


# DIGITAL ENVIRONMENT AND NORMATIVITY: A NETWORK REGULATION PROPOSAL

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**Contextualization:** Complex issues emerge from or are intrinsically linked to the digital environment. Consequently, the conventional normative frameworks of the State prove inadequate in addressing the multidimensional nature of such complexities.

**Objective:** This necessitates the conceptualization of a multidimensional normativity that accounts for both multidirectional dynamics and multifunctional impacts.

**Method:** Within this context, this paper examines the enactment of Portaria No. 351/2023 by the Ministry of Justice and Public Security and the resultant tensions on the social media platform Telegram.

**Results:** The case is analyzed as an illustrative example of how a networked normative model, constituted by nodes or super-structured nodes, can serve as an effective societal response to the intricate challenges posed by the digital realm.

**Keywords:** Networked normativity; Social media platforms; Regulation.

**AMBIENTE DIGITAL E NORMATIVIDADE: UMA PROPOSTA DE REGULAÇÃO EM REDE**

**Contextualização:** Questões complexas surgem ou se entrelaçam com o ambiente digital. Diante disso, as estruturas normativas tradicionais do Estado mostram-se insuficientes para abarcar a multidimensionalidade inerente a essa complexidade.

**Objetivo:** Torna-se necessária, assim, a teorização de uma normatividade igualmente multidimensional, que incorpore espaços de ação multidirecional e repercussões multifuncionais.

**Método:** Neste contexto, o presente estudo explora a publicação da Portaria nº 351/2023 do Ministério da Justiça e da Segurança Pública e a consequente tensão gerada na plataforma de rede social Telegram.

**Resultados:** Argumenta-se que este caso exemplifica como um modelo normativo em rede, composto por nós ou nós superestruturados, pode constituir uma resposta societal eficaz para os desafios complexos que emergem ou se relacionam com o ambiente digital.

**Palavras-chave:** Normatividade em rede; Plataformas de redes sociais; Regulação.

**ENTORNO DIGITAL Y NORMATIVIDAD: UNA PROPUESTA DE REGULACIÓN DE REDES**

**Contextualización:** Los problemas complejos se derivan o están asociados al entorno digital. Debido a esto, la forma normativa tradicional del Estado no puede abarcar la multidimensionalidad que resulta de la complejidad.

**Objetivo:** Por lo tanto, debe teorizarse una normatividade también multidimensional, que tenga en cuenta los espacios multidireccionales y las consecuencias multifuncionales.

**Método:** En este contexto, el presente texto analiza la edición de la Portaria nº 351/2023 del Ministerio de Justicia y Seguridad Pública de Brasil y la tensión provocada en la plataforma de red social Telegram.

**Resultados:** Se entiende que este caso es un ejemplo de cómo un modelo normativo en red, constituido por nodos o nodos superestructurados, puede ser una respuesta societal efectiva a los problemas complejos que se derivan o están asociados al entorno digital.

**Palabras clave:** Normatividade en red; Plataformas de redes sociales; Regulación.

## INTRODUCTION

On April 12, 2023, the Brazilian Ministry of Justice and Public Security issued Portaria No. 351/2023, which mandates the initiation of administrative proceedings to investigate and hold social media platforms accountable for potentially failing to fulfill their security and care obligations.

This action follows the identification that various social media platforms have not been taking adequate measures to prevent the dissemination of illicit, harmful, and damaging content. Such content includes material that encourages attacks on schools or promotes or incites such crimes and their perpetrators.

Consequently, the National Consumer Secretariat (SENACON) should require a report from social media platforms outlining the steps taken to prevent the spread of the aforementioned illicit content. The ultimate aim was to prompt social media platforms to implement measures to limit the propagation of illegal content, particularly through assessing systemic risks and devising strategies for their mitigation.

Among the social media platforms, Telegram failed to respond to the notification from the Ministry of Justice and Public Security in compliance with Portaria No. 351/2023. This non-compliance could result in a fine (estimated at up to BRL 12 million) or even the removal of the platform from operation in Brazil.

This case serves as a backdrop to present the concept of multidimensional normativity, which aims to regulate complex and multidimensional issues, such as the spread of illicit and violent content against schools.

It is argued that a multidimensional normative approach enables the formation of normative networks composed of nodes or super-structured nodes capable of managing their methods and resources to achieve a common goal. In this case, the objective is to ensure the constitutional protection of children and adolescents in the digital environment through cooperative network action between the Brazilian government and social media platforms.

To this end, the argument begins by highlighting the complex nature of problems arising from or associated with the digital environment, which, in turn, require a multidimensional normative approach. Secondly, it introduces the possibility of network governance as a managerial approach to decision-making regarding complex problems. Thirdly, it proposes a normative network composed of nodes and super-structured nodes capable of allocating their methods and resources to provide a normative societal response to complex problems.

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## 1. FROM COMPLEX PROBLEMS TO MULTIDIMENSIONAL NORMATIVITY

Network governance is a conceptual approach designed to establish ethical oversight and guidance in complex systems. The complexity referred to here involves the multidimensional nature that a social fact can represent. In the realm of legal regulation, it can be argued that network governance provides the foundation for a multidimensional normativity to regulate digital issues.

For example, it is undeniable that some social relations in the digital environment require a legal response that is multidimensional, rather than merely unidimensional. When it was thought that state law could provide the necessary regulation for a specific legal relationship, this operated only within the scope of one-dimensionality. However, when addressing issues such as the use of personal data, the application of artificial intelligence, e-commerce, content moderation, and other activities in the digital environment, a primary dimension of social facts — the digital — challenges the regulatory power of state law. The argument seems straightforward: if social relations are multidimensional, their regulation must also assume this configuration.

Following Sen, society relations present themselves as a structure of a network<sup>1</sup> that may be a side of the coin being another of the multidimensional characteristic exposed above. The point here is: there is a necessity for a multidimensional normativity also, which is going to be presented as follows.

A multidimensional normativity should encompass multidirectional and multifunctional normative productions. Here, normative production is understood as the capacity to make decisions and transform these decisions into actions that dictate behavior. The term "multidirectional" emphasizes that social facts are subject to different non-hierarchical decision-making spaces. This decision-making horizontality provides different directions for human behavior, which may or may not converge. This multidirectional condition arises from spontaneous orders, as will be discussed later.

The term "multifunctional" indicates that normative production, aimed at a societal model of understanding law, can arise from the different functions exercised by how society is organized and structured, such as economics, education, technology, and politics. These functions can be referred to, in terms of systems theory, as social subsystems. Therefore, different social subsystems can provide normative structures that shape human behavior. For theoretical support, the multifunctional normative condition relies on the fragmented nature of normativity.

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<sup>1</sup> SEN, Onkur; SEN, Sandip. Effects of social network topology and options on norm emergence In. **Coordination, Organizations, Institutions, and Norms in Agent Systems**. v. 6069. 2009.

As mentioned above, normative multi-directionality is based on the spontaneous character of normativity, which stems from Friedrich A. Hayek's idea of spontaneous ordering. Hayek describes "order" as a multiplicity of elements related to one another in such a way that this structure enables accurate expectations about the functioning of the whole.<sup>2</sup> In a more orthodox model of law — one produced by the state and under its control — the normative order would be one where a higher hierarchical instance commands and demands the obedience of others, in an exogenous condition.<sup>3</sup> However, given the multidimensional nature of social relations, orthodoxy is insufficient. Thus, one must appeal to an endogenous notion, a middle point of equilibrium arising from the order itself, considered here as spontaneous order.<sup>4</sup> This order resembles the concept of a biological organism and may be described as self-organized.<sup>5</sup>

One of the main characteristics of spontaneous order is its decentralized emergence, where a centralizing and controlling authority cannot comprehensively regulate all aspects of social life. Nonetheless, a key concept in Hayek's theory is the notion of organization as a system of rules, norms, and institutions that regulate human interaction and facilitate social, economic, and even legal cooperation.

What should be retained for supporting the notion of multidimensional normativity is the existence of organizations capable of fostering coordinated social relations, guided by rules and norms that evolve over time and can be considered an outcome-generating system.<sup>6</sup>

An example can illustrate this scenario: consider an attempt to control hate speech and fake news disguised as the exercise of freedom of expression. A real case can be used: the speech of former Congressman Daniel Silveira against the justices of the Brazilian Supreme Court (STF).

Silveira's speech, initially published on YouTube, contained insults and accusations against the Supremo Tribunal Federal justices. Although the video circulated online, it was removed by YouTube for violating the platform's harassment and bullying policy. Nevertheless, other digital platforms made the video accessible. In another dimension, the STF, through one of its justices, ordered the arrest of the congressman, a decision that was endorsed by the court's plenary.

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<sup>2</sup> HAYEK, F A. **Law, Legislation, and Liberty**. Chicago: The University of Chicago Press, 2021, p. 54.

<sup>3</sup> HAYEK, F A. **Law, Legislation, and Liberty**. Chicago: The University of Chicago Press, 2021, p. 58.

<sup>4</sup> HAYEK, F A. **Law, Legislation, and Liberty**. Chicago: The University of Chicago Press, 2021, p. 58.

<sup>5</sup> HAYEK, F A. **Law, Legislation, and Liberty**. Chicago: The University of Chicago Press, 2021, p. 59.

<sup>6</sup> BURRIS, Scott; DRAHOS, Peter; SHEARING, Clifford. Nodal Governance. **Australian Journal of Legal Philosophy**. v. 30, n. 2, 2005, p. 5.

This social fact mobilized different organizations with decision-making power (outcome-generating systems), each operating under its own rules within a specific dimension of reality — including the digital realm, which can be manifold given the indeterminate number of platforms capable of hosting content.

On the other hand, the fragmented nature of normativity implies recognizing that normative structures within a society are divided into multiple parallel or conflicting legal systems.<sup>7</sup> Moreover, these normative structures extend beyond the state legal system.

Anchored in the premise of complexity, which necessitates a form of social organization through function-oriented and, therefore, specialized social subsystems, Teubner unveils a model of social structuring dependent on different normative centers. This decentralization represents the best image of how society organizes itself concerning economics, politics, education, law, and technology, for example. Each of these forms of societal organization would have its inner normativity — its inner constitution.

Thus, complex legal issues would require the cooperation of different social subsystems, demanding recognition of other normative possibilities arising from non-legal systems. This approach seeks to resolve a social problem by collaboratively using the functions offered by different social systems rather than viewing it as an insoluble contradiction of rationalities.<sup>8</sup>

This framework supports the idea of multifunctional normativity, seeking in the functioning of different social subsystems a means to regulate complex social issues, which are unlikely to be controlled by the product of a single social subsystem as a unique normative dimension.

An example can clarify the argument. There is a broad consensus within the Brazilian government regarding the illegality of communication as a means of organizing violent groups, such as those planning attacks on schools. While there are legal mechanisms to repress such actions, the legal subsystem can only mobilize its elements once the problem manifests physically. On the other hand, many attacks are preceded by significant communicative activities that circulate on various social platforms but are not controlled by them, as in the cases of Telegram and X (formerly Twitter). Therefore, for a multifunctional normative response, social platforms should act to moderate violent content, restricting profiles and communications from a technological standpoint. Only by converging different social subsystems, each performing distinct functions, can the problem of violence against

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<sup>7</sup> TEUBNER, Gunther. **Constitutional Fragments: Societal Constitutionalism and Globalization.** Oxford: Oxford University Press, 2012, p. 123.

<sup>8</sup> TEUBNER, Gunther. **Constitutional Fragments: Societal Constitutionalism and Globalization.** Oxford: Oxford University Press, 2012, p. 178.

schools be addressed in a multifunctional way.

In summary, the complexity of contemporary social problems demands that its resolution derives from a multidimensional normativity that explores both the existence of spontaneous normative orders in a multidirectional condition and the fragmented treatment of problems in functional terms, providing a multifunctional response.

The proposed solution here is network governance, capable of delivering a multidimensional normativity. However, to achieve this, it is necessary to present this idea of network governance.

## 2. ON NETWORK GOVERNANCE

Network governance is a fundamental concept in the administration and management of organizations. It was initially conceived for organizing companies. However, this approach can be applied to other spheres and is based on the idea that different stakeholders, such as governments, companies, non-governmental organizations, and civil society, should collaborate and work together to achieve common goals. Network governance also involves the distribution of power and decision-making so that it is not concentrated in a single entity but shared among the participants in the network.

The main objective of network governance is to promote cooperation and collaboration among stakeholders to achieve more effective results.<sup>9</sup> Through this approach, organizations can leverage the diversity of knowledge, experience, and resources of the different parties involved. Additionally, network governance can help prevent the domination of a single entity or interest group, ensuring an equitable distribution of power and decision-making.

Instead of a traditional hierarchical structure, network governance is based on a network of relationships and partnerships, where all parties have an active voice and participate in decision-making. The concept of network governance is grounded in the idea that no single actor possesses all the skills and resources needed to solve complex problems. Instead, network governance seeks to bring together different perspectives and competencies to tackle challenges more effectively. This means that network governance values diversity and inclusion, promoting the participation of different interest groups.<sup>10</sup>

A practical example of network governance is the creation of partnerships

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<sup>9</sup> KAPUCU, N., HU, Q. **Network Governance: Concepts, Theories, and Applications**. New York: Routledge Taylor & Francis Group, 2020, p. 5.

<sup>10</sup> GOLDSMITH, S., EGGERS, W.D.: **Governing by Network: the new shape of the public sector**. Washington: The Brookings Institution, 2004, p. 25.

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between governmental, non-governmental, and civil society organizations to address complex social problems, such as poverty, climate change, terrorism, and, in the context of this article, various issues in the digital environment.

In this collaborative model, it is possible to engage multiple actors in a decision-making process to obtain more effective responses to the problems faced. As an illustrative effort, this governance model can be applied in the public, private, or third sectors.

In the public sector, network governance has been used to address complex and interdependent problems, such as natural resource management, sustainability promotion, and crisis response, like natural disasters or epidemics. Through the formation of networks among different governmental agencies, non-governmental organizations, and civil society sectors, it is possible to share information, resources, and knowledge, as well as promote coordination and collaboration in policy and program implementation.

In the private sector, network governance has been adopted in various fields, such as finance, technology, and healthcare. By creating networks of companies, it is possible to promote innovation, share knowledge and resources, and seek joint solutions to complex market challenges. This form of governance has also been effective in improving transparency and corporate responsibility through the participation of different stakeholders in decision-making.

In the third sector, network governance has been used to strengthen the work of non-governmental organizations and promote sustainable development in different areas, such as education, health, and the environment. Through the creation of networks between different organizations and social actors, it is possible to promote the exchange of experiences, cooperation, and the expansion of the impact of actions. Moreover, network governance in the third sector has also been used to strengthen civil society's participation in public policy-making and government action monitoring.

One of the main characteristics of network governance structures is the interconnection or cooperation among participants.<sup>11</sup> This interconnection can occur through formal or informal ties, such as partnerships, alliances, consortia, social networks, or even digital platforms. These connections allow actors to share information, resources, and knowledge, enabling the creation of synergies and maximizing achieved results. Additionally, network governance structures enable broad and inclusive participation, allowing different perspectives and expertise to be considered in the decision-making process.

One of the advantages of network governance structures is their ability to adapt

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<sup>11</sup> GOLDSMITH, S., EGGERS, W.D.: **Governing by Network**: the new shape of the public sector. Washington: The Brookings Institution, 2004, p. 66.



to complex and dynamic contexts.<sup>12</sup> Because these structures are flexible and decentralized, they can respond more quickly and efficiently to changes and uncertainties in the environment. Furthermore, the broad and diverse participation of the actors involved allows for the creation of innovative solutions and collaboration among different sectors of society. However, it is important to highlight that network governance structures also present challenges, such as the need to establish efficient coordination and communication mechanisms.

At this point, both national states and supranational and transnational organizations take on the role of coordination in seeking greater protection of human rights, alternating their leadership according to the dimension in which the issue needs to be addressed. Two examples can illustrate this argument. The first, already presented above, is the attack on schools in Brazil, where the Brazilian government led an action, together with social platforms, to prevent and suppress such events. The second is in a diffuse and global context regarding the use of artificial intelligence. Tackling this issue, specifically the way to regulate a phenomenon of global nature, led various national states to follow the path taken by the European Union as a normative unity reference.

However, some fundamental principles are common to all governance structures.

Firstly, it is important to define the governance bodies responsible for making strategic decisions and monitoring the organization's performance. These bodies generally include a board of directors or executive board, composed of individuals with relevant experience and knowledge for the organization. Additionally, governance structures typically include specialized committees, such as the audit committee and the compensation committee, to ensure accountability in specific areas.

From a more abstract perspective of a normative network governance model, in pursuit of greater normative power, the coordinating bodies will assume this condition contingently, that is, when problems affect them. Returning to the case of school attacks in Brazil, the Brazilian government, due to a legal imperative, had to lead the coordination of a network to combat them.

Secondly, it is necessary to establish policies and procedures to guide decision-making. This includes defining guidelines for the selection and evaluation of board members, as well as for the disclosure of relevant information to stakeholders. Additionally, governance structures typically establish internal control mechanisms, such as implementing codes of conduct and conducting regular audits, to ensure compliance and integrity in decision-making processes.

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<sup>12</sup> KAPUCU, N., HU, Q. **Network Governance: Concepts, Theories, and Applications.** New York: Routledge Taylor & Francis Group, 2020, p. 9.

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Aiming for a normative network governance model, the functional nature of law as a social subsystem allows the creation of its own guidelines and procedures that validate the functioning of network normativity. When the Brazilian government reinforced the need to protect schools due to the constitutional duty to protect children and adolescents, it provided the legitimate directive for network coordination. On the other hand, the rule of law—a primarily legal concept—established the conditions (procedures) by which the Brazilian government was able to coordinate normative actions.

Finally, governance structures must also establish accountability and transparency mechanisms, which could be summarized by the concept of accountability. This includes disclosing financial and performance reports, holding general assemblies with stakeholders, and creating efficient communication channels to report to shareholders and other interested parties. Moreover, it is important to ensure the independence and impartiality of the governance body's members to avoid conflicts of interest and ensure decision-making is based on the organization's interests as a whole.

In a normative network governance model, publicity arises from the needs of the organizations involved, as well as multiple third parties—traditional and digital media—responsible for disclosing and discussing the network's architecture, methods, and results.

Furthermore, the roles of different actors in network governance structures are essential for their proper functioning. In a governance network, different actors play specific roles that contribute to decision-making and policy implementation. These actors may include governments, non-governmental organizations, private companies, local communities, and individuals.

One of the main roles of actors in network governance structures is to provide knowledge and expertise. Each actor can bring a unique and specialized perspective to the table, which can enrich discussions and help find effective solutions to the issues at hand. For example, an NGO may have expertise in social issues, while a private company may have knowledge of economic matters. By sharing their knowledge, these actors can contribute to creating more informed and effective policies and actions.

Another important role of actors in network governance structures is to facilitate collaboration and coordination among different stakeholders. In a governance network, it is essential for actors to communicate and work together to achieve common goals. Each actor may have their inner agenda and interests, but it is crucial that they find common ground and work toward the common good. By facilitating collaboration, actors can promote partnerships and alliances, leading to more effective and sustainable outcomes.

When considering digital issues, one must not only analyze the legal viability of certain actions but also their technological feasibility. Thus, network governance concerned

with the performance of different functions requires the convergence of these actors. For example, when the Legislative Power seeks to build cooperation in creating legislation that addresses digital issues, such as social platforms and Artificial Intelligence, it is not enough to rely solely on legal knowledge and its coercive power. It is necessary to incorporate technologically viable solutions, whose epistemic domain lies in the hands of private entities— in this case, the current large and global technology corporations.

### 3. THE THEORY OF NODES AS A NORMATIVE CORRESPONDENT TO NETWORK GOVERNANCE

Assuming the idea that multidimensional normativity is the best way to address complex, multidimensional problems and that a network governance model can meet the demands of both organizations (spontaneous normative orders) and functions (societal fragmentation), it is now necessary to present the normative figure corresponding to this proposal.

We are talking about normative networks. These networks operate through their nodes, which are responsible for better regulating different facets of (complex) problems, providing a multidimensional response.

Before delving deeper into the issue of normative networks and nodes, however, a preliminary question arises: What is the legitimate direction for governance and, consequently, for a normative network? Kettemann offers human rights and fundamental rights as values and social objectives as a backdrop for self-regulation of digital issues.<sup>13</sup>

This means that, instead of electing a single actor responsible for protecting (human and) fundamental rights, contingent social issues, which, due to their scope and the need for a more effective response, will require the management and cooperation of those actors most qualified given the nature of the problem. It seems in this sense that Kettemann argues that the processes of normative production (in a network) are open and based on the inclusion of all relevant actors interested in performing their respective roles.<sup>14</sup>

It is in pursuit of this purpose that a normative network constituted by nodes has been promoted as the way digital problems can be addressed, since it will be possible to create new social structures capable of greater cognitive and technological knowledge, enabling

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<sup>13</sup> KETTEMANN, Matthias C. **The Normative Order of the Internet**. Oxford: Oxford University Press, 2020, p. 193.

<sup>14</sup> KETTEMANN, Matthias C. **The Normative Order of the Internet**. Oxford: Oxford University Press, 2020, p. 193.

regulatory measures more plausible with reality.<sup>15</sup>

The need for this new network structure constituted by nodes arises from a shift in perspective on how to regulate complex social problems, moving away from considering them as unidirectional and one-functional—as was the traditional response based on the predominance of resolution solely by the National State—to contemplating their multidimensional requirement.

It is in this sense that Teubner's idea is interpreted when he argues that a normative network constituted by nodes is an institutional response to the conflict of rationalities resulting from the functional differentiation and autonomy of social subsystems.<sup>16</sup> This is because networks can translate external contradictions manifested in conflicts between norms into an internal perspective of the node, reflecting the relationships between its various levels, subsystems, and relationships between other nodes.<sup>17</sup> For Teubner, the European Union is a good illustration of the idea of a central link in the normative network, in which the other nodes are represented by national states.<sup>18</sup>

The vision of a normative node should be associated with an outcome-generating system.<sup>19</sup> This means that each normative node can have its inner norms guiding its stability and structure, allowing for the mobilization of resources, mentalities, and technologies over time.<sup>20</sup> In short: a normative node (or outcome-generating system) is a place of governance containing the following elements:<sup>21</sup>

- a) Mentalities: the way issues are reasoned to govern the node.
- b) Technologies: the set of methods by which influences are exerted on the issues of interest to the nodes.
- c) Resources: elements that support the nodes in exercising their influence.
- d) Institutions: a structure capable of mobilizing resources, mentalities, and

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<sup>15</sup> MORAIS, Carlos Blanco de; MENDES, Gilmar Ferreira; VESTING, Thomas. **The Rule of Law in Cyberspace**. Cham: Springer, 2020, p. 162.

<sup>16</sup> TEUBNER, Gunther. **Constitutional Fragments: Societal Constitutionalism and Globalization**. Oxford: Oxford University Press, 2012, p. 159.

<sup>17</sup> TEUBNER, Gunther. **Constitutional Fragments: Societal Constitutionalism and Globalization**. Oxford: Oxford University Press, 2012, p. 159.

<sup>18</sup> TEUBNER, Gunther. **Constitutional Fragments: Societal Constitutionalism and Globalization**. Oxford: Oxford University Press, 2012, p. 160.

<sup>19</sup> BURRIS, Scott; DRAHOS, Peter; SHEARING, Clifford. Nodal Governance. **Australian Journal of Legal Philosophy**. v. 30, n. 2, 2005, p. 5.

<sup>20</sup> BURRIS, Scott; DRAHOS, Peter; SHEARING, Clifford. Nodal Governance. **Australian Journal of Legal Philosophy**. v. 30, n. 2, 2005, p. 12.

<sup>21</sup> BURRIS, Scott; DRAHOS, Peter; SHEARING, Clifford. Nodal Governance. **Australian Journal of Legal Philosophy**. v. 30, n. 2, 2005, p. 12.

technology over time.

Nodes can take different forms, as many as possible given the issue at hand. They can be government agencies, one of the branches of state power, or even the National State itself. Normative nodes can be viewed together, forming a superstructural node.<sup>22</sup>

The idea of network normativity or normative nodes is not immune to some criticism. One good question is: if the network fails? Teubner indicates some failures in the network like dualism of connections, legal recognition, liability issues, trust and social relations, and cautious legal doctrine.<sup>23</sup> It seems that Teubner tries to call attention to the problem of network coordination and power. Teubner's proposal would require organizations to enhance mutual coordination, clear responsibility rules for the participants, quasi-corporate governance facilitation, and deal with the limits of partial normative power.<sup>24</sup>

Considering Teubner's warning, the idea of a normative network is not a dogmatical theory of normativity. Still, a picture of partial normative power, complex and fragmented, can be mobilized to face global phenomena such as digital human rights infringements.

At this moment, Brazil's measures to deal with violence against schools, planned by social platform groups, is representative of the idea of network normativity. The Brazilian government can be seen as a superstructural node when it comes to combating violence against schools. First, the normative network that was established resulted from the action of the Ministry of Security, which allocated a set of means to preventively and repressively address violent actions in Brazilian schools orchestrated by profiles and posts on social platforms. Resources were allocated to influence the actions of social platforms in a cooperative action of moderating violent content and excluding profiles that disseminated such messages. The normative network action can be seen in the following picture:

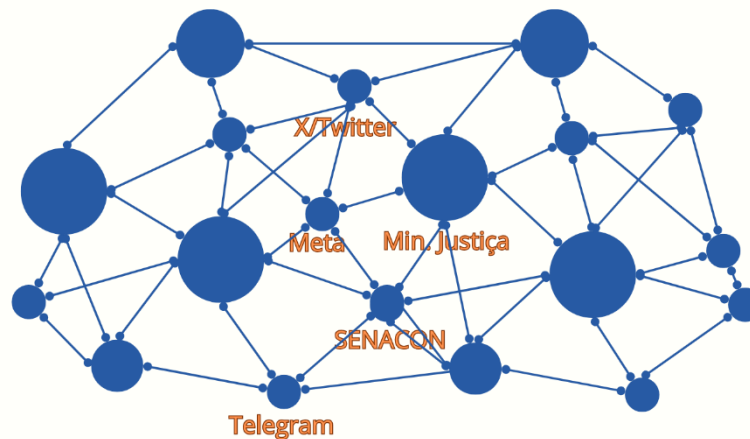
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<sup>22</sup> BURRIS, Scott; DRAHOS, Peter; SHEARING, Clifford. Nodal Governance. **Australian Journal of Legal Philosophy**. v. 30, n. 2, 2005, p. 12.

<sup>23</sup> TEUBNER, Gunther. "And if I by Beelzebub cast out Devils, ...": An essay on the diabolics of network failure. **German Law Journal**. v. 10, n. 4, pp. 115-136, 2009, p. 397.

<sup>24</sup> TEUBNER, Gunther. "And if I by Beelzebub cast out Devils, ...": An essay on the diabolics of network failure. **German Law Journal**. v. 10, n. 4, pp. 115-136, 2009, p. 404.

**Figure 1 - Normative network frame depicted**



Source: Own author

Through cooperative action, different nodes began to collaborate in tackling the aforementioned violence. Although some social platforms believed that the requirement to control profiles and content violated their terms of service, they lacked the normative strength needed to oppose the established network's capacity.

In this case, the normative network exercised a certain regulation of the situation, whose result may differ in another situation, given the possible variants of the governance elements present in a node. This is why Burris, Drahos, and Shering state that nodes have different capacities to interact and determine other nodes and the course of events, as their ability to influence or regulate depends on their resources.

This vision of a normative network constituted by nodes, or superstructural nodes, can serve the purpose of protecting (human and) fundamental rights affected by the digital environment, painting a new picture to be considered in the effective pursuit of regulation.

## FINAL CONSIDERATIONS

Complex, multidimensional problems occur or arise from the digital environment, producing effects also in the physical world. In a way, the physical manifestation of these problems traditionally received a response from state law through the use of coercion. However, their virtual dimension—or rather, their multiple virtual dimensions—cannot be fully addressed by the normative capacity of the state, requiring an approach that can coordinate methods and resources capable of influencing this environment. As presented, this is a governance issue.

In this context, the idea of multidimensional normativity was proposed. This involves both multidirectional and multifunctional normativity. The multidirectional

perspective considers that society has different centers (or nodes) of spontaneous organization, capable of exerting effects in a given direction. Just consider the dimension of action of Telegram, made up of its users. On the other hand, the multifunctional element allows different methods and resources to be used to determine behavior, such as economics and technology. In the case of content moderation, Telegram can be economically forced to act by increasing the rigor of content moderation, which may simultaneously involve using artificial intelligence to eliminate undesirable profiles and communications. From a traditional normative perspective, the state's power would not be considered as a superstructural node capable of using methods and resources to compel other nodes (like Telegram) to also employ their methods and resources to combat violence against schools.

It appears that the establishment of normative networks constituted by nodes, or superstructural nodes, capable of acting in different directions (physical, digital, on platforms) and performing other functions (stabilizing expectations, generating profits, gaining more power), emerges as a societal normative-based response to effectively address the increasingly complex problems derived from or associated with the digital environment.

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#### COMO CITAR

MORAIS, Fausto Santos de. Digital environment and normativity: a network regulation proposal. **Novos Estudos Jurídicos**, Itajaí (SC), v. 29, n. 3, p. 692-707, 2024. DOI: 10.14210/nej.v29n2.p692-707.

Recebido em: 5 de nov. de 2023

Aprovado em: 18 de nov. de 2024