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**Children's exposure on social media:** legal limits and risks of digital exploitation in the Hytalo case. Santos

*Children's exposure to social networks: legal limits and risks of digital exploitation in the Hytalo Santos case*

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**SUMMARY**

This study analyzes children's exposure on social media from the perspective of legal limits and the risks of violating fundamental rights, with an emphasis on protecting children in the digital environment. It starts from the understanding that the increasing inclusion of minors on digital platforms, driven by practices such as the frequent sharing of images and personal information by guardians, has amplified situations of vulnerability. The central objective is to examine the sufficiency of the Brazilian legal system in protecting children's personality rights in the face of new technological dynamics, as well as to identify gaps in the effectiveness of protection mechanisms. The research adopts a qualitative approach, with a deductive method and exploratory-descriptive character, based on bibliographic review, normative analysis, and a case study.

The results show that the repeated exposure of children on social media exceeds the limits of the legitimate exercise of parental authority, and may constitute a violation of the rights to image, privacy, and dignity. It is observed that the irreversible nature of the circulation of digital content intensifies the harm, compromising informational self-determination and personality development. The analysis of the Hytalo Santos case demonstrates, in concrete terms, the materialization of these risks, in addition to revealing weaknesses in institutional action, marked by delayed and predominantly reactive responses. It is concluded that, although a relevant normative framework exists, its practical application still does not keep pace with the complexity of the digital environment, which demands the improvement of preventive and supervisory mechanisms in order to ensure the effective and comprehensive protection of the child.

**Keywords:** child exposure; personality rights; digital environment

***ABSTRACT***

This study analyzes children's exposure to social media in terms of legal limits and the risks of violating fundamental rights, with an emphasis on child protection in the digital environment. It is based on the understanding that the increasing presence of minors on digital platforms, driven by practices such as the recurrent sharing of images and personal information by guardians, has intensified situations of vulnerability. The main objective is to examine the sufficiency of the Brazilian legal framework for protecting children's personality rights in light of new technological dynamics, and to identify gaps in the effectiveness of protection mechanisms. The research adopts a qualitative approach, using a deductive method and an exploratory-descriptive design, grounded in bibliographic review, normative analysis, and a case study. The findings indicate that children's repeated exposure to social media exceeds the bounds of legitimate parental authority and may constitute a violation of the rights to image, privacy, and dignity. The irreversible nature of digital content circulation intensifies potential harm, compromising informational self-determination and the development of personal identity. The analysis of the Hytalo Santos case demonstrates, in practical

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terms, the materialization of these risks and reveals institutional weaknesses characterized by delayed, predominantly reactive responses. It is concluded that although there is a relevant legal framework, its practical application does not keep pace with the complexity of the digital environment, necessitating improvements to preventive and monitoring mechanisms to ensure effective,
comprehensive protection of children.
***Keywords:*** child exposure; personality rights; digital environment

## 1 INTRODUCTION

The increased use of social media in the contemporary context has promoted profound transformations in the dynamics of exposure of private life, especially with regard to to childhood. The growing practice of sharing images and information of children on The digital environment, known as *sharenting,* highlights a significant legal tension between the the exercise of parental authority and the protection of the personality rights of minors, particularly the rights to image, privacy, and dignity. In this context, childhood, recognized constitutionally established as a phase of absolute priority for protection, it is now included in a an environment marked by algorithmic logic, the monetization of visibility, and the amplification of Sensitive content, which increases the potential for serious legal and social risks.

The Constitution of the Federative Republic of Brazil of 1988, in enshrining in article 227, the The Doctrine of Integral Protection establishes a shared duty between family, society, and the State, in with the aim of ensuring the full development of the personality of children and adolescents, with absolute priority. This guideline is reinforced by the Statute of Children and Adolescents, which ensures the inviolability of physical, psychological and moral integrity, including the preservation of image and of Identity. However, the materialization of these normative precepts faces concrete limitations. Given the complexity of the digital environment, in which there is unrestricted circulation of data and images. It often escapes traditional legal control.

The problem worsens as children's exposure extends beyond the family sphere and It becomes integrated into engagement and monetization strategies, especially in the context of child digital influencers. In these cases, the child's image takes on the characteristics of a commodity. which may constitute not only a violation of personality rights, but also instances of Economic exploitation and irregular child labor. Furthermore, the widespread dissemination of these Images create an environment conducive to the commission of serious crimes, such as the misappropriation of content through sex trafficking networks and the use of emerging technologies, such as *deepfakes,* which entails significant risks to the child's well-being.

In this context, the present study has the general objective of critically analyzing sufficiency. of the Brazilian legal framework and the role of protection institutions in safeguarding rights

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fundamental aspects of children and adolescents in the digital environment, using the Hytalo case as a paradigm. Santos, in order to identify structural flaws that allow for undue exposure and potential Child exploitation on social media. The choice of this particular case is justified by its relevance. empirical, insofar as it highlights the late and predominantly reactive action of the system of justice, often contingent upon social mobilization to trigger mechanisms of accountability.

The relevance of this research is also evident in the finding that, despite the existence of a consistent normative apparatus, which includes the Federal Constitution, the Statute of the Child and the Regarding adolescents, the Brazilian Civil Rights Framework for the Internet and the General Data Protection Law, gaps persist in... The effectiveness of legal protection for children in the digital environment. This scenario reveals a mismatch. between current regulations and new forms of rights violations arising from transformation. technological advancements require a critical analysis of the adequacy of existing legal instruments. and the need for more effective mechanisms for prevention, monitoring and accountability.

Therefore, the present investigation is justified from three central perspectives. The first This refers to the urgent social need to address child overexposure and the risks associated with exploitation. digital. The second relates to the legal-academic need to evaluate the effectiveness of the norms. protective measures in the face of new technological dynamics. The third concerns the practical relevance of to support the improvement of public policies and regulatory instruments aimed at protection Integral childhood. By problematizing the limits and challenges of the Brazilian legal system in the face of In the context of digital reality, the aim is to contribute to strengthening a more effective legal practice. capable of ensuring, in a concrete way, the primacy of children's rights.

## 2 METHODOLOGY

This research adopted the deductive method as the structuring axis of the investigation. starting from general premises established by the Brazilian legal system, especially the constitutional principles of comprehensive protection for children and adolescents, for the analysis of situations concrete examples related to children's exposure in the digital environment. This methodological choice It was based on the understanding that legal reasoning develops through the application of general rules applied to specific cases, allowing for verification of the effectiveness of legal provisions. In concrete terms, as explained by Eduardo CB Bittar (2015).

In terms of approach, the research was characterized as qualitative, guided by a critical-dialectical perspective. Along these lines, legal analysis was developed in accordance with the understanding that the law must be interpreted in light of social reality, as Maria points out.

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Helena Diniz (2011).

Regarding the objectives, the research was classified as exploratory and descriptive. Exploratory, insofar as it investigated a phenomenon still consolidating in the legal field, related to The exposure of children on social media and its legal implications. Descriptive, as it sought to... To examine how the Brazilian legal system addresses the challenges inherent in protecting children. in the digital environment, identifying regulatory limitations and gaps in the application of current regulations.

Regarding the technical procedures, bibliographic research was carried out and documentary. The bibliographic research was based on the analysis of relevant doctrinal works. in the fields of Civil Law, Constitutional Law, and Digital Law, including contributions Theoretical arguments about personality rights and the protection of children.

The documentary research consisted of analyzing current legislation, such as the Constitution. Federal law, the Statute of Children and Adolescents, the Civil Framework for the Internet, and the General Law for the Protection of Children and Adolescents. Data, which allowed for the construction of a consistent regulatory framework.

Furthermore, the case study was used as a complementary methodological strategy, having The case of Hytalo Santos was analyzed as an empirical reference. The methodological organization It was structured based on the articulation between theory and practice, beginning with an analysis of the fundamentals. general legal principles, progressing to an examination of legislation and doctrine, and culminating in the analysis of the case. concrete.

## 3 RESULTS

### 3.1 Dynamics of children's exposure on social media

The increasing integration of children into the digital environment has been marked by the consolidation of Practices of sharing personal information by parents and guardians, a phenomenon This practice, known as *sharenting,* consists of the systematic dissemination of images, videos, and data. the private lives of children on social media, often without due consideration of the impacts. futures of this exposure. Blum-Ross and Livingstone (2017) highlight that *sharenting* is structured as an extension of parenthood into the digital environment, where the exercise of parental authority becomes... including the public construction of the child's identity, which is still developing.

With the increased use of digital platforms and the expansion of mechanisms for In terms of algorithmic visibility, this behavior is evolving towards more pronounced levels. of exposure, what contemporary literature calls *oversharenting.* Although it is not a A concept originally systematized within the legal field, its understanding stems from critical analysis.

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due to the excessive exposure of children to the digital environment.

In this sense, Livingstone (2013) points out that the presence of children on the internet, when Mediated by repeated sharing practices, it tends to generate risks to privacy and autonomy. and to the development of identity, especially due to the permanence and wide circulation of content released.

The dynamics of this exposure are enhanced by the logic of social networks, which operate with based on engagement, visibility, and monetization metrics. In this scenario, content involving Children often show high potential for achievement, which encourages repetition and intensification of these practices. As a consequence, children's exposure is no longer restricted to The private sphere becomes integrated into a public and, in many cases, economic logic, bringing closer- if it's about digital content production strategies.

From a legal standpoint, this reality necessitates a reinterpretation of personality rights. in the digital context. According to Schreiber (2014), the rights to image, privacy and identity They are of an inalienable nature and must be protected even more rigorously when it comes to... of individuals in vulnerable situations, such as children and adolescents.

Along the same lines, Doneda (2020) highlights the circulation of personal data in the environment The digital age significantly increases the risks of violations of fundamental rights, requiring a A more cautious approach when handling sensitive information.

Analysis of *sharenting* and *oversharenting* reveals that children's exposure on social media Social expression cannot be understood solely as a manifestation of affection or as a record of daily life. but rather as a complex phenomenon with relevant legal implications. The construction premature acquisition of the child's digital identity, without their conscious participation, coupled with The inability to control the circulation of content reveals the need for an approach. critical and preventative, capable of balancing the exercise of parental authority with the comprehensive protection of children's rights.

### 3.2 Violation of children's personality rights in the digital environment

The insertion of the child into the digital environment, through the repeated exposure of their image, of Your personal data and aspects of your private life raise significant implications in the context of personality rights, whose protection takes on an even more rigorous character given the peculiar condition. of the development of the individuals involved. In this context, the legal analysis of overexposure Childhood education requires an understanding that such rights are of a non-patrimonial nature, and therefore, unavailable, non-transferable and inalienable, as established in civil law doctrine.

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contemporary.

The rights to image, privacy, and identity, as projections of human dignity.
human rights are expressly provided for in the Brazilian legal system, notably in
The Federal Constitution of 1988 and the Statute of Children and Adolescents. However, the materialization
These guarantees face significant limitations in the digital environment, characterized by widespread [unclear/unclear/etc.].
The spread of content and the difficulty in controlling its circulation. As Schreiber teaches.
(2014), the protection of personality rights must be interpreted broadly, especially
in contexts where the vulnerability of the data subject increases the risk of a breach.

In the case of children's exposure on social media, it is observed that the dissemination of images and
Sharing personal information, even when done by legal guardians, may constitute a violation of these rights.
rights, insofar as the child does not have the full capacity to consent to the construction of
their digital identity. This circumstance highlights a conflict between the exercise of parental authority and the
need to preserve the private sphere of the minor. In this sense, Doneda (2020) highlights that the
The processing of personal data in the digital environment must adhere to strict protection criteria.
especially when it comes to children's data, whose vulnerability demands safeguards.
reinforced.

Furthermore, the irreversibility of digital exposure constitutes an aggravating factor in the analysis of
Violation of personality rights. Unlike the physical environment, in which the circulation of
While information tends to be limited, the digital medium allows for the indefinite replication of content.
making the complete removal of data and images virtually impossible after their release. This
This characteristic directly compromises the right to be forgotten and the possibility of
Informational self-determination, fundamental elements for the construction of personal identity.

Civil law doctrine also emphasizes that the protection of one's image is not limited to its use.
improper for economic purposes, also encompassing situations where exposure, even without
for profit, but causes harm to the dignity or psychological integrity of the individual.
In this sense, Gonçalves (2023) states that any use of the image that exceeds the limits of
Reasonable actions that violate an individual's privacy may give rise to civil liability, regardless of whether they are reasonable or violate the individual's private sphere.
of the existence of property damage.

In the case of children and adolescents, such protection should be interpreted in an even more nuanced way.
rigorous, due to the absolute priority guaranteed constitutionally. Excessive disclosure
Disclosure of your image and aspects of your private life can compromise not only your safety.
immediate, but also their psychological and social development, insofar as it anticipates exposure to
public judgments and the construction of a digital identity that does not correspond to a choice.
autonomous.

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Given this scenario, it is clear that the overexposure of children on social media constitutes...
potential violation of personality rights, requiring a reinterpretation of legal institutions
Traditional rights must be examined in light of technological transformations. The protection of these rights, therefore, cannot be...
limiting protective norms to mere formal existence is not enough; more effective action is needed and
preventive, capable of ensuring the full protection of the child in the digital environment.

### 3.3 The configuration of child overexposure as a violation of personality rights in digital environment

The increased exposure of children on social media, especially in its form
Repeated and systematic, it reveals the consolidation of a phenomenon that transcends the private sphere and becomes...
requiring a structured legal analysis. The so-called overexposure of children, frequently
associated with the practices of *sharenting* and *oversharenting,* it should be understood not only as
contemporary social manifestation, but also as a potential hypothesis for the violation of rights.
of personality, especially with regard to image, privacy and dignity.

Personality rights, as established in civil law doctrine, are of a nature...
extra-patrimonial and absolute in nature, being erga omnes, unavailable, inalienable and
non-transferable. In this sense, Schreiber (2014) argues that such rights represent projections.
Directly related to the dignity of the human person, they should be interpreted broadly, especially
in situations involving individuals in vulnerable situations.

In the digital context, this protection takes on even more rigorous dimensions. Circulation
The massive amount of information and the ease of reproducing content significantly expand the
potential harm of practices that, in other contexts, might be considered socially
tolerable. Doneda (2020) highlights that the digital environment alters the very structure of privacy,
transforming personal data into widely circulated elements, which requires a reinterpretation of
traditional mechanisms of legal protection.

With regard to childhood, this problem is exacerbated by the full legal incapacity of
A minor is required to consent to the use of their image and personal data. Even if the exercise
While parental authority may authorize certain decisions on behalf of the child, this prerogative cannot be
interpreted in an absolute way, especially when there is a risk of compromising rights.
fundamental. Excessive exposure, in these cases, may constitute abuse of power.
familiar, insofar as it goes beyond the limits of protection and infringes upon the minor's private sphere.

Furthermore, childhood overexposure presents a relevant structural characteristic:
irreversibility of the damage. Once inserted into the digital environment, the content tends to

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remain accessible indefinitely, which makes it difficult, or even impossible, to fully access them.
removal. This circumstance directly compromises the right to be forgotten and the possibility of
future informational self-determination, essential elements for the free development of
personality.

The doctrine also recognizes that the violation of personality rights does not depend
necessarily requiring the existence of an economic purpose. According to Gonçalves (2023), the simple
improper exposure of an image, when capable of affecting the dignity or private sphere of the individual,
This is already sufficient to warrant liability. In the case of children, this understanding should be...
applied with greater rigor, considering the absolute priority guaranteed by the Constitution.

Therefore, the overexposure of children on social media should be understood as a
A complex legal phenomenon that demands not only the application of existing rules, but also
An interpretation sensitive to technological transformations. The inadequacy of the mechanisms.
Traditional protection methods highlight the need for a more preventative and protective approach.
capable of effectively ensuring the integrity of the child's personality rights in
digital environment.

### 3.4 The materialization of child overexposure in the Hytalo Santos case

The analysis of the Hytalo Santos case reveals, in concrete terms, the incidence of the elements
Theoretical frameworks previously outlined demonstrate that overexposure of children in the digital environment...
It goes beyond the field of social practices and enters the sphere of legal violations of rights.
personality. The observed dynamics are not limited to episodic records of private life, but reveal
a pattern of continuous, repeated, and widespread exposure, which negates any
a claim to frame it as unpretentious everyday sharing.

The construction of the image of the minor occurs within a structured logic of visibility.
digital, in which the child takes a leading role in the production and circulation of content.
The configuration shifts the exposure from the domestic sphere to the digital public space, expanding
significantly increases the risks inherent in publicizing their image. The systematic repetition of
publications, combined with the expansive potential of the platforms, contribute to the consolidation of a
early digital identity, formed without any degree of self-determination on the part of the holder.
(RIBEIRO; OLIVEIRA FILHO, 2024).

From a legal standpoint, this reality constitutes a direct affront to personality rights.
particularly regarding image and privacy, whose inalienable nature prevents any relativization.
based on the interests of third parties. The actions of those in charge are not absolute, especially

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when the exercise of parental authority results in the compromise of the child's private sphere. In this sense, Schreiber (2014) argues that the protection of personality rights should be intensified in situations of structural vulnerability, such as those involving children and adolescents.

The way the content is organized and disseminated shows that the exhibition does not proceed... It is not exclusively an expression of affection, but it is part of a functional logic of maintaining the visibility and engagement. This finding is supported by Lemos and Oliveira Filho (2025), which indicate that overexposure of children in the digital environment is becoming systematic, driven by the mechanisms inherent to digital platforms, especially those aimed at range amplification.

The unrestricted circulation of content is a significant aggravating factor. possibility of reproducing, editing and redistributing the images, outside the control of those responsible, This intensifies the child's vulnerability and increases the risks of misuse. Nair et al. (2025) highlight the existence of normative gaps in the legal treatment of children's images in the digital environment, especially when faced with content that exceeds socially acceptable limits, which makes it difficult to... Effective accountability of the agents involved.

The situation analyzed also allows for framing it from the perspective of adultification. Early childhood and indirect exploration of the image. The early insertion of the child into environments of Public visibility encourages the anticipation of social roles incompatible with their developmental stage. development, as pointed out by Da Silva et al. (2025). Furthermore, Carvalho and Lima (2025) They recognize that repeated exposure can take on the characteristics of economic exploitation, even though not formalized as a work activity, especially when associated with the logic of engagement and monetization.

The case reveals significant weaknesses in the functioning of legal protection mechanisms. Institutional intervention occurs predominantly reactively, when the exposure has already reached its peak. a high level of dissemination, which compromises the effectiveness of protective measures. evidence of a mismatch between the complexity of digital dynamics and the capacity to respond. The legal framework indicates the need to improve prevention mechanisms. oversight and accountability, in order to effectively ensure the comprehensive protection of the child. in the digital environment.

## 4. DISCUSSION

The analysis of the results shows that children's exposure on social media is no longer acceptable. to be understood as an isolated practice or merely a result of the daily exercise of

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parenthood, but rather as a structural phenomenon embedded in the logic of how things work.
digital platforms. The consolidation of *sharenting,* as demonstrated, reveals a
transformation in the way childhood is socially constructed in the digital environment, in
to the extent that the exercise of parental authority incorporates the public dimension of exposure, mediated
through visibility and engagement dynamics (BLUM-ROSS; LIVINGSTONE, 2017;
LIVINGSTONE, 2013).

In this context, the exhibition ceases to have an exclusively affective character and begins to assume
public and potentially economic contours, in line with the algorithmic logic that
It prioritizes content with a wider reach.

Although those responsible have the legitimacy to act on behalf of the minor, the results
They indicate that such a prerogative finds limits in the legal nature of personality rights, which
They are unavailable, inalienable, and non-transferable (SCHREIBER, 2014). The absence of capacity
The child's full lack of consent undermines the legitimacy of repeated exposure, since...
The construction of one's digital identity occurs without conscious participation.

From this perspective, childhood overexposure should be understood as a hypothesis.
concrete violation of personality rights. The results demonstrate that exposure
Repeated and systematic behavior goes beyond reasonable limits by encroaching on the child's private sphere.
compromising rights such as privacy, image, and dignity. Civil law doctrine indicates that...
The violation of these rights is independent of the existence of an economic purpose; it is sufficient that the exposure
be able to reach the individual's personal sphere (GONÇALVES, 2023). In the digital environment, this
The potential for harm is amplified by the ease of reproduction and dissemination of content, which reinforces
the need for a more rigorous interpretation of protective regulations.

The irreversibility of digital damage is one of the central elements of this discussion.
Unlike the physical environment, the circulation of information in the digital environment occurs in a way...
This is an expanded and continuous phenomenon, which makes it difficult to completely remove the content after it has been released.
This characteristic directly compromises the right to be forgotten and informational self-determination.
fundamental elements for the free development of personality. As Doneda points out
(2020), the expansion of the circulation of personal data in the digital environment redefines the limits of
Privacy requires a legal approach that is more sensitive to technological changes.

The analysis of the Hytalo Santos case reinforces these conclusions by demonstrating, in concrete terms,
The materialization of the risks and violations previously identified. The continuous exposure and
The child's structured development, embedded within a logic of digital visibility, demonstrates that the practice
It transcends the private sphere and takes on a public character, with the potential for indirect exploitation of its
image. The early construction of a digital identity, associated with a lack of control over the

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The circulation of content exposes minors to high risks, as has already been pointed out in recent literature.
about children's exposure on social media (RIBEIRO; OLIVEIRA FILHO, 2024).

Furthermore, the case highlights significant weaknesses in the functioning of protection mechanisms.
Legal. Institutional intervention occurs predominantly in a reactive manner, generally
conditioned by the social repercussions of the case, which compromises the effectiveness of the measures adopted.
(NAIR et al., 2025).

Given this scenario, the discussion leads to the understanding that the main challenge is not...
The problem lies not in the absence of legal norms, but in the limitation of their effectiveness. The legal system
Brazil has important tools for protecting children, but faces difficulties.
to keep up with the complexity of contemporary digital dynamics. As Lemos and [names] point out.
Oliveira Filho (2025), addressing childhood overexposure requires not only the application
of existing regulations, but also the improvement of preventive and supervisory mechanisms,
capable of acting before the damage is consolidated. In this sense, the comprehensive protection of the child in
The digital environment demands a more proactive, coordinated approach adapted to its specific characteristics.
technological advancements, under penalty of perpetuating practices that, although socially normalized, constitute
significant violations of fundamental rights.

## FINAL CONSIDERATIONS

The analysis developed throughout this study allows us to conclude that childhood exposure
The use of social media constitutes a complex legal phenomenon, the understanding of which requires a shift in perspective.
from a purely social reading to a structured approach from a rights perspective.
fundamental. The child's insertion into the digital environment, when it occurs repeatedly and without
protective criteria, it goes beyond the limits of the legitimate exercise of parental authority and enters the field
of violations of personality rights, especially regarding image, privacy and
dignity.

Overexposure of children demonstrates incompatibility with the inalienable nature of rights.
These are highly personal aspects, since the construction of the minor's digital identity occurs without their participation.
conscious and without a real possibility of self-determination. This circumstance highlights the inadequacy.
consent given by legal guardians when there is a compromise of the private sphere.
of the child, which, in certain situations, constitutes abuse in the exercise of parental authority.

In legal terms, the Brazilian legal system presents a consistent normative framework.
aimed at the comprehensive protection of children and adolescents. However, the effectiveness of these norms
It encounters limitations due to the specific characteristics of the digital environment, marked by widespread circulation.

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Replication and permanence of content. The irreversibility of information inserted into networks.
social issues amplify the harmful potential of undue exposure, compromise fundamental rights, and hinder...
Corrective action will be taken at a later time.

Examination of the specific case shows that child overexposure does not constitute a hypothesis.
not abstract, but a verifiable reality, with direct impacts on physical and mental well-being.
and the child's social development. Institutional intervention, in many scenarios, occurs late and depends on...
social repercussions, which reduces the effectiveness of protective measures and reinforces the need for
more structured preventive mechanisms.

Given this scenario, the main challenge does not lie in the absence of legal norms, but
in the limitation of its practical application to contemporary technological dynamics. Full protection
The protection of children in the digital environment requires more rigorous legal action, with strengthening of
monitoring, accountability and prevention instruments capable of ensuring, in a concrete way,
The primacy of children's rights in the face of new forms of digital exposure and exploitation.

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