



Year V, v.2 2025 | Submission: 11/24/2025 | Accepted: 11/26/2025 | Publication: 11/28/2025

From byte to article: navigating the fundamentals and challenges of Brazilian legislation in a connected society.

From byte to statute: navigating the fundamentals and challenges of Brazilian Legislation in the connected Society

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SUMMARY

This final course paper aims to analyze the implications of digital law in the Brazilian legal system, based on a literature review. The advancement of Information and Communication Technologies (ICTs) and the increased use of the internet bring new legal challenges, demanding an update of the norms. The research addresses four main axes: the conceptual foundations of digital law, the impacts of ICTs on legal relations, the protection of personal data and privacy, and the legislative and jurisprudential challenges faced by the national legal system. The analysis is based on the works of authors such as Danilo Doneda, Ronaldo Lemos, Sergio Ferraz, and Patricia Peck, who highlight the need for a reinterpretation of traditional legal principles in the face of technological innovations. Topics such as privacy protection, electronic contracts, cybercrimes, and digital civil liability are discussed in depth. The study reveals that digital law is not just a new area of law, but requires an adaptation of the legal system to the new demands of digital society. In conclusion, the consolidation of digital law requires collaboration between legislators, legal experts, technology professionals, and civil society. Creating a safer and more effective legal environment, coupled with legislative updates and continuous training for legal professionals, is essential to guaranteeing the protection of fundamental rights in the digital context.

Keywords: Digital Law. Data Protection. Privacy. Legal System.

ABSTRACT

This final paper aims to analyze the implications of digital law within the Brazilian legal system, based on a bibliographic review. The advancement of Information and Communication Technologies (ICTs) and the increasing use of the internet present new legal challenges, demanding an update of the norms. The research addresses four main axes: the conceptual foundations of Digital Law, the impacts of ICTs on legal relations, the protection of personal data and privacy, and the legislative and jurisprudential challenges faced by the national legal system. The analysis is based on the works of authors such as Danilo Doneda, Ronaldo Lemos, Sergio Ferraz, and Patricia Peck, who emphasize the need for a reinterpretation of traditional legal principles in the face of technological innovations.

Topics such as privacy protection, electronic contracts, cybercrimes, and digital civil liability are discussed in depth. The study reveals that digital law is not merely a new area of law, but requires an adaptation of the legal system to the new demands of the digital society. Finally, it is concluded that the consolidation of digital law requires collaboration among legislators, legal experts, technology professionals, and civil society. The creation of a safer and more effective legal environment, coupled with legislative updates and the continuous training of legal professionals, is essential to guarantee the protection of fundamental rights in the digital context.

Keywords: Digital Law. Data Protection. Privacy. LegalSystem.

1. Introduction

The technological advances of recent decades have significantly transformed relationships. social, economic, and legal changes. The digital age has brought new modes of communication, consumption, and... data production and the organization of society, thus demanding a new perspective from the... right. As Doneda (2015) points out, the exponential growth of information technologies has This calls for the development of more agile and appropriate legal mechanisms for the new digital reality.

Given this scenario, digital law emerges as a field of study and legal practice. focused on regulating human conduct in the electronic environment. According to Oliveira (2020), the law Digital is an emerging field that seeks not only to regulate behaviors in the environment. virtual, but also to reinterpret classic institutions from the perspective of technological innovation. It is about a cross-cutting area that interacts with Civil, Criminal, Labor, and Constitutional Law, in addition to To engage in dialogue with technical fields such as information security and data science.

The increasingly intense presence of new technologies in daily life demands that the Brazilian legal system adapts in a dynamic and effective way. Issues such as protection of personal data, cybercrimes, civil liability on the internet, electronic contracts and Digital intellectual property is becoming central to the current legal debate. As Siqueira observes. (2020), the slowness of the law in keeping up with the speed of technological transformations may to generate legal uncertainty and weaken fundamental guarantees.

In Brazil, some important laws have been developed or adapted with the The goal is to respond to these challenges. The enactment of the Marco Civil da Internet (Law No. Law 12.965/2014), considered a regulatory framework for rights and duties in the digital environment, It introduced fundamental principles such as net neutrality, privacy, and freedom of expression. Subsequently, the General Data Protection Law (Law No. 13.709/2018), inspired by the European model, This represented a significant advance in the protection of privacy, as Monteiro (2021) points out.

This work aims to conduct a literature review on digital law and its implications for the Brazilian legal system, seeking to understand how the framework The legal system is adapting to the digitalization of society. Through the analysis of works The aim is to identify the main academic texts, scientific articles, legislation and case law. Challenges, advances, and perspectives of this new legal area. The approach aims to be critical, but also proactive, considering the need for constant regulatory updates.

The choice of the literature review method is justified by its breadth and complexity. of the topic, which requires a consolidated analysis of existing doctrinal production. According to Gil (2002), this method allows a systematic survey of the knowledge already produced, facilitating Understanding the theoretical and practical evolution of the object of study. In this sense, the following will be consulted. contributions from authors such as Requião (2019), Monteiro (2020), Torres (2018) and other scholars



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that focus on digital issues in Law.

This work is structured in chapters that will address, respectively, the fundamentals. Conceptual aspects of digital law, the main impacts of new technologies on legal relations, the Brazilian legislative evolution in the face of digitalization and future prospects for the legal system. Legal. The aim is to contribute to academic production in the field and foster relevant discussions. For students, legal professionals, and others interested in the topic.

In short, the study of digital law is essential today, given that society... is increasingly immersed in the virtual environment. As Torres (2018) summarizes, digital law is not not just a normative response, but an ongoing effort to adapt justice to the world in transformation.

Therefore, understanding its legal implications is a fundamental step in ensuring the fundamental rights in the digital environment and building a fairer, more modern and effective legal order.

2. Conceptual foundations of digital law

Digital law is a relatively recent area of legal knowledge, emerging as a response to the changes brought about by information and communication technologies in society. contemporary times. The digitization of social, economic, and institutional processes has created new forms of the relationship between individuals, companies and the State, requiring the adaptation and creation of legal norms specific. According to Requião (2019), digital law can be understood as a set of Legal norms, principles, and institutions designed to regulate legal relationships in the virtual environment.

The strategic relevance of information, in the geopolitical landscape and in interpersonal relationships, It is not a contemporary phenomenon, but rather a historical factor that shaped conflicts and ensured the State sovereignty. This dimension of data as an element of power and control was duly recognized by the Brazilian constitutional legislator. In this sense, when analyzing the origin of Regarding legal concerns about the protection of information, Ferraz (2021, p. 11) emphasizes that:

It is well known that in wars, the first casualty is truth. It is also known that the one who obtains the most high-quality information about the enemy's potential wins the war. The great world conflict of 1939-1945 saw the Allies emerge victorious not only because of their message of democracy and individual liberties, but also because of the extraordinary advantage that Alan Turing and other geniuses at Bletchley gained by deciphering the German Enigma cryptography and thus securing access to data on the war strategies of the Axis powers. The same is true in personal life and social contact, for better or for worse. The data we have about individuals or entities decisively helps us in how we approach and treat them. This overview explains and justifies the concern of our constituent assembly in protecting, especially in clauses IV, V, X, XI, and XII, among others, of Article 5 of our Constitution, the privacy of individual data. On the other hand, the drafters of the Constitution did not ignore the significant value, for the perpetuity of democracy, of carefully regulated access to information (Article 5, items XIV, XXXIII and LXXII, among others, of the Constitution of the Republic).

This new reality highlights the need to revise traditional legal concepts to adapt them to digital dynamics. Terms such as "identity," "property," "privacy," and "civil liability" take on distinct forms in cyberspace. How



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As Torres (2018) points out, digital law does not replace the classic branches of law, but complements them, reinterpreting them in light of technological and social transformations.

On the other hand, the evolution and institutionalization of the discipline of Digital Law and Legal Informatics do not occur homogeneously globally, intrinsically depending on the academic and governmental investment of each nation. In this sense, Cantu (2016, p. 20) proposes a categorization of the nomenclature, which is based on the degree of advancement and development of the topic in a given country:

Initial or basic trend: little progress and development in legal informatics and...

Digital law, due to the scant importance given to the subject by law professors at universities and also by government officials; the inclusion of legal informatics in the study plans of law schools is still planned, initially developing national doctrine;

Growing or progressive trend: a clear distinction between legal informatics and digital law (related but totally independent branches); digital law as an autonomous branch of law (included in the curricula of the main law schools in the country), separate from the subject of legal informatics; in Europe, it is recommended to combine both subjects under the concept of "Informatics and Law," as this definition is considered more complete;

Advanced or thriving trend: highlights the need and importance of developing legislative work regarding digital law, with specific rules governing its application, given its importance and respect in legal doctrine and jurisprudence; development and consolidation of national legislation, doctrine, and jurisprudence on digital law; controversy over national and international practical cases in the country's Supreme Court;

Culminating or innovative trend: significant advances in the development of meta-documentary or decisional legal informatics, as research centers for the use of artificial intelligence systems applied to law develop doctoral theses related to artificial intelligence and law; development of practical and specific projects for the use of intelligence applied to law.

The debate about the autonomy of digital law as a branch of law still divides the... scholars. For Oliveira (2020), although digital law interacts with areas such as Civil Law, Criminal, Constitutional and Administrative law, it presents its own characteristics and demands that They justify its recognition as a new branch of law. On the other hand, authors such as Siqueira (2020) prefer to understand it as a field of application of existing law, focusing on new Forms of manifestation of legal relationships.

One point of consensus among scholars is that digital law emerged from a context of radical change in the forms of communication and circulation of information. The internet and the Digital networks have broken down physical and temporal barriers, giving rise to legal questions before nonexistent or irrelevant, such as the validity of digital evidence, anonymity on social media, the cryptography and the protection of personal data. Doneda (2015) points out that these new problems They require not only legislative responses, but also a new legal culture sensitive to the dynamics. digital.

Furthermore, another fundamental aspect in the conceptualization of digital law is its character. Transnational. The internet, by its very nature, transcends territorial boundaries, which challenges the... national legal systems necessitate international legal cooperation. How



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As Monteiro (2021) explains, national legal instruments often prove insufficient.

to deal with crimes and disputes that occur on a globalized network. Thus, digital law needs

It should also be understood within a multilateral framework.

Furthermore, digital law is characterized by its constant evolution. The emergence of New technologies such as artificial intelligence, blockchain, big data, and the Internet of Things (IoT) create, the New legal challenges arise all the time. According to Carvalho Junior and Rezende (2024), digital law is marked by a dynamism that demands a proactive stance from legal professionals and a Continuous updating is essential, otherwise it risks becoming obsolete in the face of rapid technological innovations.

In this context, traditional legal education is also being questioned. Professional practice in digital law requires new skills, such as mastery of basic concepts. of technology, information security and data protection. As Siqueira Neto (2018) argues, it is It is essential that law courses include subjects focused on Understanding digital reality is crucial, otherwise we risk creating professionals who are disconnected from the demands of the digital world. 21st century.

In short, digital law represents a legal response to the profound changes brought about by... due to the technological revolution. Its theoretical framework is still under development, but it is already showing signs of importance. Essential for regulating relationships in the virtual environment. Understanding its fundamentals. Conceptual understanding is the first step towards efficient, ethical, and up-to-date legal practice, capable of guaranteeing... Fundamental rights in the digital world.

2.1 The impacts of Information and Communication Technologies (ICTs) on legal relations

Information and Communication Technologies (ICTs) have profoundly transformed the The way individuals, companies, and institutions interact with each other. These transformations go beyond The technical field directly impacts legal relationships, requiring the law to... reinterpretation of traditional norms and principles. According to Castells (2003), we live in the "society "Networked," where information is produced, disseminated, and consumed in a fast, decentralized manner. and global, altering social and, consequently, legal structures.

In the contractual field, for example, ICTs have enabled the emergence of so-called... Electronic contracts, executed through clicks and digital agreements, without physical presence. of the parties. This new way of contracting requires new guarantees regarding authenticity, integrity and legal validity of electronic documents. As Tartuce (2020) points out, the challenge for Law is to ensure that contracts signed digitally respect the same principles as the original contract. traditional principles, such as autonomy of will, good faith, and contractual balance.

Another significant impact is in the area of civil liability. The widespread use of The internet and social media have created new possibilities for harm, such as the unauthorized disclosure of... images, hate speech, fake news, among others. As Gagliano (2019) teaches, the



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Civil liability in the digital environment involves the application of traditional criteria (action, damage, (causal link and fault) in unprecedented contexts, requiring legal professionals to have a contextualized understanding of the facts.

ICTs have also brought great challenges to Criminal Law. The practice of crimes Cybercrimes, such as device hacking, e-bank fraud, and digital identity theft. The dissemination of child pornography requires swift and effective responses from the penal system. Greco (2021) states that Brazilian criminal law needed to be reformed to deal with these New crimes are being discovered, but it still faces difficulties in keeping up with the sophistication of criminal activities. in the digital world.

In the field of Consumer Law, the impact of ICTs is equally significant. Electronic commerce (e-commerce) has significantly altered consumer relations, making It is necessary to rethink consumer protection mechanisms. According to Nunes (2022), the The Consumer Protection Code needs to be interpreted in light of the new digital landscape, with attention to detail. especially for issues such as returns, product delivery, collection of personal data and after-sales service.

Workplace relations have also been significantly altered by ICTs. Teleworking, the use of apps for providing services (such as drivers and delivery people) and remote control Changes in professional activities raise new questions about working hours, subordination, and rights. labor law and protection of the worker's privacy. Delgado (2020) observes that the CLT needed to be interpreted in a more flexible way to account for these new relationships, especially after the The COVID-19 pandemic accelerated the digitalization of work.

Furthermore, the very functioning of the Judiciary has been impacted by ICTs. The computerization of judicial processes, with the creation of the Electronic Judicial Process (PJe), accelerated It streamlined procedures and increased transparency. However, it also brought challenges such as digital exclusion and... the need for adequate infrastructure. According to Marinoni (2017), the digitization of the Judiciary This represents an important evolution, but it requires constant investment in training and... technology.

Finally, ICTs have modified the very notion of citizenship and political participation. Networks Social media and digital platforms enable new forms of mobilization, denunciation, and demands. rights, while at the same time creating spaces for misinformation and manipulation. For Morozov (2011), technology can both empower and oppress, depending on how it is used and regulated. It is up to the law to seek a balance between freedom and security, guaranteeing an environment A fairer and more democratic digital world.

2.2 Protection of personal data and privacy in the digital age

The protection of personal data has become one of the major legal concerns of the century.



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XXI, especially in light of the massive collection, storage, and sharing of information in digital environment. The technological advancement provided by ICTs has made it possible for personal data be used strategically by companies, governments, and organizations, often without the consent or knowledge of the data subjects. As Doneda (2015) states, personal information has passed becoming a valuable economic resource, it is configured as the "currency of exchange" in the digital society.

In this context, privacy, as a fundamental right, has taken on new dimensions.

The traditional concept of privacy, understood as the "right to be alone" (Warren and Brandeis, (1890), it also came to encompass control over one's own data. Solove (2008) highlights that the Privacy should be understood as the right to manage personal information, that is, the power. to decide how, when, and by whom your data will be used. This perspective is essential in In the digital world, data is produced constantly, often automatically.

In Brazil, the enactment of Law No. 13.709/2018 – the General Law on the Protection of Personal Data (LGPD) – represented an important regulatory milestone. Inspired by the European GDPR, the LGPD It established principles, legal bases and rights of data subjects, as well as duties of... controllers and operators. According to Monteiro (2021), the LGPD seeks to guarantee a balance between the Technological innovation and the protection of human dignity, by imposing clear rules on the treatment of personal data, including in digital media.

The LGPD (Brazilian General Data Protection Law) established several fundamental principles, including the principle of purpose, of The need for transparency and security, all aimed at protecting the data subject. Furthermore, the Consent has become one of the most relevant legal bases, requiring that data processing... It must occur freely, in an informed and unequivocal manner. As Oliveira (2020) points out, consent does not It can no longer be presumed or obtained through generic clauses; there must be clarity and Specificity regarding the use of information.

In addition to this, the General Data Protection Law (LGPD) established a new paradigm. legal security for the processing of personal information. As pointed out by Araujo and Pelisson (2024, p. 4):

It is worth mentioning that, firstly, the General Data Protection Law (LGPD) introduced principles for data processing, using good faith in activities without violating or breaking privacy terms, with specific and explicit purposes, ensuring adequacy and compatibility of data subjects' information, and limiting the sharing of excessive and unnecessary data, as stipulated in Article 6, I to X, of the LGPD.

The purpose of the LGPD (Brazilian General Data Protection Law) is to safeguard the rights of freedom, with the free development of the natural personality being protected by data (Article 2, I to VII, LGPD).

Therefore, another relevant aspect of data protection is the role of the National Data Protection Authority. The National Data Protection Authority (ANPD) was created to oversee and guide compliance with the LGPD (Brazilian General Data Protection Law). It plays a strategic role in mediating between owners and companies, as well as in developing guidelines. for diverse sectors, including health, education, and e-commerce. According to Almeida



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(2021), the ANPD's actions will be decisive in consolidating the culture of privacy in Brazil and guaranteeing

The effectiveness of the legislation.

Privacy and data protection are also directly related to security.

Information. Data leaks, cyberattacks, and misuse of sensitive information.

They jeopardize not only individual rights, but also the stability of institutions.

public and private. According to Bezerra (2022), the LGPD imposes on the controller the duty to adopt

technical and administrative measures to protect data, promoting a true

Accountability for the safekeeping of personal information.

Internationally, data protection has become a criterion for legal cooperation and

Economically, countries and economic blocs have begun to demand minimum guarantees for data protection.

for international transfers. The GDPR, in particular, has influenced legislation in several countries.

including Brazil, and established global compliance standards. As Doneda (2020) notes, the

The international processing of personal data has become one of the greatest regulatory challenges of the era.

digital, requiring constant dialogue between different legal systems.

Finally, the protection of personal data and digital privacy are not merely technical issues.

...or legal, but also ethical and political. The way society deals with these issues.

It directly influences the exercise of citizenship, individual freedom, and trust in institutions.

Building a safer and more respectful digital environment requires not only effective laws, but also...

also digital education and collective awareness. In this scenario, the law acts as a guardian of

fundamental rights in an increasingly connected world.

2.2.1 Law No. 13.709/2018 – General Law on the Protection of Personal Data

Law No. 13.709/2018, known as the General Data Protection Law (LGPD),

This represents one of the most important legal milestones in Brazil in the field of digital law. Inspired

directly related to the European Union's General Data Protection Regulation (GDPR), the LGPD was

created to regulate the processing of personal data in the country, ensuring a balance between the

Strategic use of information and protection of citizens' fundamental rights.

According to Monteiro (2021), the LGPD brought a new [unclear/standardized system] to the Brazilian legal system.

Paradigm: the centrality of the data subject. This means that personal information cannot

They should no longer be seen merely as an economic resource, but as an extension of human personality.

linked to dignity and privacy.

The law establishes guiding principles for data processing, such as purpose,

Suitability, necessity, free access, quality, transparency, safety, and accountability. These

These principles aim to prevent abuse and ensure that data is used only for its intended purposes.

legitimate. In addition, it defines legal bases that legitimize data processing, such as

consent of the data subject, compliance with legal obligations, execution of contracts, exercise



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The regulation of rights and the protection of life. Consent, in particular, has gained prominence.

It must be free, informed, and unequivocal, as explained by Oliveira (2020).

As Oliveira and Paula (2021, p. 13) explain well:

In truth, the LGPD (Brazilian General Data Protection Law) is a new code or a new microsystem, possessing 350 provisions if articles, clauses, and paragraphs are considered. Just to compare, the CDC (Brazilian Consumer Protection Code) has 367 provisions. The LGPD introduces into the Brazilian legal system a comprehensive and transversal system of rules that will affect practically all sectors of the economy, primarily impacting customer relations.

The LGPD also expanded the rights of data subjects, allowing anyone

Citizens can access their personal data processed by companies or public bodies, request corrections, or

deletion of information revokes previously granted consents, as well as questions

about how your data is collected, processed, and shared. These mechanisms

They strengthen digital citizenship, placing the individual in a position of greater control over their

information. In turn, the existence of the National Data Protection Authority (ANPD) created

to monitor compliance with the LGPD (Brazilian General Data Protection Law), apply sanctions, and provide guidance to companies and public bodies.

According to Almeida (2021), the ANPD's role is fundamental to consolidating the culture.

privacy in Brazil, in addition to promoting legal security for organizations that process data.

on a large scale. The ANPD can apply administrative sanctions in case of non-compliance with the law.

as warnings, fines that can reach up to 2% of the company's revenue (limited to R\$

50 million per infraction) and even the partial or total suspension of treatment activities.

data.

The impacts of the LGPD (Brazilian General Data Protection Law) are already noticeable in various sectors, such as health, education,

E-commerce and financial services have begun adopting digital compliance policies.

However, Bezerra (2022) highlights that the challenges are enormous, especially with regard to security.

from information, to combating data leaks and training professionals specialized in

privacy. However, Doneda (2020) points out that legislation contributes to the country being

considered "adequate" in terms of international data transfer.

Thus, the LGPD also generated impacts on the international scene, as Brazil began to...

To align with global data protection standards, promoting economic and legal cooperation.

3. Civil Liability of Digital Platforms: The New Understanding of the Brazilian Supreme Court and the Challenges of Article 19 of the Brazilian Internet Bill of Rights

The Supreme Federal Court (STF), when judging the constitutionality of article 19 of the Marco Civil da Internet (Brazilian Internet Bill of Rights),

The Civil Code of the Internet has redefined the contours of the civil liability of digital platforms in Brazil.

Brazil. Until then, the prevailing view was that companies could only be held liable if they did not...

complying with a specific court order to remove content deemed illegal. This model,

Inspired by the so-called "*notice and takedown* judicial" system, it was seen as a mechanism to protect...



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Freedom of expression and as a way to avoid private censorship.

With the decision issued in 2025, the Supreme Federal Court (STF) understood that article 19 should be interpreted in light of... of the Constitution, especially the principles of human dignity and the protection of honor.

and the prohibition of anonymity for illicit practices. The Court established that digital platforms can,

Yes, respond independently of a court order, in cases where: 1) the contents are manifestly

illegal content is disseminated (e.g., hate speech, incitement to violence, pedophilia, sharing).

1) non-consensual sharing of intimate images); 2) failure to exercise due diligence and moderation on the part of the platforms, that have technical mechanisms to identify and remove such content; and, 3) the omission of

Companies are found to be failing to fulfill their duties regarding safety and damage prevention.

In summary, the Supreme Federal Court (STF) brought the civil liability of platforms closer to the model of... strict liability based on the risk of the activity, even if mitigated by criteria of

Reasonableness and proportionality. This understanding broadens the duties of the platforms, which do not

They can no longer hide behind inertia until a court decision. On the other hand, the Supreme Federal Court also

He emphasized that the removal of controversial content or content that is difficult to define legally (such as criticism)

(policies or public debates) continues to require a court order to avoid risks to freedom of

expression.

Sarlet and Siqueira (2025) point out that:

In the Brazilian context, the widespread use of social media reveals the importance of adequate regulation to protect fundamental rights in digital environments. In Brazil, according to a report published in January 2024 by Data Reportal, there are 187.9 million social media users, representing 86.6% of the Brazilian population. However, the general repercussion thesis established by the Supreme Federal Court (STF), which predominantly affects social media, does not apply only to these, but also to a vast range of digital platforms that provide services involving content produced by their users—such as review portals with user comment sections (like TripAdvisor), collaborative encyclopedias (like Wikipedia), forums (like Reddit), and collaborative culinary recipe websites, to mention just a few—so that the scope of the thesis far exceeds the scope of social media.

Moreover, although Article 19 of the MCI aims to regulate the responsibility of providers in relation to content generated by their users, the general repercussion thesis established by the STF goes beyond that and covers acts and omissions of the providers themselves. Note that the established thesis covers *chatbots* — understood as content generated by the platforms themselves — and, therefore, also applies to platforms that promote general-purpose technologies (such as ChatGPT, Gemini, and Copilot), as well as other services that promote *chatbot* services on their platforms (item 4 of the general repercussion thesis). In view of this, the first indications of a position by the Court regarding the regulation of artificial intelligence are observed.

As Lemos (2019) observes, internet regulation must balance freedom, innovation and responsibility, without allowing digital platforms to become zones of impunity, but also without turning them into absolute arbiters of public discourse.

Thus, the Supreme Court's new understanding of article 19 of the Brazilian Internet Bill of Rights marks a A profound change in the legal framework governing the civil liability of digital platforms. This involves a movement towards shared responsibility between users, companies and the State,



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Strengthening the protection of fundamental rights in the digital environment. The challenge now is to build clear parameters for applying this understanding, in order to guarantee both the effective repression of This could harm the preservation of freedom of expression, the cornerstone of a democratic society.

The digital age has imposed a series of challenges on the Brazilian legal system, which has needed to adapt quickly to a scenario of constant technological change. Law, for its part. In nature, the human environment is structured on stable and general norms, while the digital environment is dynamic. changeable and often disruptive. As Lemos (2019) points out, there is a mismatch between the pace technological innovation and the response time of the legal system generate regulatory gaps and legal uncertainty.

Santana (2025, p. 88) points out that:

In this context, although the free flow of ideas and information is one of the constitutive elements of a democratic society, not all discourses that emerge in this space can be considered legitimate contributions to political debate. On the contrary, many promote domination, exploitation, discrimination, hostility, and social exclusion of certain individuals or groups, even inciting, in more extreme scenarios, the destruction or annihilation of their targets. Discourses that advocate racism, misogyny, xenophobia, antisemitism, Islamophobia, homophobia, as well as other forms of hatred, are, by their very nature, harmful. Such manifestations, as Waldron affirms, pollute the democratic environment and constitute an attack on the human dignity of the individuals or groups to whom they are directed. Therefore, following the argument of Minister Dias Toffoli in his vote, we understand that freedom of expression cannot be invoked as justification for the systematic offense against the dignity of the human person. This is understood as a superior and universal legal principle, foundation, or value that underpins individual rights and freedoms in a democracy, determining, in a Kantian sense, that each human being must be treated as an end in themselves and never merely as a means to achieve certain interests, in order to preserve all human beings from physical and moral degradation. This implies that, beyond the necessary respect for the autonomy of the human person, the State and the community must guide their actions towards preserving the dignity of each individual, as well as promoting it, creating conditions that enable its full exercise.

Furthermore, one of the difficulties faced by legislators is creating rules that are flexible enough to keep up with technological changes, but also offer legal security. The approval of laws such as the Marco Civil da Internet (Law No. Law 12.965/2014 and the General Data Protection Law (Law No. 13.709/2018) represented progress. important, but there are still several unregulated areas, such as artificial intelligence, the metaverse, behavioral biometrics, and cryptoassets. According to Barbosa (2021), the ordering The legal system needs to evolve with a forward-looking perspective, anticipating risks and trends.

In the field of case law, Brazilian courts have played a fundamental role in interpretation of the rules applicable to digital relationships, often filling the gap of specific legislation. The Superior Court of Justice (STJ), for example, has consolidated Understandings regarding the civil liability of providers, data breaches, and content removal. from the internet.

Furthermore, issues such as the removal of offensive content from social media, the removal of



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Fake news and the so-called "right to be forgotten" well illustrate the impasses faced. In

In a landmark ruling, the Supreme Federal Court (RE 1.010.606/RJ, Topic 786 of the repercussion)

(general) decided that the right to be forgotten is not compatible with the Federal Constitution,

understanding that freedom of expression should prevail, although with the caveat of protecting honor.

and to image rights in specific cases. This decision opened an intense debate about the clash between rights.

fundamental issues and the need to limit abuses in the digital environment.

Nevertheless, another legislative challenge is the regulation of artificial intelligence (AI) and...

Algorithms used by digital platforms. The absence of legal criteria for liability.

Automated decision-making raises concerns about the violation of fundamental rights, such as

equality, non-discrimination and due process of law. According to Pagallo (2013), the Law needs

to develop its own principles for dealing with the peculiarities of AI, such as algorithmic opacity.

and the absence of direct human intent. Although there is still no consolidated case law.

In Brazil, regarding AI, decisions involving digital platforms, such as transportation apps and...

Delivery services have served as a basis for debates about algorithmic responsibility.

Thus, the content of the general repercussion thesis established by the Supreme Federal Court

(STF) regarding the civil liability of internet application providers is revealed to be more extensive and

more detailed than one might expect, especially when compared to the initial standard of Article 19.

of the Brazilian Internet Bill of Rights (MCI), in effect since 2014. Given the complexity of the decision, it is

It is impractical to address all of its points, but some aspects deserve to be highlighted.

Considering the constant evolution and diversity of situations in the digital environment, it is

It is likely that the Supreme Court itself will need to make fine adjustments to its thesis. Furthermore, the thesis...

The Supreme Court's decision reinforces the urgency of a mature legislative response from the National Congress.

Extensive debate is essential to consolidate the regulatory parameters for platforms in

The country always balances the need for control with the principle of freedom of expression.

4. Final considerations

This research sought to understand, through a literature review, the

implications of digital law in the Brazilian legal system, highlighting the main ones.

conceptual foundations, the impacts of Information and Communication Technologies (ICTs), the

challenges related to data protection and privacy, as well as legislative difficulties and

jurisprudential challenges faced in light of new digital dynamics. It was found that the incorporation of

Technology in social life has generated profound transformations in the legal field, demanding changes from the law.

a reconfiguration of its normative and institutional structures.

It has been found that digital law does not represent just a new branch of legal knowledge,

but a cross-cutting field, which cuts across various areas of traditional law, such as civil, criminal,



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Constitutional, labor, and administrative law. The need for protection of personal data, because

For example, it highlighted the importance of guaranteeing fundamental rights in an environment.

where information has become a valuable currency and an instrument of power, reinforcing the relevance of the Law.

The General Data Protection Law (LGPD) as an essential regulatory framework for this new scenario.

Furthermore, the legislative and jurisprudential challenges demonstrate that the legal system

The Brazilian legal system is still in the process of adapting, seeking to respond effectively to

Issues such as civil liability on the internet, cybercrimes, and intelligence regulation.

Artificial intelligence and conflicts involving freedom of expression and privacy. The role of the government.

The judiciary has been fundamental in this process, but the lack of uniformity and the slow pace of legislation are significant issues.

They indicate the urgency of a more integrated and proactive approach on the part of the State.

Therefore, it can be concluded that the advancement of digital law is inevitable and its consolidation...

It depends on the continuous updating of regulations, the training of legal professionals, and...

Building an interdisciplinary dialogue between Law, Technology, and Society. The consolidation of

A coherent, effective, and humane legal framework will be essential to ensure the implementation of...

fundamental rights in the digital environment and ensuring that technological innovation occurs within the

limits of legality, ethics, and social justice.

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