

The Social Communication legislation in the subnational space. The case of Mexico

Legislación sobre Comunicación Social en el espacio subnacional. El caso de México



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Abstract:

This article presents an exploratory argumentative analysis of the state legislation on communication in Mexico. It proposes a categorization and relevant issues related to the matter extent of being legislated in each region. The subnational category is used in Political Studies because it allows the re-signification of the region as a scenario with its own political life, irreducible to the sum of the parts of the national State. The national bias has remained on the legislation research in social communication in Mexico, privileging the analysis of federal laws. This article addresses the knowledge gap in state laws. The final discussion presents the differences in the legal instruments of each region; these are signs of the subnational category. It is necessary to emphasize an analytically understanding of the national social communication regulation from the regional.

Keywords:

Communication legislation; communication policy; public information; media development

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Resumen:

Este artículo presenta un análisis exploratorio argumentativo de las legislaciones estatales sobre comunicación en México. Se propone una categorización y se destacan los asuntos que se consideran relevantes en la materia hasta el grado de ser legislados en cada región. Se hace uso de la categoría subnacional que, en los estudios políticos, permitió la resignificación de lo regional como escenario con vida política propia, irreducible a la suma de las partes del Estado nacional. El sesgo nacional ha permanecido en la investigación sobre la legislación en comunicación social en México. Se ha privilegiado el análisis de las leyes federales. En este artículo se atiende el vacío de conocimiento sobre las leyes estatales. La discusión final plantea que las diferencias entre los instrumentos legales de cada entidad es indicio de la categoría subnacional. Se enfatiza la necesidad de su consideración analítica para el entendimiento de lo nacional desde lo regional en el estudio de la regulación de la comunicación social.

Palabras clave:

Legislación de las comunicaciones; política de la comunicación; información pública; desarrollo mediático.

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1. Introduction

The analysis of the social communication legislation in Mexico has centred on the federal area. For this reason, there is a gap in understanding how regulations in social communication are formulated from a regional scope. It is clear that there are federal regulations exclusively as the allocation of radio and television licenses; there are others in which the state entities have the opportunity to legislate on its problems. The country, divided into 32 federal entities or states, has its state legislative congress to formulate laws to rule several aspects of social life.

This research presents a descriptive analysis of the specific laws that regulate the aspects of communication in federative entities. The objective of this research is to identify those legal instruments to classify them to be able to comprehend the role that regions have as interactive spaces with particular problems. According to Rolandi & Merello (2017: 225), the subnational space term “has its origin in decentralization processes by adding important competencies, in local and medium levels of government”. The term subnational entity will be used in this document to refer to the states of the country; this is the principal analytical category of this research. Also, the official term of federal entity or state; is used when referring to the political-administrative division of the territory.

There is a view focussed on the state community concerns when using this analytic point. The hypothesis is that social actors of each region have important enough to consolidate laws. For example, it is essential to consider that some entities innovate proposing some legal instruments that do not exist in the federal area, showing a legislative singular agenda. In this logic, 144 current state laws in Mexico are specific for communicational duties, which are part of this study.

Another conceptual axis of this research is on media development. UNESCO (2010) proposes this term when talking about the set of elements that facilitate the enhancement of the media system in a State. From this framework, media development is a quality indicator of the exercise of rights and freedoms of information and communication and in the quality of democracy. The frame of media development considers a set of conditions that are inherent and indispensable in the construction of democratic states.

UNESCO (2010) proposes a category of five indicators when identifying media development. The first is the regulator system and the legal frame that ideally must conduct to the freedom of expression, pluralism, and the diversity of media of social communication. This research focuses on the analysis of the national States in the subnational space. The regional presents particular characteristics distinguished from the national set on some occasions.

The following research question is proposed, using these approaches: how is the regulation of social communication in the subnational Mexican space? The premise is that the subnational entities are heterogeneous, which means that there are several concerns about the internal social life. According to their historicity, which is the origin of particular socio-cultural contexts, legal-political specific processes are created.

According to Santander (2014), the creation of communication laws in Latin America is a land where the State, the organised civil society, and the media entrepreneurs fight for having the hegemony. For Santander, the main struggle is related to the capitalist forms of media organization against critical views from the Latin-American left.

Several transformations have launched an interest in communication regulation in Latin America in recent times. Some examples of these are the reconfiguration of the media field, technological innovations, the new logics of broadcasting, modification of the business model, loss of centrality of some public actors, for referring some. The result is the legislation of new laws, “which ‘other fields’ of communication recognise; and undertake the ‘relocation’ of the communicative space” (A. M. Gómez & Ramos-Martín, 2014: 487).

The article follows this structure. The first section presents a synthesis of the context and the theoretical approaches on which this research is ground; the second section, the methodological aspects. The third section presents the results and interpretation. The final section presents the discussion and conclusion that associate data with the analytical axis.

2. Context and approaches to study the Regional Legislation on Social Communication in Mexico

In 2013, a Constitutional Reform was approved in Mexico, which had relevant modifications to articles 6th and 7th. These articles guarantee rights and freedoms of expression and information for all citizens. Results of these were: the ratification of the freedom of expression, the modification of scheme of licenses for the radio, television, and telecommunications, the strengthened of the right of access to public governmental information, the protection of personal data of telecommunications users, the recognition of broadcasting as a general object of interest, and the granting of the Constitutional right of access to the Internet.

Previously, the Federal Code of Electoral Institutions and Procedures, in Title Third from Book Two was enacted, in 2018. It is composed of 27 articles to regulate the access of political parties to the radio and television. Some years later, in 2012, groups of journalists and activists exerted pressure on the federal government to enact the Law for the Protection of Human Rights Defenders and Journalists. The generation of regulatory laws related to the reform of 2013: Federal Telecommunication and Broadcasting Law, Federal Law of Transparency and Access to Public Government Information, Federal Law for the Protection of Personal Information in Possession of Private Entities joined these legislations, and by order of the Supreme Court, the General Law of Social Communication was created and enacted in 2018. This law regulates the government propaganda and advertising spending.

In this way, with critics, the journey to regulate the issues of information, communication, media, and their relations with political power was moving forward. During the second half of the XX century, there was pressure from citizen groups to properly legislate these topics (Gutiérrez, 2005; Ramírez, 2008; Torres, 2011). For Gutiérrez (2005), the principal debate at that moment was on having clear legislation that guaranteed the right of access to information at the same time to provide certainty on the responsible exercise of the freedom of expression. The reform of 2013

brought its discussions related to the new dynamics (in legal-political and in communicational) on the regulation of technological innovations, mainly related to broadcasting, telecommunications, access to broadband, accountability, violence against communicators, and audiences rights. Some of these discussions are exhibit in some works. For example, Lay (2013) made a discussion from the legislative debate of 2006 to discuss the relation of State, democracy, and media. In this debate, allies from the company Televisa proposed a law media initiative that encourages it on the Federal Legislature. Lay addresses the problem of factual powers of media and its approach in the theoretical and academic discussion.

Esteinou (2015), another author who analyses the federal regulations of media, is concerned about the lack of legal boundaries of media power. From his perspective, this has occasioned that the constitutional State stands up a hybrid State, where media entrepreneurs have factual political powers with considerable importance. Arroyo (2015) states that the reform of 2013 encourages the consolidation of a private and economic model for broadcasting and telecommunication sectors. He considers that this situation interferes with the media development of the country and weakness the rights of information and communication. Huerta & Becerra (2016) argues that the main problem comes from the regulatory laws from the reform; on these laws, a small group of entrepreneurs of the sector was beneficiated by the legislation. Gómez (2018) observes the fights of the civil society to democratize the media system in Mexico against the private/trade hegemony which domains the sector.

On the other hand, Toussaint (2018) presents the transition process of the analogic to digital in public television, in the Mexican Public politic frame for the analogue switch-off. She finds the power imbalance between the public and private model “in favour of consortium in almost all aspects: coverage, audience, and budget” (p.14). Álvarez (2018) presents broad research using a critical glance at the history of the telecommunication and broadcasting sector in Mexico. She exhibits the regulations, rights, institutions, infrastructure, and social problems from the legal formation as a sector. Also, she analyses the place of Mexico at the international level.

Hincapié & López (2018) considered that in the case of the violence against journalists in Mexico, the regulation in the subject is not enough. Even the reforms look forward to straightener the democratic processes; there is a set of extralegal practices of containment of reforms that preserve the authoritarian and anti-democratic practices. This situation harms the protection of the informants, which commit the respect of the freedom of expression.

Even the regulation of social communication in Mexico has federal competence; it is true that the states open opportunities to legislate very particular aspects related to the regional demands. There are still few works elaborated from these regions that reflect on this aspect. An example of this is the research of Brambila (2018), who evaluates the mechanism that protect journalists and activists of human rights. She visualizes some problems related to aggression and responses to them in states of the Mexican Republic. Some of these responses come from the state legislations.

Espino (2016) and Espino & Mendoza (2015) present a work to show some problems related to the regional control of media in the states. For this, they characterize the case of the state of Querétaro. According to the authors, regional

media tends to be family companies that are influenced by political movements, different from some large and national corporative as Televisa.

The studies of Salazar (2018, 2020) contrast the democratic national processes in the reforms of 2013 and other federal efforts with the hegemonic subnational conditions. Some expressions of them are attacks on the press by repressing them or by co-optation. The legal process against journalists by non-material damages promoted by the subnational governments is part of these repression and co-optation strategies.

In that sense, the approach of González & Echeverría (2017) is enlightening. According to their proposal, Mexico represents an irregular modernization of its media system in the different regions because the characteristics of media are diverse. There are several contexts and exogenous and endogenous forces that impact the presence of authoritarian features with some other liberals. These features are present in different proportions in each region as a result of its historical-contextual conditions. They create two principal dynamics: the perpetuation of authoritarianism or the change to more democratic conditions; we have diverse regions with media systems under unequal ways on these tendencies. The reason for articulating the subnational category and this topic to show the regional singularities:

The heterogeneity in the effective implementation of laws and public politics in the territory is a common phenomenon in Latin America [...]. The most evident factor that explains this heterogeneity is the local state capacity evaluated by the financial sources (budgets, resource extraction) and institutional (size and quality of bureaucracy) that the subnational governments and the state offices of the central State (Augusto, Dargent, & Rousseau, 2017: 101)

Several discussions on Politic Science set the origin to the subnational category, for its necessity to have in perspective the idea of the national States as integrated units and actors in a rational way. The subnational entities are not just distinctions from the National Unity State; in this thesis. On some occasions, they could also have a larger agency to act independently in the global scenario (Rolandi & Merello, 2017); in contrast, not all the subnational entities have this capacity; others present lags. These differences create fundamental questions on how some subnational governments raise more capacity than others (Augusto et al., 2017).

According to Ríos & Soto (2017), the lack of attention in the legal institutions studies at the subnational level in Mexico has occasioned principal questions with no answer. For example, the causes and consequences of the subnational institution variations, the impact of the democracy transition in the subnational systems, and the analysis of the possible impact on the quality of the governance in the states.

The present information allows us to observe that it is necessary to incorporate this analytic category into the study of the legislation on communication in Mexico, checking these variations, also the similarities means to observe the concerns and necessities of the national entities in the communities.

Kucsko-Stadlmayer (2017) recognizes that the legal norm is a social construction of reality. Laws represent social order, and its rules refer to the social phenomenon of human behaviour. According to the author, in that sense, the legal

norms regulate everything that is considered valuable to the community. We could examine that the regional laws are an expression of the social region order with a normative function; the importance of the regional laws is that they express legally he organized community. These laws should be valuable as “spaces of a legal decision by adopting particular solutions to local problems” (Vado, 2008: 228). A fundamental question in that sense would be: What are the characteristics of regional legislations, and how they link with the reality in which are elaborated?

The legal frame is a fundamental feature of the media and social communication systems. Hallin & Mancini (2004) recognize seven types of common laws on media in democratic States: 1) defamation, privacy, and right of reply laws, 2) hate speech laws, 3) professional secrecy and journalists’ conscience laws, 4) access to government information laws, 5) concentration, property, and competence of media laws, 6) regulation laws on the electoral campaigns and the politic communication and 7) licenses and concessions of broadcasting laws. All of these are in Mexico, in the federal approach, and most of them in the subnational entities legislations.

On the other hand, media development is the concept used by UNESCO to link the quality of the media system in the States with other aspects considered in the general evolution of democracy and prosperity (UNESCO-IPDC, 2010). Under the frame of this organism, media development has been evaluated in some countries, for example, in Maldives (Mendel, 2009), Bhutan (Ministry of Information and Communications, 2009), Timor-Leste (Mendel, 2011b), Egypt (Mendel, 2011a), Croatia (Peruško, 2011), Uruguay (UNESCO, 2014) and Bolivia (Torrico & Villegas, 2016). In these works, the logic was to create a review on how indicators presented by UNESCO were; making a balance on their performance.

Media development has had its critics; Berger (2010), as well as Enghel & Wilkins (2012) point that time is ambiguous and contradictory when using it interchangeably as means (a unit of conditions to get to status) and as an aim (a level which it has achieved). However, over time it has raise sounding, there are groups of academics that are already organized by this term as an element that articulates their scientific work¹.

This article considers that the category related to the legal frame evaluation of the UNESCO indicators for media development is an instrument that allows using extern criteria for the aims of this study. Here it is used as an instrument to extrapolate it from its construction to evaluate the national States and used in the legislation analysis on communication in the subnational space. UNESCO divides the legal frame category of the media development into; a) legal and political frame, b) system to regulate media, c) laws on defamation and other legal restrictions on journalists, and d) censorship.

1 For example, during the International Association for Media and Communication Research (IAMCR) Conference 2019, in Madrid, Working Group Media Group Sector Development was formalized. Since then, it constitutes a research line in that association.

3. Methodology. Corpus localization and argumentative analysis

To identify the social communication legislation of subnational entities; there were visited the 32 web sites of the Mexican State Congresses. The advantage of the legal obligation to publish the current laws was beneficial. From January to June 2019, the current regulations were collected and then reviewed for its subject. It is relevant to clarify that the only norms that were collected were the primary, not the secondary instruments.

After that, the specific legal instruments related to social communication were identified, then, three extern criteria were accepted to recognize them: in the first place, they should refer to the constitutional articles sixth and seventh; second, that they correspond to any of the seven types of legislations recognized by Hallin & Mancini (2004) and third, that they match with the category indicators of the legal framework for the evaluation of the media development (UNESCO-IPDC, 2010).

The laws of the social communication of the subnational entities were identified and then classified. Table 1 presents them. After that, using program *Nvivo 12* an argumentative formal analysis was conducted to check the particular and internal characteristics, but also to identify the cross features that set similarities and differences among the documents.

The formal argumentative analysis is useful to recognize the characteristics of the symbolic forms in the discourse by its features, patterns, and structural relations (Thompson, 1998). The objective of using this method was to recognize and to show clear standards in the legal texts. The methodology consists of “separating the discursive corpus in a set of sentences or organized assertions, related to certain points or topics and, to set existent relations between these sentences and topics” (Thompson, 1998: 419). In this case, the units of analysis were the articles of each law that work as units to establish concrete regulations.

A body of founded categories was developed, for the argumentative analysis, from the legislation characteristics found and its contrast with the typology proposed by Hallin & Mancini (2004). The topics considered on the constitutional articles sixth and seventh and the indicators of the media development. The categories are integrated into a book code. They are: 1) accountability and data protection, 2) governmental communication, 3) freedom of expression and right of audiences, 4) media and audiovisual industries regulations, 5) digital rights, and electronic, digital, and open government.

4. Results. Characteristics of the State Legislations on Social Communication in Mexico

When considering the communication regulations on the subnational entities, it is necessary to say that specific laws in the subject do not end up. There is an infinity of media and communication regulations dispersed in a big part of the law, even when the enforcement areas could be very different. For example, norms oriented on guaranteeing a life of dignity to vulnerable groups, on regulating education, on coordinating the war on addictions, on promoting sports, even the ones on regulating the agricultural practice as apiculture could contain articles related to communication and its tools as substantial or assistant support.

In that sense, the 32 laws of the subnational articles in electoral matter destiny a big part of its content to regulate the access of the political parties to media. They also recognize and punish the personal damage for publications on media. Another example is that most educational laws contain the rights of the child audience, and the infinity of laws proposes media campaigns on its subjects. However, this analysis is focused only on the specific laws in which the main subject of regulation is any aspect of social communication. There are 144 current regional laws of this type in Mexico; they are distributed around the 32 entities of the republic, as shown in Table 1.

Table 1. Communication aspects on the subnational entities of Mexico Legislations

| <i>Type of legislation by regulation subject</i> | <i>f</i> | <i>%</i> |
|---|----------|----------|
| Protection of Personal Information in Possession of Private Entities Laws | 33 | 22.92 |
| Transparency and Access to Public Government Information Laws | 32 | 22.22 |
| Official state newspapers Laws | 21 | 14.58 |
| Protection of journalists and human rights activists Laws | 12 | 8.33 |
| Digital, electronic or open government Laws | 8 | 5.56 |
| Audio-visual or film industries support Laws | 8 | 5.56 |
| Civil rights of the journalist exercise Laws | 7 | 4.86 |
| Public state media Laws | 6 | 4.17 |
| State journalism prizes Laws | 3 | 2.08 |
| Child audiences protection Laws | 2 | 1.39 |
| Exterior advertising installation regulation Laws | 2 | 1.39 |
| Social right journalists protection Laws | 2 | 1.39 |
| Institutional public broadcasting regulation Laws | 2 | 1.39 |
| Use of free software and open-source regulation Laws | 2 | 1.39 |
| For the existence of the digital city law | 1 | 0.69 |
| Regulation of the high price to the access of Internet law | 1 | 0.69 |
| Editorial fund Law | 1 | 0.69 |
| Printing Law | 1 | 0.69 |
| TOTAL | 144 | 100 |

Note. The average distribution of the number of laws per federal entity is represented in the following way: M=4.5; Mo=5; DE=1.32

Source: Compiled by the author

The organization of data in Table 1 goes from higher to lower occurrence according to regulations, the influence of the national State on region environments is manifest. As the number of regulatory laws decreases, it is evident that a topic of the own agenda of the subnational entities and not total from the states that form the federal pact.

Every subnational entity has an average of five specific laws on social communication related to two more sets: 1) the constitutional mandate of unrestricted access to public information and 2) personal data protection, obligated to create legal instruments for each state. For this reason, all subnational entities have laws related to these two subjects; Table 1 shows this information. The creation of legal documents on these subjects is practically identical to all the entities. Accountability found that one of the entities, Morelos has two laws that are in the protection of the personal data category: one that is similar to the rest; the other refers to the statistics generation; this offers personal information that is necessary to keep; this explains the 33 instruments in the rubric, this being the broader set.

In the second, a third set appears in importance order by the number of laws that sustain the official newspapers of the states. These make public, and here it starts is term regulations, norms, decrees, and Public Politics. They are the formal governmental communication that links the state decisions with citizens; 21 of 32 entities recognized this type of law. The rest of the regulations of this type may appear at the regulation level and not as principal legislation². The legislative hierarchy given to the instruments is part of the particular decisions that correspond to subnational entities; they configure the institutionalism that integrates them. The legislative hierarchy configures institutionalism on the instruments; and it is a factor in particular decisions of the subnational entities.

A fourth significant group is the journalists and human rights activists' laws protection. This group is relevant for quantity, which has 12 regional instruments, also for the phenomenon that serves. Mexico is the most dangerous country to exercise journalism, and for the number of crimes committed against informants³. Eleven of these laws are similar to the federal norm in the subject, establishing protection measurements and mechanisms to execute them with some regional variants according to the financial and human sources that are possible to destiny to this labour. In this set, the State Commission for Attention and Protection to Journalists Law in the state of Veracruz is relevant. This entity represents more attacks to journalists in the country; its legislation is to regulate the administration of the commission; it does not administer the installation of protection measures. This situation is interpreted as a lack of political will caused by the failed transition to democracy in Veracruz, which creates regional authoritarianism centred on simulation (Olvera & Del Palacio, 2017). Also, it is necessary to indicate that there are entities with high rates of violence against journalists that do not have state law to protect them as Chihuahua, Oaxaca, and Sinaloa⁴.

2 In this methodological section, the author states that he worked with the principal laws, not with the secondary of regulatory type

3 According to UNESCO (2018), between 2016-2017, México lead the world list of journalists murders, counting 13 cases per year; most of them were local journalists.

4 For more information related to the attacks on journalists, it is possible to access to the web site of the Especial Federal Special Prosecutor for Attention to Crimes Committed against Freedom of Expression (FEADLE) from the government of Mexico (<https://bit.ly/3czFi3T>). Here, it is possible to read general and updated information by entity.

In this fourth set, the uniformity from the federal guidelines in regulation subjects and the creation of laws is observed. The following shows the own characteristics of the subnational regions; they reflect their concerns and the particular solutions that legal instruments offer.

Regional legislations of the electronic government keep attention to accountability, the transactional use of digital instruments to speed bureaucratic procedures, and permanent access to public documents. These instruments are diverse, and its terms too: for some is electronic government, for some other digital government or even open government; but the difference is not innocent. Depending on the commitment to society, the term is accepted. The electronic government term seems to define a more transactional and limited approach, and the open government offers a more integrate and open to public scrutiny.

Laws for supporting the audiovisual and film industries are in the following set. The subnational entities have little participation in film production. For this reason, there are eight laws related to the topic; there is no agreement: some of these legal instruments refer to the audiovisual works; others regulate the procedures to access to the filming location. One of the laws administers the tax exemption of the cinema and theatre room exhibition. The analysis of this data states that depending on the possibilities of each entity; minimal norms are presented to participate in the audiovisual industries.

There are two sets related to each other: the civil rights on the journalist exercise laws and the protection laws of the social rights of the journalists. The first ones have seven instruments that represent four journalists' rights: the professional secret, awareness clause, access to information and events, and copyright of core literature and journalistic work. The second corresponds just to two entities, and it is composed of both laws that protect the welfare of the journalists and their families; health, education, training, and professional training, recreation, and culture rights. There are no similar federal laws in Mexico; the subnational entities show their competence in legal subjects that remedies the lack of federal legislation.

According to the decreasing order observed in Table 1, specific topics of a few subnational entities are a group in the following sets. These correspond to the following subjects: legal certainly of the public state media, regulations to award journalistic works, outside urban and road advertising, institutional communication regulations of the state government, among others. Even when the topic of digital rights protection is appearing, it is notorious. In two entities, the use of free software and open-source; is guaranteed. In a third, cybercafé users are secured, from avoiding high bills. In other more, the existence of the digital city is declared; it is relevant to the lack of concern in two of the rest of the entities to defend the child audiences of adult contents in digital, electronic, and printed media.

On the other hand, one of the most antique laws of the federal field is the Printing Offenses Law, current since 1917 with its respective reforms, with a historical tradition of a century on its regulations. It highlights that just one entity in the subnational space is concerned with generating its Printing Law.

Below is shown Table 2; it presents the analytic logic of the constructed categories for the argumentative analysis.

Table 2. Analytic organization of the social communication laws in the Mexican subnational space

| <i>Laws categories</i> | <i>f</i> | <i>%</i> |
|--|----------|----------|
| 1) Accountability and data protection | 65 | 45.14 |
| 2) Freedom of expression and rights of the audiences | 27 | 18.75 |
| 3) Governmental and institutional communication | 23 | 15.97 |
| 4) Public media, publishing, audiovisual industries, and publicity costs | 17 | 11.81 |
| 5) Digital rights, electronic and open government | 12 | 8.33 |
| TOTAL | 144 | 100 |

Source: Compiled by the autor

Table 2 presents the five categories organized by the descending hierarchy of their occurrence percentages. The first category, related to accountability and data protection, has 65 state laws (45.15%) that regulate the right of information. According to some authors (Bohmann, 1994; Fernández, 1993; Gutiérrez, 2005; Ramírez, 2008; Villanueva, 1995), this topic has been on the debate with academics and the organized civil society since the decade of 1970 in Mexico. This category refers to the unrestricted access to public information generated by the Obligated Institutions; as a consequence of the technological innovations, personal data of the users is exposed. It was necessary to establish a guideline to protect personal data; in this way, the right of information to incorporate the right of choosing the use of personal data given by the exchange of services. This category is the widest because of the imposed obligation for the federation of subnational entities to generate its regulations.

The second category, freedom of expression and right of audiences, is the nucleus of the guarantee of information and communication that should be recognized and protected for all individuals. Twenty-one laws for journalists protection are here, their professional exercise and welfare; plus three state awards laws of journalism, two are child audience protection laws, and one is printing law presenting a total of 27 (18.75%). This set allows considering that there is a concern in the subnational entities to protect the journalistic activity, which is a symbol of freedom of expression, and it is necessary for the consolidation of a democratic State; it constitutes a vertical form of accountability (Isaza, 2015).

However, it allows us to observe that other individuals, different from journalists (and activists⁵), are not accepted as actors that could pronounce and exercise speech publicly. In the same way, one could assume that child audiences require the State protection of the non-appropriate content to it. These situations suggest the necessity to open debates that allows reconciling the guarantees of the general Constitution with the legal state instruments in the subnational space to make them obligatory.

The third category, governmental and institutional communication is essential. It establishes what Zémor (2008: 2) identifies as “a formal communication established in the Rule of Law frame under a legal domain” it means that it is the recognition of the State interaction with citizens; it corresponds to the regulations elaborated on the strategies of the government to attend citizens, keeps them informed, show accountability, make them socialize with its objectives, construct legitimacy and valid laws and norms to publish them on official newspapers; it constitutes a prerogative of the institutions to disseminate activities and gain a public presence. At the same time, it formulates the right of the citizens to recognize the actions that those institutions conduct with public resources. There are 23 laws (15.97%) in this category, which are related to the existence of official newspapers and management of institutional dissemination.

The fourth category refers to the media regulation; there are 17 laws (11.81%) that constitute the legal existence and regulate the public state media, activities, and support of the audiovisual industries, the outdoor advertising management, and the government editorial fund. Related to the public media, they constitute public concessions⁶ of radio and television that have given to the state governments. The referred laws grant institutional character as in the case of the governmental editorial fund. This type of legislation allows the governments to have media and cultural activities in electronic supports and printed publications, which is convenient to try to guide public opinion. In contrast, some entities have established guidelines to establish a legal framework for the participation of public and private instances in the film and audiovisual activity; in the market area, even though this is not a relevant industry within the country⁷.

On the other hand, one of the duties of the state governments is to regulate the urban equipment, for example, the exterior publicity of the advertising panels. Generally, outdoor advertising is regulated by the codes of urban and territorial development. However, two entities establish necessary to have a legal-specific instrument for this activity; one of these entities is Mexico City, where finishing 1990s and beginning 2000s, there was a notorious increase in advertising. This situation generated visual contamination and risk for the urban infrastructure; for this reason, the problem was identified as a relevant issue to be required strict regulation. Chiapas is the other entity, which law regulated the outdoor advertising on roads in the state and adjacent lands. Because this entity has a great natural and archaeological wealth,

5 There are eleven laws of journalist protection against violence, which also include the activists of human rights. In both cases, the law defines them as individuals who belong to organizations; in the case of journalists, they belong to media, and in the case of activists, they belong to civil society organizations. There are no explicit guarantees related to citizens in general. One could assume that the General Constitution already protects them.

6 Defined in the Federal Telecommunications and Broadcasting Law

7 According to data of the last economic census (INEGI, 2019a), in 2018, the industry and video film incomes represented 0.0002% of the total in the country; for the supplies of goods and services, which has 1,347 establishments dedicated to this rubric. It occupies 29,638 paid workers.

the law is focused on avoiding damage to historical heritage, decreasing the visual contamination in natural areas, and not allowing that it affects visibility and panoramic views.

The fifth category corresponds to the digital rights and to translate transactional activities to the informatics nets; it conforms to the electronic, digital, or open government terms. There are 12 laws in this category (8.33%), which makes it the smallest of all. It reveals the necessity to incorporate this regulation subject in debates and the Public regional agendas. In an isolated form, social fights have appeared and conquered some law spaces. Aguascalientes is an example of this, where groups of gender equality achieve to typify cyberbullying as a crime. However, there is not a specific law yet. Related to this point, the Module of Cyberbullying (MOCIBA) of the National Institute of Statistics and Geography (INEGI, 2019b) indicates that 23.9% of the population older than 12 years old that used the Internet in 2019 was a victim of cyberbullying. There are still relevant gaps in the subnational space, recognizing and regulating digital rights; also, in protecting society from risk.

Data presented until now, still descriptive, is a contribution to line a subject of study that has been absent. It is a view of the set of regional legislation on social communication within the national State. This view contributes a broader comprehension of the legal- political sphere configuration in the fulfilment of rights and freedoms of communication and information. It covers the context of the transition of the democracy, emphasizing on the regional. The next part of this work will present the discussions and conclusions, trying to construct a bridge of data and theory to discuss the utility and the possibilities that are open under this type of propose of research.

5. Discussion

The results of the presented analysis allow qualifying some assumptions of the beginning, refining them, and setting them on a discussion to continue problematizing this object of knowledge. In the first place, it is possible to identify the tension of the settled obligation by the federation under particular conditions of the regional. The Mexican reform of 2013 asked all entities the duty of having their legislation on accountability and personal data protection; this situation was evident. This situation passed over the regional agencies incorporating it into the regional life in a coactive form. In contrast, there are issues in which discussion is in some regional areas in a relevant way, and it is determined in legal instruments without being in the federal field; for example, to guarantee the access of journalists to the welfare State. This situation could be clear, more if the Legal technique is only studied. However, when it is articulate it with the social communication studies campus contributes to revealing several levels of legitimacy that reach problems of that field in different levels of legal formulation: national and subnational.

In the second place, the argumentative analysis allowed us to observe that some aspects of the social communication legislated in the subnational entities in Mexico correspond to limited problems. Five categories represent *grosso modo* the concerns of social communication in the states; the possibility to link these categories with theory-methodology and in the empirical with the constructed by Hallin & Mancini (2004). Also, in the evaluation criteria for the media development (UNESCO-IPDC, 2010) indicates that the legal instruments consider by the subnational entities in Mexico

correspond to the social communication topics recognized in the democratic States. This situation brings the possibility to design a research program focused on studying the laws carefully and evaluate their creation. Also, to discuss if these topics are enough for the Mexican context or if it is necessary to propose new arguments that require legal frames. The possibility to recognize new communicational rights and to make them enforceable, even if they are or not in global agendas. An example is cyberbullying, personal data protection, and the democratization of the public image right, for the speech right for all, not just for journalists and officers. Observing these possibilities serves to have options for the articulation of the legislation analysis with the studies of civil society and its lights in the communication area; it would add to the recognition of a broader catalogue of demands that require legal recognition to convert into formal rights.

In third place, it is evident the necessity of going deep in the evaluation of the social communication laws belonging to the subnational entities. The complexity of this work requires the support of comparative analysis to contrast successful experiences of state regulation of communication in the world. This situation would allow identifying its sufficiency levels, also of its incorporation in the theoretical debates and the Public global agendas without abandoning the regional scope; it would make it possible to continue the comprehension of problems to legislate on social communication. It would encourage the legal region body in its efficiency, not necessarily in its quantity; it would make it possible to identify the recognition challenges and demand rights and freedom of information and communication.

In fourth place, it is relevant to insist that the specific laws are not enough when talking about the communication of the subnational entities. There are several elements spread in a big part of the regional laws, of which we have already given examples in this article. For this reason, it is a pending matter to identify the total chart of regulation that implies the public communication system (Martín-Serrano, 1994). Also, identifying how the social specific communication laws interact with the entire legal body of the subnational entities; with this, a complete map of the legal area of the social public system communication rights and obligations recognition could be formed from the regional scope.

A fifth consideration consists of making the following question: how much these laws represent the social claim related to rights and freedoms of communication and information? Are these the result of the strategies of the power groups to keep control of the communicative dynamic? Salazar (2018) and Espino & Mendoza (2015) present their work to show the strategies of the regional power groups to control the media and press system by laws and other actions. Strangely, there were not identify studies that document, at a region level, the efforts of the civil society to recognize formally communicational rights; this does not mean that these efforts do not exist. The child audience protection laws, the journalist protection, and even some other regulations of other subjects suggest that regional social agendas are incrementing on them.

According to UNESCO, the evaluation of media development implies to qualify the legal frame of the national States as an evaluation category. It is limited if the diversity of legislation in the subnational space is not recognized. The general observance of federal laws is an indicator of the central regulation that affects the entire country. But the social communication laws of the subnational entities are incorporating qualifies and sometimes salving deficiencies that are related to political and social life in the regional field. They look for solutions for problems that represent the

technologic innovations, the new practices of the professional communicators, the reordering of the public actors in front of new platforms of broadcasting of information, the new business models for the media companies and, in general, the new forms of interacting of people to challenges so wide as the self-existence in a hyper-connected world in which we are nowadays.

6. Conclusions

Because this is a research topic very little studied, this work has a descriptive and exploratory character; we decided to begin from the subnational space consideration to recognize the autonomy of the states of the Mexican Republic. They represent regional communities with specific problems, which search for particular solutions; one way to find solutions for those problems is by elaborating legal norms. These norms, more than discursive formulations, represent a social order; this order is under federalism that implies a Legal hierarchy that Vado (2008) formulates in three levels: entire legal community, the federal legal community, and the local legal community. Each has a connection with the rest, but also autonomy in which is an authority and organizes its population.

The assumption of the social communication legislation of the state entities represents evidence of the subnational category. This situation occurs when diverse solutions configure as particular problems in regions of Mexico. Under this idea, these regions are different between them because of their different democratic progress levels, and irregular process of modernization (González & Echeverría, 2017) would have contrasting expressions from the communicative phenomena that live. This situation could be visible in the review of the laws elaborated about it; this is a way of formalizing and set these expressions.

The analysis resulted in a total of 144 laws of subnational entities related to several aspects of social communication aspects. The theoretical-methodological foundations previously stated allow organizing these laws in five categories based on its analysis: 1) accountability and data protection, 2) government communication, 3) freedom of expression and right of the audiences, 4) media and audiovisual industries regulations, and 5) digital rights and electronic, digital and open government. The presented order corresponds to a hierarchy related to its volume. The first category is present in all entities of the country. Also, the elaboration of these documents is similar in all cases; these two signs show that corresponds to a national legislative agenda present in the regions.

The following categories decrease gradually in volume, at the same time that they spread in the characteristics of its elaboration; for these aspects, it accepts that they correspond to particular regional agendas. This situation is consistent with the theoretical foundations that assume that the region communities configure the legal norms related to the problems of them, and these are diverse.

Finally, the contribution of this work is to offer elements to enrich the discussion of social communication exercise in the regions. Analysis of regulations that legalize media and communicative practices take the subnational categories, to problematize the differences of the democratic processes in the states of the Republic. This category has been

incorporated into the social communication studies in Mexico by Salazar (2018, 2020). Refining this object of knowledge and articulating with another phenomenon close to it is to offer the possibility of a research agenda that complements and discusses the results presented here.

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