

ABSTRACT

Given the increased use of fake news in electoral campaigns around the world, examples as the United States in 2016 and Brazil in 2018, including utilization of artificial intelligence, questions are raised about the integrity of the electoral process itself in face of possible elector addiction willing, due to the phenomenon of disinformation. Thereby, this study proposes to analyze the role of the Brazilian Judiciary in controlling new media from the perspective of political science, but using interdisciplinarity to obtain a systemic view, given the proximity to areas such as the law, social communication and political marketing. Initially, a theoretical approach is made, discussing about fake news, contextualizing the new media as the mean of their proliferation, as well as identifying actions to combat its dissemination. In parallel, the democratic electoral process and representative democracy theory are discussed, from which extracts as elementary the digital politics participation and the electoral integrity. Also is accomplished an analysis about the Judiciary role legitimacy in controlling the new media, especially considering that in Brazil its members are not directly elected. Considerations are also made about freedom of expression and prohibition of censorship. The empirical part of the investigation points out the findings regarding fake news in the 2018 Brazilian presidential elections and, through inductive method, also using researches on the population's concern with disinformation and on the degree of reliability of the Electoral Justice, equation that is indicated in the weighting between freedom expression and electoral integrity, the aim is to reach the role of the Judiciary in controlling new media, either through preventive actions with emphasis on digital education, or through judicial control of the new media, seeking to the effectiveness democratic electoral process.

Keywords: Fake News; Electoral integrity; Judicial control.