 30 percent by politicians, government employees, and government organizations
- 22 percent by business organizations and so on.

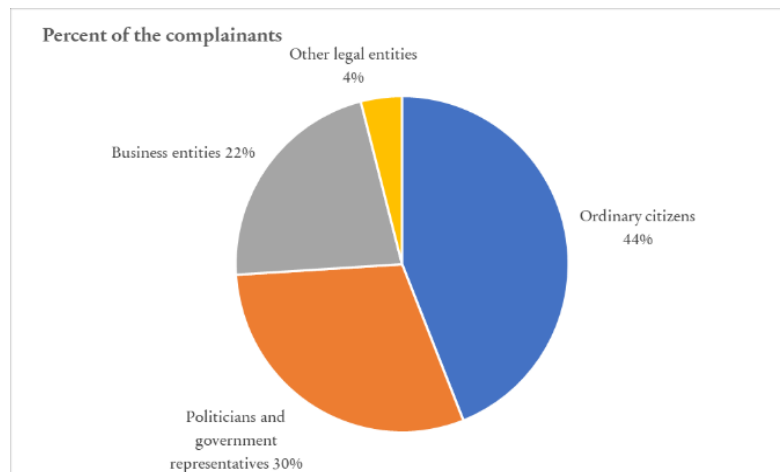


Figure 4. A breakdown of the complaints filed to the MCM in 2021

Since its establishment, the MCM has contributed to an improved media sector with 82% of respondents to a survey to evaluate the performance of the MCM agreeing to the statement, ‘*The Media Council has contributed to better quality journalism with fewer mistakes and violations of ethical standards*’ (Per & Anand. 2023). Furthermore, 90% of the respondents disagreed or strongly disagreed with the statement, ‘*The regulation of the media sector should be handled by the Government and not by the Media Council*’ (Per and Anand. 2023).

2.3 Co-regulation

Social media has become the main communication channel between people in the 21st century. With the advent of social media platforms based on technological advances, people can exercise their right to freedom of expression and publication more than ever before. Social media platforms have become environments for freely disseminating and receiving information without borders. However, there is no assurance that information on social media platforms will be accurate, objective, and positive, which is becoming a controversial issue. This controversial issue leads to questions of whether social media and social networks need to be regulated and how they should be regulated, if necessary.

As a result of the collaboration of the Communications Regulatory Committee (CRC)⁵ and Meta (Facebook), the ‘Green Channel’ which is a direct communication channel between two countries officially opened in Mongolia in June 2019. This channel aims to resolve (suspend or delete accounts) complaints about illegal content on social media, such as hate speech, discrimination, child sexual abuse, suicide, disinformation, and violations of privacy and copyrights based on Facebook Community Standards.

In addition, the Parliament of Mongolia passed a new law on Friday, January 20, supposedly to ‘protect human rights on social media,’ but human rights groups say it threatens free speech and gives the state the ultimate power to regulate content on tech platforms. This bill notably includes dispositions against hate speech, child abuse, drug trafficking, and online fraud, and allows the government to request Internet service providers to ‘suspend or delete accounts’ and ‘reduce the distribution of information’ of contents deemed harmful to ‘national unity’ and disclosing ‘state and official secrets’ (Cédric. 2023).

Mongolian media and civic society organizations united and strongly condemned the new law on social networks, and did not agree with either the process by which the law was passed or what the law was aiming to regulate. The main reason for this was that the process of passing the law violated the rule of law. The Law on Legislation of Mongolia regulates the process of creating a new law, but the law was rushed through Parliament within two working days without consultation with affected target groups, professional organizations, and the public. Therefore, although the law claims to protect human rights on social media, it has the potential to limit freedom of expression and to create a new body under the government and give it the power to monitor social media (NEST. 2023).

The civic society organizations advocated for Mongolian President Khurelsukh Ukhnaa to veto the law, which would force lawmakers to revise their decisions. They also suggested looking into the international justice system for possible solutions to the co-regulation of social media. Due to strong civil society resistance, the President vetoed a social media bill that legislators had adopted as the fastest decision ever made by Mongolia’s parliament, which bill did not allow any public debate on the matter.

⁵ The CRC is the only content co-regulator in Mongolia, established by Article 8 of the Law on Communications, the CRC consists of a chairperson and six members nominated by the Prime Minister of Mongolia, based on a proposal from the Cabinet minister responsible for the communications sector. The commission is required by law to submit financial and activity reports to the government each year. The Law on Communications does not explicitly guarantee the independence of the CRC.

The UN Human Rights Council noted that ‘the same rights that people have offline must also be protected online, in particular freedom of expression’ in June 2012. After that, the UN General Assembly confirmed the statement noted that ‘the same rights that people have offline must also be protected online, including the right to privacy’ in November 2013. As of 2021, 78.7% of the Mongolian population of 3.3 million people use social media (CRC. 2021). The majority of them, specifically, 2,7 million people, use Facebook. In addition to the relevant regulations related to online content created by social media users, the following CRC regulations apply to users:




- General Conditions and Requirements for Digital Content
- General Conditions and Requirements on Radio and TV

Restrictions should be imposed only by law, according to Article 19 (3) of the ICCPR.

3. The Relationship Between the Network Theory and Media Development

Based on network theory, studies explaining the revival and decline cycles of political and economic ideals, such as socialism and capitalism, the collapse of local communities, and the limits to the growth of big cities are common not only in the behavior of other organisms, chemical reactions, and physical phenomena but also in terms of the unity of clusters (groups) and conflicts of interest (Barabasi. 2002; Kobayashi. 2014). The main characteristics of clusters (groups) in the network theory are called ‘cluster,’ ‘scale-free,’ and ‘small-world’ networks. Based on network theory, it is possible to explain the process of media integration and conflicts of interest not only in Mongolia but also globally. Today, three main factors determine the direction of journalism and media globally as well as in our country. If we compare the three trends of development with the characteristics of clusters of network theory (Table 1), it can be observed that the trend of ‘fragmentation’ of media is equivalent to the characteristics of clusters, ‘homogenization’ is equivalent to a small world, and ‘concentration’ or ‘conglomeration’ is equivalent to scale-free characteristics.

Table 1. The relation between the media development and cluster characteristics

Fragmentation	Homogenization	Concentration
		
Cluster	Small world	Scale-free

First, the media ‘fragmentation’ manifests itself in a decline in audience, as established users become interested in other media. Therefore, media organizations expand their target audiences, learn from other types of media, and, in some cases, prepare similar news and establish relationships with other organization types by increasing the number of topics, programs, and articles. For example, until Mongolia transitioned from a centrally planned economic system to a market system, that is, before 1990, ‘Unen’ newspaper was subscribed to by party members, ‘Pioneer’s Truth’ by students, and ‘Khudulmur,’ by young people (Norovsuren. 2021). The citizens of the province were forced to subscribe to them. Today, citizens receive different types of media such as newspapers, television, radio, magazines, and news sites, depending on their interests. As for television broadcasts, the ‘DDish TV’ company transmits domestic and foreign programs via satellite. Broadcasting more than 130 channels to herd households in all provinces and local herders buying antennas to match their analog system receiver sets will determine trends in journalism and media fragmentation. This media fragmentation reflects the clustered nature of a network.

Second, ‘homogenization’ manifests itself in the fact that several media of different types are approaching each other in the same way, with interconnected characteristics, and similarities in disseminated information and its preparatory activities. Journalism in Mongolia has been under stringent observation since 2000. As a result of technical and technological progress, the difference between the types of media, such as FM radio and television, has been significantly reduced, and the combination of new and traditional media is a feature of this era. For example, FM radio broadcasts news over the Internet with the help of podcast technology, providing an alternative to electronic television. Most media types support the use of electronic platforms following the development of the Internet and technology. This helps create a fast, low-cost information flow based on the needs of users, reduces the limitations of space and time, and ensures quick and accessible information. The negative aspect is that the titles, images, and sounds of the hyperlinked works may misrepresent the content, oversimplify it, distort the information out of context, not verify the reliability of the source, or mention it vaguely. This homogenization suggests the possibility of communicating with other participants through a few weak links in a small-world network.

Moreover, media ‘homogenization’ is characterized by the clustering of groups of people of similar ages, genders, or interests. Media can be classified as print, audio-visual, or electronic media. Additionally, the ‘Local Media Association’ was established in 2005 to strengthen the connections between similar media outlets, exchange information, train professional personnel, ensure the uniformity of internal editorial policies and regulations, and protect the common interests of cluster members. The creation of nongovernmental organizations, such as the ‘Mongolian Television

Association’ was set up in 2014 and the ‘Local Media Association ‘further highlights the small-world nature of network theory.

Third, the fact that the media tend to be concentrated ‘in one hand’, and the same type of information is transmitted through multiple channels is an expression of the characteristic of ‘concentration’. Before 1990, as in other socialist countries, the media were an integral part of the state system, and the parties and the state-controlled media monitored any information before dissemination to the public. However, even though 30 years have passed since the birth of free democratic journalism, politicians and businesspeople have openly owned and controlled many media outlets because of legal conflicts, and economic and financial conditions. In addition, media outlets hide their subscription and sales information, the market share of consumers, real ownership, and affiliations to generate financial resources. In other words, the concentration of many media outlets ‘on one hand’ encourages editorial censorship, thereby stifling freedom of the press, weakening pluralism, and adversely affecting the quality of information. In 2004-2008, many new television channels were launched because of high-ranking politicians and influential businesspeople who invested in the media sector, intending to manipulate public opinion and support their pursuit of power. During these years, approximately 14-18 new channels were launched annually. Approximately, 70-80 percent of influential newspapers and televisions are owned by high-ranking politicians (Figure 5).

One study found that the market concentration among media—whether driven by domestic or foreign investors—should be ‘closely monitored’ because ‘Horizontal concentration may cause dangers to media pluralism and diversity, while vertical concentration may result in entry barriers for new competitors’ (Von Dohnanyi. 2003). This media concentration embodies the scale-free nature of network theory, which has evolved into a hub with many links. The scale-free characteristic indicates the vulnerability of a network when one highly concentrated media component loses value because of the dependence, non-independence, and influence of owners and shareholders, as does the entire network or all related media.



Figure 5. Who owns the Mongolian most TVs? Most influential TVs are affiliated with political parties and politicians. It is necessary to determine the needs and functions of media regulation across the three trends of media development: ‘homogenization’, ‘fragmentation’, and ‘concentration’ (Table 2). In other words, media are homogenized, fragmented, and concentrated for their activation, in some cases; extreme activities, such as censorship or adding opinions and furthering social stereotypes to support their economic stability may occur. Therefore, it is necessary to balance these activities.

Table 2. Role of media regulation based on network theory

	Fragmentation	Homogenization	Concentration
Cluster	High→Balanced	Low→Balanced	Low→Balanced
Small world	Low→Balanced	High→Balanced	Low→Balanced
Scale-free	Low→Balanced	Low→Balanced	High→Balanced

4. The Self-regulation to the Current Media Development in Mongolia

In the previous section, the authors mentioned the excessive concentration on one hand, which is the current development stage of Mongolian media. The section will highlight the social conditions caused by concentration and identify media regulatory solutions to address the problems of over-concentration. Regarding the current media development situation in Mongolia, when it is concentrated on one hand, i.e. without the scale-free of network theory, there is insufficient regulation to ensure the transparency of media ownership. Moreover, there are no regulatory safeguards at all against political control over media ownership. Consequently, Mongolia’s media market is penetrated by political affiliations.

Therefore, media groups and joint companies were established and they started to own all kinds of media channels including televisions, radios, newspapers, magazines, and websites. Currently, the biggest 9 media companies own 58

media channels in Mongolia. In other words, around 12 percent of Mongolian media organizations are owned by nine big companies (Press Institute of Mongolia. 2016). Most media groups own 3-5 different media channels such as TV, radio, print media, and so on. For instance, Mongol Mass Media Group, Mass Media Group, Mongol News Group, etc. Behind those companies are Mongolian prominent politicians like the Former Presidents, Parliament members, Heads of Political Parties, etc. For example, D.Bayasgalan who is one of the Mongolian high-ranking businessmen owns 100 percent of shares of Mongol Mass Media LLC, which is a subsidiary of the “Bodi International” company (Figure 6). This company owns 85 percent of the shares of the Golomt Bank, which is one of the Mongolian Top Bank Shareholders (RSF. 2016). In 1989, D.Bayasgalan first established the “Bodi” khorshoo as cooperated with politicians from the Democratic Party and former Parliament members Bold. Lu and Zorigt.M.

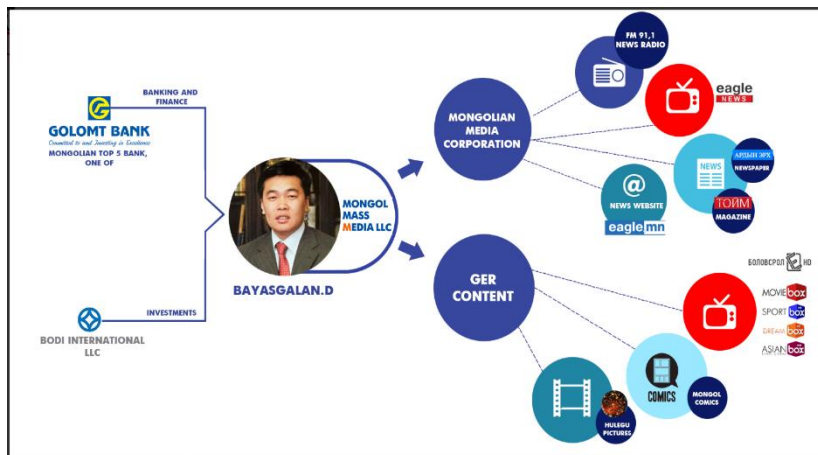


Figure 6. Infographic on who owns the Mongol Mass Media LLC

The phenomenon of media concentration in the hands of politicians and political parties applies not only to national newspapers, magazines, and websites but also to local media in Table 3 (Battsogt. 2023).

Table 3. The media concentration in local media

Province	Local Media	Influencing Party/Politician
Arkhangai	Tamir TV	Democratic Party (DP)
Govi-Altai	My Country TV	Mongolian People's Party (MPP)
Govi-Altai	Altai TV	B is the press representative of the governor of the province O. A.; under the influence of DP
Darkhan-Uul	RGV TV	Located in the building of DP; under the influence of the director of the "Burhan Khaldun" group, who is DP's candidate in Darkhan-Uul province
Darkhan-Uul	DBS TV	The owner was the deputy governor of Darkhan-Uul province, influenced by Member of Parliament and Minister of Finance, B.J., who was nominated by MPP
Dund-Govi	People's TV	Provincial Governor's Office
Dorno-Govi	DTV television	Member of Parliament, B.D., who was nominated by MPP
Umnu-Govi	Altangovi TV	“Ajnai” group director, D.B, who was nominated by DP
Umnu-Govi	Govi Naran TV	Under the Chairman of the Central Committee, B.B., influenced by DP
Umnu-Govi	Govi HD TV	MPP
Sukhbaatar	BBS	located in the building of the DP, influenced by DP
Tub	TBS TV	MPP
Uvs	UVS non-party television	DP

The lack of media ownership transparency and effective regulations against political control over the media content, it is dangerous, such as politicians capable of affecting public opinion through their own media channels and manipulating on the national agenda by spreading false information. This is especially evident in times of political elections and crises in the country. During the parliamentary election campaign in 2020, Mongolian television channels broadcasted propaganda, persuasion, and brainwashing news in their high-ranking news programs (Media Council of Mongolia. 2020).

While high-ranking politicians invest in and own the mainstream media organizations, and most complaints filed against the journalistic media are from politicians, it might be one of the characteristics of the media concentration. In other words, in the media concentration, the powerful people are very sensitive to criticism, and while praising themselves through their own media, they are overly susceptible to others' speech and opinions and seek to limit the basic functions of free and fair media as a watchdog. Their ultimate goal is to use the media as a propaganda tool to brainwash the public which includes one-sided information that glorifies themselves.

Table 4 shows that it is common for politicians and public organizations to be offended by the media and journalists in

Mongolia. As seen from the table, in 2020, the number of inquiries and investigations related to the “dissemination of false information” specified in Article 13.14 of the Criminal Code by the General Office for State Prosecutor, was five times more than the number of cases that received and resolved by the media self-regulation. For instance; there were 251 criminal court complaints related to damage to the honor, reputation, business reputation, and non-pecuniary damage. Besides the court cases, the Media Council of Mongolia received a total of 52 complaints from individual persons and legal entities in 2020 who saw the unethical published reporting via traditional media and online newsrooms.

Table 4. Comparison of state and self-regulations concerning the complaints of the dissemination of false information and ethical concerns

	State-regulator (Criminal Code - Article 13.14)	Self-regulator (Media Council)
Number of submitted complaints from plaintiffs in 2020	251 ⁶	52 ⁷
The percentage of complaints in court cases from high-ranking government officials, civil servants, or government agencies in 2021.	37.5%	30%

Another statistic shows that about one in three cases (30%) were based on petitions and complaints from high-ranking political officials, members of parliament, civil servants, and/or government agencies (Table 04).

As the authors mentioned above, it is a very common use of legal regulation under the article “dissemination of false information” in the Criminal Code for politicians and government organizations, and it means that almost 30 percent of the cases are related to the chilling effect⁸ for journalists or political control in the media. However, here it should be considered that it might be a limited conclusion if we do not look at the facts and decisions of each case in detail. There are many studies on how to do state intervention during the media concentration in a few hands, but no sufficient and comprehensive results (Feintuck. 2006; Knoche. 2021). The main reason for the lack of results not only internationally but also in Mongolia is that politicians do not take steps against themselves and do not harm their own interests. Moreover, it is commendable that the Parliament of Mongolia has developed and approved several policy documents to improve the legal framework for press freedom, accountability, and responsibility of the media. However, on the one hand, citizens seem to be fulfilling the state's duty to ensure access to public information and the right to know the truth, but on the other hand, it poses a risk of violating the right of the media to be independent of the government. Therefore, excessive reliance on state regulation does not seem to be an effective solution to the social problems caused by media concentration. In contrast, in societies where media is regulated by the state or otherwise not independently regulated citizens tend to lose interest in the media and distrust it more frequently. In addition, some studies based on international cases have shown that in the case of excessive concentration on one hand, it is necessary to develop a co-regulation mechanism optimally (Tsuchida. 2024).

Co-regulation can result in the outsourcing of some functions of the state to civil society organizations and professional associations, and also an independent regulatory body enforcing the laws passed by the state. However, it is always a critical discussion of the independence of the CRC, which is the only content co-regulatory body in Mongolia, established by Article of the Law on Communication⁹. According to Article 8.3 of the Law on Communication, CRC's chairperson and its members are nominated by the Prime Minister of Mongolia. Since the management team of the co-regulation body is appointed by the government, its independence from politics is not guaranteed, and there is no participation of the public and civil society organizations in the co-regulatory mechanism.

The results of the research show that it seems to be like a state regulation (not co-regulation) since only the team appointed by the Prime Minister is regulating the broadcast and online media environment, without the participation of media and journalists' coalitions and civil society representatives (Globe International Center. 2022).

⁶ *The practice of dealing with the crime of spreading false information, 2021 (p.39)*

⁷ *Annual Report, Media Council of Mongolia, 2020 (p.03)*

⁸ *Chilling effect refers to a discouraging or deterring effect, especially one resulting from a restrictive law or regulation1. It is a term in law and communication that describes a situation where a speech or conduct is suppressed by fear of penalization at the interests of an individual or group2. It can affect one's free speech2. The term libel chill is also often used to describe the chilling effect of libel law.*

⁹ *The CRC is only content co-regulator in Mongolia, established by Article 8 of the Law on Communications, the CRC consists of a chairperson and six members nominated by the Prime Minister of Mongolia, based on a proposal from the Cabinet minister responsible for the communications sector: The commission is required by law to submit financial and activity reports to the government each year. The Law on Communications does not explicitly guarantee the independence of the CRC.*

In particular, the latest case of approving ‘Social Media Law’ without civic engagement and discussion as well as its co-regulation role assigned to the CRC showed an unacceptable passive action of co-regulation. However, several research results show that the self-regulation mechanism brings several advantages and opportunities for media concentration (Fuchs. 2021). These studies highlight the advantages of media self-regulation, as the need to promote journalistic freedom, independence, and media pluralism and diversity is paramount to centralization. Non-transparent media ownership and media concentration encourage editorial censorship, which in turn can lead to the violation of media freedom, suppression of pluralism, and lack of quality journalism (Eli & M.Noam. 2016). Mongolia has experience in dealing with defamation and insults through Criminal and Civil Laws. In the implementation of criminal law, it is a controversial issue not only for judges but also for journalists to distinguish between "journalism criticism based on public interests" and "defamation without any facts". Journalists and media experts agreed with the statement “The content regulation of the media sector should not be handled by the Government and only by the independent and volunteer media self-regulation body (Per & Anand. 2023).

In Mongolia, there is a common economic censorship with a high amount of a fine on a journalist or newsroom in accordance with civic court cases related to protecting honor, reputation, business reputation, and non-pecuniary damage. For instance, in 2020, plaintiffs demanded an average of MNT 4.3 million in non-pecuniary damages against journalists and media outlets (Globe International Center. 2020). A company owned by a well-known politician claimed MNT 1 billion in damages for non-pecuniary damage against a media outlet, and it was registered the highest amount of punishment.

Case 1. www.urug.mn, a news website, published an investigative story titled ‘Erdenet corporation's money doesn't groan and willful people’ on February 6, 2020. In the article, it's reported that the ‘Sod Mongol’ group, which participated in bidding for supplying fuel announced by Erdenet Mining Corporation, won the bidding with the cooperation of Erdenet Mining Corporation's management. However the company submitted a complaint to the MCM because they considered that www.urug.mn did not verify the facts mentioned in the article, misreported the group’s activities, and defamed its reputation, also by taking professional advantage, they disseminated false information. Two months after the complaint submission, in April 2020, the MCM’s Ethics Committee discussed previously mentioned articles of journalism principles and concluded that www.urug.mn reported it in compliance with the Code of Ethics. But, two years later, the court withdrew this case.

Media self-regulation has several advantages and benefits. First and foremost, it lends credibility and trust to the media. In addition, self-regulation is free of charge and flexible in its approach as well as easy and quick without political and financial pressures for the media outlets. It is supportive of clusters in the media industry such as small newsrooms, new players in media, and so on. On the one hand, a lack of economic pressure in the newsrooms will be able to limit the political influence of media outlets and media over-concentration. Authors mentioned in Table 4 that government organizations and powerful people are offended by critical voices about their actions and they want to impose some kind of punishment on journalists or newsrooms through submitting a complaint to media self-regulation or state regulation. This is one of the characteristics of media over-concentration. Within the scale-free network theory, media self-regulation protects the media houses from over-concentration and also guarantees to other actors outside of hubs through labels such as ethics, diversity, and independence of journalism.

Case 2. www.nuuts.mn, a news website, published investigative serial stories titled ‘Secret materials: Mafia of Registration’ and ‘Jungle Law’ in May and September 2023. After that, several influential people of the General Office of the State Registration filed a complaint to the MCM because they considered those investigative stories that breached the Code of Ethics. According to those complaints, MCM’s Ethics Committee discussed articles based on journalism principles and concluded that www.nuuts.mn did not violate the code of ethics. Having received the Ethics Committee’s conclusion, journalist Budragchaa Serdamba who is editor-in-chief of the newsroom posted on his social page that the ‘Ethics Committee discussed the complaints against our online news site from inspectors from the State Registration Office on December 07, 2023, thus the Committee concluded that there is no unethical reporting. Our team will continue to work to protect the public’s right to know, and keep the professional reputation and media trust within the framework

of following journalism ethics and human rights sensitive reporting' (Figure 7).

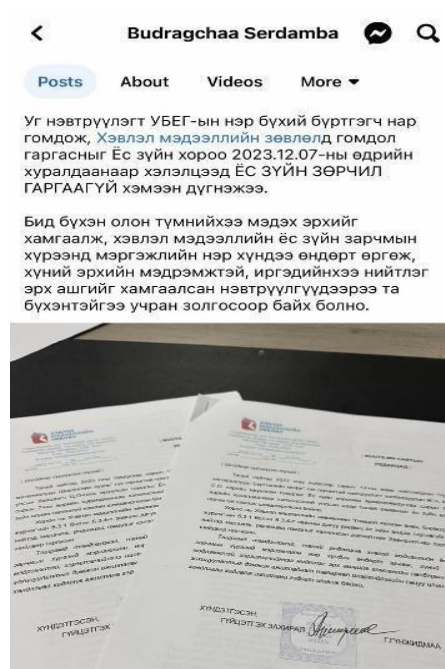


Figure 7. Post screen shot from Budragchaa Serdamba

Case 2 shows that a balanced and independent conclusion from the media self-regulation body is an 'ethical guarantee' for the smaller clusters outside the network hubs if they follow the ethical guidelines in their publication and broadcasting. This guarantee will help to enhance journalism professional work and public trust-building for individual media outlets. It is also a good example of ensuring the diversity of journalism, and public access to reliable information and balanced sources.

5. Conclusion

This study explained media development tendencies based on network theory and attempted to determine the effective form of media regulation appropriate to the development stage. An effective media self-regulation mechanism is essential to promote a media environment characterized by the pluralism of journalism, diversity, and independent media, as well as to ensure citizens' rights to seek and receive reliable and credible information. Although Mongolia has been transitioning from a Soviet-style media system to a free and independent media for almost 30 years, it still faces some challenges in media development and growth (Battsogt. 2022 and Battsogt & Gongor 2024).

One of these challenges is that when a politically or economically influential person or a powerful group of people monopolizes well-reached media, they create a concentration (hub) in the media system. In media concentration, pluralistic journalism and diverse media have been shrinking and the media space has been dominated by politicians and politically influential people through a small number of large media groups. Political affiliations have penetrated Mongolia's media market. In addition, research data and actual cases have shown that politically and economically powerful individuals and groups become vulnerable to journalism criticism articles; journalists are called to police stations and courts with criminal offenses for their published works, and economic pressure is created on editorial houses.

According to network theory, there are many weaknesses in state regulation in balancing hyper-centralization during the scale-free period. The Parliament of Mongolia has developed and approved several policy documents to improve the legal framework for press freedom, accountability, and responsibility of the media. However, on one hand, citizens seem to fulfill the state's duty to ensure access to public information and the right to know the truth; on the other hand, this poses a risk of violating the right of the media to be independent of the government. Thus, excessive reliance on state regulations does not seem to be an effective solution to the social problems caused by media concentration.

In addition, although studies have emphasized collective regulation in over-centralization, in Mongolia, which is a developing democracy, there are civil society regulatory organizations with legal capacity; however, because of the loss of governance independence and lack of public participation, recognition is very weak and there is no public support. Some studies based on international cases have emphasized that it is necessary to develop a co-regulation mechanism optimally in media concentration. However, there is a weak development of co-regulation bodies with legal capacities in Mongolian civic society. Owing to the lack of good governance of co-regulation bodies, their independence from the state, public encouragement, acceptance by citizens, and public trust are very low.

In contrast, an independent self-regulation mechanism has relative advantages over other regulation mechanisms in terms of recognition and credibility in the media concentration. Media self-regulation implements its primary duties of assisting

media organizations and newsrooms in maintaining professional and ethical standards and handling complaints filed by citizens, organizations, and enterprises regarding journalistic articles and programs. In this manner, the media self-regulation mechanism allows journalistic media to conduct diversity and pluralism and protect themselves from any kind of censorship, not only in the hub (big media groups) but also in many small clusters (individual newsrooms).

Media self-regulation provides the opportunity for newsrooms to evaluate their work following professional and ethical journalistic standards to serve the public interest through independent self-regulation bodies, not through legal bodies such as the police, prosecutors, and judges. According to the media self-regulation conclusion, if media organizations make ethical mistakes in their journalistic work, they must voluntarily and directly publish corrections. It is also a self-learning process to improve the quality of journalism content from mistakes and protect journalists and newsrooms from any kind of self-censorship. However, there is a lack of state policy and regulations in terms of media self-regulation's sustainability and viability, and public awareness and acceptance need to be improved. To improve the coordination of the three types of media regulation—self, state, and co-regulation the relevant laws and regulations must be improved. Finally, ensuring financial stability is an urgent issue for the MCM as an independent institution; therefore, it is appropriate to study the stability and viability of media self-regulation in the future.

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