



## Reconstructing the Legal Enforcement Framework for Digital Activism in an Era of Technological Disruption

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**Abstract:** The rapid expansion of digital technologies has transformed civic engagement by enabling digital activism as a powerful medium for public participation, social advocacy, and democratic expression. While these developments strengthen citizen engagement, they also create significant legal challenges in balancing freedom of expression with the need to maintain public order and prevent digital misconduct. This study reconstructs the legal enforcement framework governing digital activism in the era of technological disruption by identifying regulatory deficiencies, evaluating current enforcement practices, and proposing a more adaptive and rights-based legal model. The research employs a qualitative normative legal methodology complemented by a socio-legal perspective. It analyzes statutory regulations, legal doctrines, judicial decisions, and policy frameworks concerning digital expression and online activism. Data were collected through a systematic review of legal documents, scholarly literature, and policy reports, then examined using conceptual and comparative legal analysis to identify structural weaknesses within existing enforcement mechanisms. The findings demonstrate that current enforcement remains largely rooted in conventional regulatory paradigms that inadequately address the complexity of digital activism. Ambiguous legal provisions, overlapping institutional authorities, and inconsistent enforcement practices generate legal uncertainty and increase the risk of over-criminalizing legitimate civic expression. Furthermore, the absence of clear legal standards governing digital advocacy, online mobilization, and algorithm-driven information dissemination complicates effective enforcement and weakens legal certainty. This study proposes a reconstructed enforcement framework grounded in the principles of proportionality, transparency, accountability, and digital rights protection. The framework emphasizes adaptive regulation, integrated digital governance, institutional capacity building, and clearer legal standards for technology-mediated civic participation. By bridging technological realities with constitutional safeguards, the proposed model contributes to contemporary legal

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scholarship on digital governance while offering practical policy recommendations for developing a more balanced, accountable, and responsive legal system capable of addressing the evolving challenges of the digital era.

**Keywords:** Digital Activism; Digital Governance; Law Enforcement; Legal Framework; Technological Disruption.

## Introduction

The rapid advancement of digital technology has fundamentally transformed the way individuals communicate, mobilize, and express political or social concerns. The emergence of social media platforms, digital communication networks, and algorithm-driven information systems has created new opportunities for civic engagement and public participation.<sup>1</sup> In this context, digital activism has become an increasingly influential phenomenon, enabling individuals and groups to advocate for social justice, political reform, environmental protection, and various public interests through online platforms.<sup>2</sup> Digital activism allows citizens to organize campaigns, disseminate information rapidly, and mobilize collective action without the traditional limitations of geographical boundaries or institutional barriers. As a result, the digital sphere has evolved into a significant arena for democratic discourse and social transformation.<sup>3</sup>

Despite these opportunities, the growth of digital activism has also generated complex legal challenges. The borderless nature of digital communication, the rapid dissemination of information, and the involvement of anonymous actors often complicate the enforcement of existing legal norms.<sup>4</sup> Governments and legal institutions frequently struggle to balance two competing imperatives: protecting freedom of expression and ensuring social order in the digital environment.<sup>5</sup> In many jurisdictions, legal frameworks that were originally designed to regulate conventional

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<sup>1</sup> Liudmyla Demydova et al., 'Regulating Digital Privacy and Surveillance in Ukraine: Legal Gaps and Harmonization with EU Standards in the Age of Big Data', *International Journal of Law and Society* 5, no. 1 (2026): 1–25, <https://doi.org/10.59683/ijls.v5i1.168>.

<sup>2</sup> Minji Yan, Luye Mou, and Li Chen, 'Digital Innovation and Legal Protection in China's Predictive Policing', *Computer Law and Security Review* 60 (2026), <https://doi.org/10.1016/j.clsr.2026.106273>.

<sup>3</sup> Nibrosu Rohid et al., 'Digital Activism in Contemporary Islamic Politics: A Critical Analysis of Social Media's Impact on Islamic Movements', *MILRev: Metro Islamic Law Review* 4, no. 1 (April 2025): 208–233, <https://doi.org/10.32332/milrev.v4i1.10159>.

<sup>4</sup> Mohammed Abdul Fasi, 'Copyright Enforcement in the Social Media Ecosystem: A Comparative Legal Study of the US and UK Fair Dealing or Unfair System? Copyright, Content ID, and the Chilling Effect on Indian Digital Creators', *Journal of Intellectual Property Rights* 31, no. 2 (2026): 299–315, <https://doi.org/10.56042/jipr.v31i2.21410>.

<sup>5</sup> Tarek El-Sayed Mahmud Abu Okeal et al., 'Preventive Legislative Approaches to Child Protection in the Digital Environment: A Comparative Study of Australia, France, and Egypt', *Nusantara: Journal of Law Studies* 5, no. 1 (March 2026): 205–228, <https://doi.org/10.66325/nusantaralaw.v5i1.222>.

forms of expression are now applied to digital spaces, often without sufficient adaptation to the technological context. This situation has raised concerns about regulatory overreach, inconsistent law enforcement practices, and potential threats to civil liberties.<sup>6</sup>

The problem becomes particularly evident when digital activism intersects with issues such as misinformation, online harassment, cyber defamation, and digital mobilization that may escalate into real-world conflicts.<sup>7</sup> Law enforcement institutions are often required to respond quickly to online activities that may disrupt public stability, yet the absence of clear legal standards often leads to ambiguous interpretations of digital conduct. In several cases, digital activists have faced legal sanctions under broadly defined regulations governing electronic information, defamation, or public order.<sup>8</sup> While such regulations are intended to maintain social stability, their application can sometimes produce unintended consequences, including the suppression of legitimate civic participation and the erosion of digital rights. The increasing complexity of digital activism in the era of technological disruption highlights the need to reconsider the structure of legal enforcement frameworks governing online civic engagement. Technological disruption, characterized by rapid innovation, platform-based communication, and algorithmic information flows, continuously reshapes patterns of social interaction. Traditional legal approaches that rely primarily on punitive enforcement mechanisms may no longer be sufficient to address the dynamic nature of digital activism. Instead, contemporary legal systems must adopt more adaptive, transparent, and rights-sensitive approaches that can respond effectively to technological change while safeguarding democratic values.

Several previous studies have examined different aspects of digital activism and its legal implications. First, research by Yannis Theocharis et al (2023) emphasized the transformative potential of digital platforms to facilitate collective action and lower barriers to political participation.<sup>9</sup> Their study demonstrated that online activism could amplify marginalized voices and accelerate the spread of social movements. However, this research primarily focused on the sociological dynamics of digital mobilization and did not comprehensively address the legal mechanisms required to regulate such

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<sup>6</sup> Nhat Khanh Nguyen, 'Advancing Administrative Sanctions Through Digital Transformation: A Legal Perspective from Vietnam', *Pravo i Wiez* 60, no. 1 (2026): 533–555, <https://doi.org/10.36128/p53ddd13>.

<sup>7</sup> Mahmood Alaloosh, Ali Shaker Mahmood, and Sabir Hussien Eliwy, 'Securing Digital Trade: A Techno-Legal Analysis of E-Commerce Safeguards in Iraq's Regulation No. 4/2025', *Nusantara: Journal of Law Studies* 5, no. 1 (February 2026): 44–60, <https://doi.org/10.5281/zenodo.18452737>.

<sup>8</sup> Bothaina Alsobai and Dalal Aassouli, 'The Role of Legal and Regulatory Frameworks in Driving Digital Transformation for the Banking Sector in Qatar with Global Benchmarks', *Journal of Risk and Financial Management* 19, no. 2 (2026), <https://doi.org/10.3390/jrfm19020099>.

<sup>9</sup> Yannis Theocharis et al., 'Platform Affordances and Political Participation: How Social Media Reshape Political Engagement?', *West European Politics* 46, no. 4 (June 2023): 788–811, <https://doi.org/10.1080/01402382.2022.2087410>.

activities within a digital governance framework. Second, a study by Thomas O'Brien (2021) explored the relationship between digital activism and internet governance, highlighting the tension between state regulatory authority and the decentralized nature of online networks.<sup>10</sup> The study argued that digital activism often challenges traditional power structures and requires a more flexible governance approach. While this research contributed significantly to understanding digital activism from a governance perspective, it offered limited analysis of the specific legal enforcement mechanisms that should be developed to address emerging digital conflicts. Third, Dong Xinyue's (2023) research examined how social media technologies shape contemporary protest movements and collective mobilization. The study revealed that digital platforms can accelerate the organization of social movements but may also create vulnerabilities, including misinformation, digital surveillance, and fragmented leadership structures.<sup>11</sup> Although this research provided valuable insights into the technological dimensions of digital activism, it did not sufficiently explore how legal systems should reconstruct enforcement frameworks in response to these technological disruptions.

The limitations of these previous studies reveal an important research gap. While existing scholarship has extensively examined the sociological, political, and technological aspects of digital activism, relatively little attention has been devoted to reconstructing legal enforcement frameworks capable of addressing the complex challenges posed by digital civic engagement in the era of technological disruption. Many legal systems still rely on conventional regulatory approaches that were developed before the widespread adoption of digital platforms. Consequently, there remains a lack of comprehensive legal models that integrate technological realities, digital rights protection, and adaptive law enforcement strategies. This study seeks to address this gap by examining how legal enforcement frameworks can be reconstructed to respond more effectively to the dynamics of digital activism. Rather than viewing digital activism solely as a legal risk or security concern, this research treats it as an integral component of contemporary democratic participation that requires balanced, context-sensitive regulation. By analyzing existing legal structures and identifying their limitations, the study aims to propose a more coherent framework that aligns law enforcement practices with the principles of proportionality, transparency, and protection of digital freedoms.

Based on this background, the central research question of this study is: How can the legal enforcement framework be reconstructed to effectively regulate digital activism in the era of technological disruption while safeguarding democratic freedoms

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<sup>10</sup> Thomas O'Brien, 'Digital Activism and the State: Media Movements: Civil Society and Media Policy Reform in Latin America', *Tapuya: Latin American Science, Technology and Society* 4, no. 1 (January 2021): 1973291, <https://doi.org/10.1080/25729861.2021.1973291>.

<sup>11</sup> Dong Xinyue, 'Social Media as a Tool for Political Mobilization: A Case Study of the 2020 Hong Kong Protests', *Journal of Public Representative and Society Provision* 3, no. 1 (May 2023): 10–20, <https://doi.org/10.55885/jprsp.v3i1.199>.

and digital rights? This question reflects the need to explore not only the regulatory deficiencies of current legal systems but also the normative principles that should guide future legal reforms. The significance of this research lies in both its theoretical and practical contributions. From a theoretical perspective, the study contributes to the development of contemporary legal scholarship on digital governance, cyber law, and socio-legal studies by integrating insights from technology studies, democratic theory, and law enforcement policy. It offers a conceptual framework that bridges the gap between traditional legal enforcement paradigms and the rapidly evolving digital ecosystem. From a practical perspective, the research provides policy-relevant insights for lawmakers, legal practitioners, and regulatory institutions seeking to address the challenges posed by digital activism. By proposing a reconstructed legal enforcement framework, the study aims to support the development of regulatory systems that are more adaptive, accountable, and responsive to technological transformation. Ultimately, the research seeks to promote a legal environment that protects democratic participation while maintaining the integrity of the rule of law in the digital age.

## Method

This study employs a qualitative legal research approach with a normative and socio-legal orientation to examine the reconstruction of legal enforcement frameworks governing digital activism in the era of technological disruption. The research primarily focuses on analyzing legal norms, regulatory structures, and institutional practices related to digital expression and online civic participation. Data are collected through documentary and literature-based research, including statutory regulations, policy documents, court decisions, and scholarly publications discussing digital governance, cyber law, and law enforcement in the digital sphere. In addition, secondary data are obtained from academic journal articles, books, and credible reports that explore the intersection between digital technology, civic activism, and legal regulation. This combination of legal texts and academic discourse allows the study to capture both the doctrinal foundation and the broader socio-legal dynamics influencing the enforcement of digital-related regulations.

The collected data are analyzed using a qualitative analytical technique that integrates conceptual analysis, comparative legal analysis, and interpretative approaches.<sup>12</sup> Conceptual analysis identifies the underlying principles and theoretical constructs that shape contemporary legal responses to digital activism, while comparative analysis evaluates similarities and differences among existing regulatory approaches to online civic engagement. Through interpretative analysis, the study critically examines the coherence, effectiveness, and limitations of current legal enforcement mechanisms in the digital environment. To ensure the validity and reliability of the findings, the research applies data triangulation, which involves cross-

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<sup>12</sup> Burhan Bungin, *Analisis Data Penelitian Kualitatif* (Jakarta: PT Raja Grafindo Persada, 2003).

checking legal documents, academic literature, and policy discussions to confirm the consistency of interpretations. This triangulation process strengthens the credibility of the analysis and supports the formulation of a reconstructed legal enforcement framework that is both theoretically grounded and contextually relevant to the evolving digital ecosystem.

## Results and Discussion

### The Transformation of Digital Activism in the Era of Technological Disruption

The rapid evolution of digital technologies has significantly transformed patterns of civic participation and collective action.<sup>13</sup> Digital activism has emerged as a prominent form of public engagement in which individuals and communities utilize online platforms to advocate for social, political, and economic change.<sup>14</sup> Unlike traditional activism, which relies heavily on physical gatherings, institutional networks, and formal organizational structures, digital activism operates through decentralized communication systems, social media platforms, and algorithm-driven information flows.<sup>15</sup> These technological developments enable rapid dissemination of ideas, the mobilization of public opinion, and cross-border solidarity movements that transcend geographical limitations.

One of the key characteristics of digital activism is its capacity to democratize participation. Social media platforms provide individuals with opportunities to voice opinions, share experiences, and engage in public debates without requiring access to traditional political institutions.<sup>16</sup> Through hashtags, online petitions, digital campaigns, and viral content, activists can attract public attention and influence policy discourse in a relatively short time. This transformation has reshaped the structure of modern social movements, allowing grassroots initiatives to gain global visibility and support.<sup>17</sup> However, the same technological features that facilitate civic participation also create

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<sup>13</sup> Sophie Weerts et al., 'The Limits of Legal and Material Implementation of the Convention on the Rights of Persons with Disabilities in Light of a Comparative Analysis of Measures Ensuring Digital Political Participation', *Journal of Human Rights Practice* 18, no. 1 (2026), <https://doi.org/10.1093/jhuman/huaf039>.

<sup>14</sup> Waldi Nopriansyah, Arne Huzaimah, and Muhammad Salim, 'The Relevance of the Al-Musâwâh Principle and the Law Prohibiting Monopolistic Practices in the Use of Digital Payments', *Jurnal Ilmiah Mizani: Wacana Hukum, Ekonomi Dan Keagamaan* 11, no. 1 (April 2024): 101–114, <https://doi.org/10.29300/mzn.v11i1.3439>.

<sup>15</sup> Desni Mardiah et al., 'Shopee PayLater in Digital Financial Transactions: Evaluation of Fiqh Based on Maqasid al-Syari'ah', *Ahlika: Jurnal Hukum Keluarga Dan Hukum Islam* 2, no. 2 (December 2025): 146–172, <https://doi.org/10.70742/ahlika.v2i2.290>.

<sup>16</sup> Ismawati and Suud Sarim Karimullah, 'Consumer Protection in the Digital Era: An Analysis of Consumer Protection in E-Commerce', *Nusantara: Journal of Law Studies* 3, no. 02 (December 2024): 68–80, <https://doi.org/10.5281/zenodo.17376951>.

<sup>17</sup> Omar Saad Ahmed et al., 'Fitnah in the Digital Age: Regulating Social Media Misuse Through Islamic Criminal Principles', *Al-Istinbath: Jurnal Hukum Islam* 10, no. 2 (August 2025): 535–562, <https://doi.org/10.29240/jhi.v10i2.13369>.

new legal and governance challenges. Digital communication environments are characterized by anonymity, rapid information diffusion, and algorithmic amplification, which may increase the risk of misinformation, hate speech, digital harassment, and cyber manipulation. As a result, governments and legal institutions face growing pressure to regulate online spaces to protect social stability and prevent harmful digital behavior.<sup>18</sup>

The complexity of digital activism is further intensified by technological disruption, which refers to the continuous innovation and transformation of digital platforms, communication infrastructures, and data-driven systems.<sup>19</sup> Technologies such as artificial intelligence, automated content recommendation algorithms, and networked communication systems have reshaped the dynamics of information production and consumption. These technologies influence which messages gain visibility, how public opinion is formed, and how digital campaigns spread across networks.<sup>20</sup> The transformation of activism within digital environments, therefore, requires a reconsideration of legal approaches to governance and law enforcement.<sup>21</sup> Traditional regulatory frameworks were primarily designed to address physical interactions and conventional media systems.<sup>22</sup> Consequently, when these legal instruments are applied to digital activism, they often fail to capture the complexity of online interactions. The absence of clear regulatory boundaries between legitimate civic expression and unlawful digital behavior frequently leads to ambiguous interpretations and inconsistent enforcement practices. Table 1 presents key differences between traditional activism and digital activism, highlighting the regulatory implications of technological disruption.

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<sup>18</sup> Akramov Akmaljon Anvarjon Ugli et al., 'Legal Issues of Digital Asset Inheritance from an Islamic Law Perspective', *Ijtihad: Jurnal Wacana Hukum Islam Dan Kemanusiaan* 25, no. 2 (December 2025): 191–212, <https://doi.org/10.18326/ijtihad.v25i2.191-212>.

<sup>19</sup> Muhammad Habibi Siregar et al., 'Digital Fiqh and Ethical Governance: Negotiating Islamic Normativity and Online Narcissism in Contemporary Indonesia', *JURIS (Jurnal Ilmiah Syariah)* 24, no. 1 (June 2025): 181–191, <https://doi.org/10.31958/juris.v24i1.13218>.

<sup>20</sup> Nur Chanifah et al., 'The Digitalisation of Employment, Fiqh Education and Empowerment of Migrant Workers' Rights', *Justicia Islamica* 23, no. 1 (March 2026): 253–284, <https://doi.org/10.21154/justicia.v23i1.12454>.

<sup>21</sup> Nibrosu Rohid, Rahma Sugihartati, and Bagong Suyanto, 'Artificial Intelligence as Digital Activism: Analyzing and Mapping the Communication Strategies of Young Activists', *Third International Conference on Emerging Trends in AI and Computational Technologies (ICONEST 2025)* 14141 (March 2026): 22, <https://doi.org/10.1117/12.3100685>.

<sup>22</sup> Satya Irawatiningrum et al., 'AI Metadata as a Determinant of Digital Communication Strategy: An Examination of the Freepik Platform', *Third International Conference on Emerging Trends in AI and Computational Technologies (ICONEST 2025)* 14141 (March 2026): 45, <https://doi.org/10.1117/12.3107666>.

Table 1. Comparison between Traditional Activism and Digital Activism

Aspect	Traditional Activism	Digital Activism
Communication Mode	Physical meetings, printed media	Social media, online platforms
Organizational Structure	Hierarchical organizations	Decentralized networks
Speed of Mobilization	Relatively slow	Instant and viral
Geographic Scope	Local or national	Global
Regulatory Framework	Conventional legal regulation	Complex digital governance challenges

Source: author's interpretation

The table compares traditional and digital activism across several key dimensions, including communication methods, organizational structure, mobilization speed, geographic scope, and regulatory frameworks. Traditional activism relies on physical meetings and printed media to spread messages and typically operates within hierarchical organizational structures. As a result, the mobilization process tends to be relatively slow and usually limited to local or national contexts. Its activities are generally regulated by conventional legal frameworks governing public demonstrations, freedom of assembly, and freedom of expression. In contrast, digital activism uses social media and other online platforms as its primary communication channels, enabling rapid, sometimes viral dissemination of information. It often operates through decentralized networks in which individuals can participate without formal organizational structures. This allows movements to mobilize supporters instantly and reach a global audience. However, digital activism also introduces complex governance challenges, including issues related to online regulation, misinformation, data security, and cross-border legal jurisdiction.

### Limitations of Existing Legal Enforcement Frameworks in Regulating Digital Activism

The rapid expansion of digital communication technologies has significantly transformed the landscape of civic participation and political engagement. Social media platforms, online forums, and digital networks have enabled individuals and communities to express opinions, mobilize support, and advocate for social or political change more efficiently than ever before.<sup>23</sup> Within this context, digital activism has emerged as a powerful mechanism for public participation, allowing citizens to engage in advocacy campaigns, policy debates, and social movements beyond the limitations of physical space. However, despite its growing influence, the legal enforcement frameworks designed to regulate digital activities have struggled to adapt effectively to

<sup>23</sup> Manuela Adrogué, 'The Digital Playground Rules: Argentina's Legal Framework for Child Data Protection', *GRUR International* 75, no. 1 (2026): 50–56, <https://doi.org/10.1093/grurint/ikaf097>.

this evolving environment.<sup>24</sup> The analysis of existing legal enforcement mechanisms reveals several structural limitations that hinder the effective governance of digital activism. These limitations arise from regulatory ambiguities, institutional constraints, technological developments, and broader socio-political dynamics that shape the implementation of law in digital spaces.<sup>25</sup>

One of the most significant challenges lies in the ambiguity of legal definitions related to digital expression. Many legal regulations governing online activities were originally designed to address issues such as cybercrime, electronic commerce, information security, and data protection. These regulatory frameworks were not specifically intended to govern civic activism or political engagement conducted through digital platforms. Consequently, provisions concerning defamation, misinformation, hate speech, and public order are sometimes applied broadly to digital activism without clear distinctions between harmful online conduct and legitimate political expression. This ambiguity can create a situation in which online criticism of public institutions, advocacy campaigns, or citizen journalism is interpreted as malicious disinformation or defamatory content under the same legal categories. As a result, the boundaries between protected democratic expression and legally punishable conduct become blurred. Such uncertainty may lead to inconsistent legal interpretations by law enforcement authorities, courts, and regulatory agencies.<sup>26</sup> For digital activists and ordinary internet users, this lack of clarity generates uncertainty regarding the limits of lawful expression, potentially discouraging civic participation in digital spaces.

In addition to regulatory ambiguity, institutional fragmentation represents another critical limitation in the governance of digital activism. Digital regulation often involves multiple governmental bodies with overlapping responsibilities. Telecommunications authorities oversee internet infrastructure and digital service providers; cybercrime units investigate illegal online activities; ministries of communication regulate digital content; and law enforcement agencies enforce criminal laws related to online behavior. In theory, this multi-institutional arrangement aims to create a comprehensive governance structure capable of addressing diverse aspects of digital communication. In practice, however, the distribution of authority among numerous

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<sup>24</sup> Mujtahid Mujtahid, Ali Sidiqin, and Moch Nur Ichwan, 'Social Labeling, Power, and Deviancy Amplification: Community Stigmatization of Migrant Residents in Adultery Cases in Banda Aceh', *Journal of Islamic Law* 6, no. 2 (July 2025): 265–285, <https://doi.org/10.24260/jil.v6i2.3754>.

<sup>25</sup> Marcello Ceci and Domenico Bianculli, 'Beyond the Digital Judge: Legal Reasoning in Compliance Checking and Compliance Choices', *Lect. Notes Comput. Sci.* 16319 LNCS (2026): 137–152, [https://doi.org/10.1007/978-3-032-11108-1\\_10](https://doi.org/10.1007/978-3-032-11108-1_10).

<sup>26</sup> Deni Setiyawan et al., 'Law Enforcement of Sexual Violence on Social Media: An Islamic Restorative Justice Perspective', *De Jure: Jurnal Hukum Dan Syar'iah* 17, no. 1 (April 2025): 90–111, <https://doi.org/10.18860/j-fsh.v17i1.28185>.

institutions frequently leads to coordination problems.<sup>27</sup> Different agencies may adopt divergent regulatory interpretations, enforcement priorities, and policy approaches. For instance, a telecommunications regulator may emphasize technological compliance and platform accountability, while law enforcement agencies focus on criminal liability and public order concerns. Without effective coordination mechanisms, these institutional differences can result in overlapping mandates, bureaucratic inefficiencies, and inconsistent enforcement practices. In some cases, fragmented governance structures may even create regulatory gaps, enabling harmful online activities to evade accountability while simultaneously exposing legitimate activism to excessive scrutiny.

Another significant limitation arises from the rapid pace of technological change, which often outpaces legislative and regulatory processes. Digital platforms are continuously evolving, introducing new features, communication tools, and algorithmic systems that reshape how information is created, distributed, and consumed. Innovations such as live-streaming services, encrypted messaging applications, artificial intelligence–driven content recommendation systems, and decentralized social networks have fundamentally altered the dynamics of online communication.<sup>28</sup> These technological developments enable digital activists to organize campaigns more effectively, disseminate information more rapidly, and reach global audiences within seconds. However, legislative processes typically require extensive deliberation, political negotiation, and institutional consensus before new regulations can be adopted. This procedural complexity creates a regulatory time lag, where laws and policies struggle to keep pace with technological innovation. As a result, existing legal frameworks may become outdated or inadequate for addressing emerging forms of digital activism, such as coordinated hashtag movements, algorithmic amplification of political messages, or decentralized advocacy networks. Law enforcement agencies may also face difficulties in interpreting existing laws in contexts that were not envisioned when those laws were originally drafted.<sup>29</sup>

Beyond technological factors, the capacity limitations of law enforcement institutions also contribute to the challenges of regulating digital activism. Investigating digital activities often requires specialized technical expertise, digital forensic tools, and advanced analytical capabilities. Many law enforcement agencies, particularly in developing or transitional legal systems, may lack the necessary resources and training

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<sup>27</sup> Mohammad Abu Taher et al., ‘Decent Work in the Digital Age: A Legal Perspective on Platform-Based Employment in Bangladesh’, *Humanities and Social Sciences Letters* 14, no. 1 (2026): 111–125, <https://doi.org/10.18488/73.v14i1.4667>.

<sup>28</sup> Hala Nassar et al., ‘Regulating Digital Influencers: Legal Accountability and Commercial Speech in the Age of Social Media—a French Model’, *Information and Communications Technology Law*, ahead of print, 2026, <https://doi.org/10.1080/13600834.2026.2636329>.

<sup>29</sup> Mar Pastor-Bravo et al., ‘Estrategias de éxito para la transformación digital en los Institutos de Medicina Legal y Ciencias Forenses’, *Revista Española de Medicina Legal* 52, no. 1 (2026), <https://doi.org/10.1016/j.reml.2025.500502>.

to monitor complex online environments effectively.<sup>30</sup> Digital activism frequently involves cross-platform communication, anonymous participation, and encrypted channels, which complicate efforts to trace the origin of online campaigns or identify individuals responsible for specific content. Furthermore, digital platforms themselves operate across national boundaries, making it difficult for domestic law enforcement authorities to exercise jurisdiction over foreign-based service providers or transnational networks. The combination of technological complexity and limited institutional capacity can significantly weaken the effectiveness of existing enforcement frameworks.

The transnational nature of digital communication further complicates regulatory enforcement. Unlike traditional forms of activism that occur within identifiable geographic boundaries, digital activism operates in a global networked environment where information flows across national borders instantaneously.<sup>31</sup> A single online campaign can involve participants from multiple countries, while digital content may be hosted on servers located in different jurisdictions. This transnational dimension raises complex legal questions regarding jurisdiction, applicable law, and cross-border cooperation. National legal frameworks are typically designed to regulate activities occurring within a specific territorial jurisdiction, yet digital activism frequently transcends these boundaries. As a result, enforcement actions taken by one country may have a limited impact on online activities conducted from other jurisdictions. International cooperation mechanisms, such as mutual legal assistance treaties or cross-border regulatory agreements, are often slow and bureaucratic, further limiting the effectiveness of enforcement efforts.<sup>32</sup>

Moreover, the enforcement of digital-related regulations is strongly influenced by broader socio-political dynamics. Governments may perceive certain forms of digital activism as potential threats to political stability, social order, or governmental authority, particularly when online campaigns challenge dominant political narratives or mobilize large-scale public criticism. In such contexts, legal enforcement may prioritize security and stability considerations over the protection of civil liberties and digital rights. Laws designed to combat disinformation, cybercrime, or online harassment may sometimes be applied in ways that restrict legitimate forms of civic

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<sup>30</sup> Akash Bag and Abhinav Pradhan, 'Who Monitors the Monitors? Analysing the Legal Intricacies of Digital Forensic-Based Facial Recognition Technology in Law Enforcement', *Asian Journal of Legal Education* 13, no. 1 (2026): 79–94, <https://doi.org/10.1177/23220058251376612>.

<sup>31</sup> Heni Noviarita, Muhammad Kurniawan, and Khavid Normasyhuri, 'Developing Sustainable Muslim-Friendly Tourism Village Model Through Digital Tourism: Perspective of Shari'ah Economy', *Al-'Adalah* 21, no. 1 (June 2024): 77–100, <https://doi.org/10.24042/adalah.v21i1.21220>.

<sup>32</sup> Hui Yun Chan, 'Legal Preparedness in Implementing Digital Contact Tracing Apps in Managing Public Health Threats: The Singapore Experience', *International Journal of Law in Context*, ahead of print, 2026, <https://doi.org/10.1017/S1744552325100372>.

participation.<sup>33</sup> This tension reflects a broader dilemma in digital governance: balancing the need to maintain public order and prevent harmful online behavior with safeguarding democratic freedoms, such as freedom of expression, access to information, and the right to political participation. When enforcement practices are perceived as selective or politically motivated, public trust in legal institutions may decline, further complicating efforts to establish effective and legitimate regulatory frameworks.

Another challenge relates to the role of private digital platforms in regulating online content. Major social media companies and digital service providers possess significant authority over the management of digital communication spaces. Through their content moderation policies, algorithmic systems, and community guidelines, these platforms effectively function as private regulators of online discourse.<sup>34</sup> However, the relationship between state law and platform governance remains complex and sometimes ambiguous. Governments may require platforms to remove certain types of content or provide user data for investigative purposes, while platforms themselves maintain independent policies designed to protect user safety and corporate interests. This dual regulatory structure can create tensions between public law enforcement objectives and private platform governance. In some cases, digital activists may face restrictions not only from state authorities but also from platform moderation policies that limit certain types of political expression.

Taken together, these structural limitations highlight the need for more adaptive, transparent, and coordinated legal frameworks capable of addressing the complexities of digital activism. Effective regulation should clearly distinguish between harmful online activities—such as incitement to violence, coordinated disinformation campaigns, or cyber harassment—and legitimate forms of civic participation.<sup>35</sup> Strengthening institutional coordination among regulatory bodies, enhancing law enforcement agencies' technical capacity, and promoting international cooperation mechanisms are essential steps toward improving digital governance. Equally important is ensuring that regulatory frameworks respect fundamental democratic principles, including freedom of expression, accountability, and the protection of digital rights.

To better illustrate these issues, The Table summarizes key structural weaknesses within existing legal enforcement frameworks governing digital activism, highlighting

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<sup>33</sup> Andi Nadia Aryana et al., 'Digital Forensics and Legal Communication: Network Analysis of Law Enforcement Response to Viral Youth Violence Cases in Indonesia', *Frontiers in Human Dynamics* 8 (2026), <https://doi.org/10.3389/fhumd.2026.1709823>.

<sup>34</sup> Linda Mulcahy and Joseph Patrick Mcaulay, 'Webs within the Web: The Role of Epistemic Injustice in Creating Barriers to Public Legal Information about Rights in a Digital Age', *Journal of Law and Society*, ahead of print, 2026, <https://doi.org/10.1111/jols.70050>.

<sup>35</sup> Yenny Aman Serah et al., 'Opportunities and Constraints in Developing a Digital-Based Legal Counseling Model in West Kalimantan', *WSEAS Transactions on Information Science and Applications* 23 (2026): 90–101, <https://doi.org/10.37394/23209.2026.23.8>.

the main institutional, regulatory, and technological challenges that continue to affect the effectiveness of digital governance in contemporary societies.

Table 2. Structural Weaknesses in Current Legal Enforcement Frameworks

Issue	Description	Implication
Regulatory Ambiguity	Unclear definitions of digital misconduct	Risk of over-criminalization
Institutional Fragmentation	Multiple agencies with overlapping authority	Inefficient enforcement
Technological Gap	Laws lag behind technological innovation	Limited regulatory effectiveness
Rights Protection Challenges	Balancing security and freedom of expression	Potential restrictions on civic participation

Source: author's interpretation

The table illustrates several structural challenges within legal enforcement frameworks regulating digital activism, including regulatory ambiguity, institutional fragmentation, technological gaps, and challenges related to the protection of civil rights. First, regulatory ambiguity refers to the lack of clear legal definitions regarding what constitutes digital misconduct. Many regulations do not clearly distinguish between legitimate public expression and unlawful online behavior. This condition creates the potential for over-criminalization, in which criminal law is excessively applied to digital activities that are actually part of freedom of expression or democratic participation. Second, institutional fragmentation indicates the presence of multiple agencies with authority over digital governance, such as telecommunications regulators, content oversight bodies, and law enforcement institutions. The overlap of responsibilities among these institutions often leads to weak coordination, resulting in inefficient law enforcement practices.

In addition, the table highlights the technological gap, referring to the disparity between the rapid development of digital technologies and the relatively slow pace of legislative processes. As communication technologies continue to evolve with new platforms and features, existing regulations often struggle to keep pace. Consequently, regulatory effectiveness is limited, as legal frameworks may no longer fully align with the realities of an ever-changing digital environment. Finally, rights protection challenges involve balancing public security with the protection of freedom of expression in digital spaces. Government efforts to control harmful information or maintain social stability may sometimes lead to restrictions on civic participation in online public spheres. Therefore, the central challenge in regulating digital activism lies in balancing security and democratic rights within the digital landscape.

### **Reconstructing the Legal Enforcement Framework for Digital Activism**

In response to the limitations identified above, this study proposes a reconstructed legal enforcement framework that integrates legal accountability, digital governance

principles, and technological awareness.<sup>36</sup> The proposed framework is grounded in three key principles: proportionality, transparency, and digital rights protection.

First, the principle of proportionality emphasizes that legal enforcement measures must be carefully balanced with the protection of fundamental freedoms, particularly freedom of expression and civic participation. Digital activism often serves as a mechanism for citizens to engage in public discourse, challenge policy decisions, and advocate for social reform. Therefore, regulatory responses should clearly distinguish between harmful digital activities and legitimate forms of civic engagement.<sup>37</sup> Law enforcement institutions must adopt contextual assessments when evaluating digital activism cases to ensure sanctions are proportionate to the conduct's nature and impact. Second, transparency plays a critical role in strengthening public trust in digital governance systems. Legal enforcement processes related to digital activism should be accompanied by clear procedural guidelines, publicly accessible regulatory standards, and accountable institutional practices. Transparency ensures that individuals understand the legal boundaries governing online expression and reduces the risk of arbitrary enforcement decisions.<sup>38</sup> It also enables civil society organizations, academic institutions, and technology experts to participate in policy discussions concerning digital regulation.

Third, the protection of digital rights must become a central component of contemporary legal frameworks. Digital rights include freedom of expression, privacy, access to information, and protection against unjust surveillance. As digital technologies increasingly shape social interactions, safeguarding these rights becomes essential for maintaining democratic governance. Legal frameworks should therefore incorporate mechanisms that prevent excessive monitoring of digital activities and protect individuals from unjustified criminalization. In addition to these normative principles, institutional capacity building is necessary to support effective enforcement.<sup>39</sup> Law enforcement agencies require specialized training in digital investigation techniques, cyber law interpretation, and technology governance. Collaboration with technology companies, civil society organizations, and academic researchers can also enhance regulatory effectiveness by providing multidisciplinary insights into the evolving dynamics of digital activism.

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<sup>36</sup> Li Yao, 'Legal regulation of the institution of the digital human being in China', *Vestnik Sankt-Peterburgskogo Universiteta. Pravo* 16, no. 4 (2025): 995–1011.

<sup>37</sup> 'Internet Platforms: Observations on Speech, Danger, and Money', Stanford CIS, 15 June 2018, <https://cyberlaw.stanford.edu/blog/2018/06/internet-platforms-observations-speech-danger-and-money/>.

<sup>38</sup> Mike Ananny and Kate Crawford, 'Seeing without Knowing: Limitations of the Transparency Ideal and Its Application to Algorithmic Accountability', *New Media & Society* 20, no. 3 (March 2018): 973–989, <https://doi.org/10.1177/1461444816676645>.

<sup>39</sup> Michal Ożóg and Radosław Puchta, 'The Right Not to Use the Internet and Protection against the Digital Divide: Some Preliminary Remarks', *Białostockie Studia Prawnicze* 30, no. 4 (2025): 9–23, <https://doi.org/10.15290/bsp.2025.30.04.01>.

Table 3. Proposed Framework for Legal Enforcement in Digital Activism

Principle	Key Components	Expected Outcome
Proportionality	Context-based legal assessment	Fair and balanced enforcement
Transparency	Clear legal standards and procedures	Increased public trust
Digital Rights Protection	Safeguarding freedom of expression and privacy	Strengthened democratic participation
Institutional Capacity	Training and inter-agency collaboration	Effective digital governance

Source: author's interpretation

Implementing this reconstructed framework can help bridge the gap between technological realities and legal governance structures. By integrating legal principles with technological awareness, regulatory institutions can develop more adaptive and responsive approaches to digital activism. Ultimately, reconstructing the legal enforcement framework is not merely a technical legal reform but a broader effort to align legal systems with the evolving nature of democratic participation in the digital age. As digital activism continues to influence public discourse, legal institutions must adopt governance models that encourage responsible civic engagement while preventing harmful digital practices. Such a balanced approach is essential for maintaining the integrity of the rule of law and promoting inclusive democratic participation within technologically advanced societies.

### Conclusion

This study demonstrates that the rapid expansion of digital technologies has significantly transformed patterns of civic engagement, giving rise to digital activism as a prominent form of public participation in contemporary society. The findings reveal that while digital platforms provide unprecedented opportunities for citizens to express opinions, mobilize social movements, and influence policy discourse, existing legal enforcement frameworks remain largely rooted in conventional regulatory paradigms that are insufficient to address the complexities of the digital environment. Ambiguities in legal definitions, fragmented institutional authority, and the persistent gap between technological innovation and regulatory adaptation have contributed to inconsistent law enforcement practices and potential risks to digital rights and democratic participation. These limitations highlight the urgent need to reconstruct legal enforcement mechanisms to respond more effectively to the dynamic nature of digital activism in the era of technological disruption. In response to these challenges, this study proposes a reconstructed legal enforcement framework grounded in the principles of proportionality, transparency, and digital rights protection, supported by stronger institutional capacity and collaborative digital governance. Such a framework enables law enforcement institutions to distinguish more clearly between legitimate civic expression and harmful digital conduct while ensuring that regulatory interventions remain fair, accountable, and rights-based. By integrating technological

awareness with legal governance, this model contributes to the development of a more adaptive and balanced regulatory system that can sustain democratic engagement in digital spaces. Future research is encouraged to explore empirical investigations into the implementation of digital governance policies, comparative analyses across different legal systems, and interdisciplinary approaches that integrate legal studies, technology policy, and digital sociology to deepen understanding of effective regulatory models for digital activism in an increasingly interconnected world.

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### **Author Contributions Statement**

Nibrosu Rohid led the conceptualization of the study, developed the research methodology, conducted the investigation and formal analysis, prepared the original manuscript draft, and coordinated the overall project. Rahma Sugihartati contributed to refining the research methodology, validated the findings, provided academic supervision, and critically reviewed and edited the manuscript. Bagong Suyanto contributed to the conceptual development of the study, strengthened the theoretical framework, supervised the research process, and participated in the critical review and revision of the manuscript. Oleksandr Gotin contributed to data curation, validation of the research findings, formal analysis, and manuscript review and editing. Nabrisi Rohid assisted in the investigation, data collection and curation, resource management, and visualization of the research findings. Sukisno provided overall supervision, validated the research outcomes, contributed to manuscript review and editing, and supported the completion of the research process. All authors have read and approved the final version of the manuscript and agree to be accountable for all aspects of the work.

### **AI Usage Statement**

The authors used artificial intelligence (AI)-assisted tools solely to support language refinement, grammar correction, and improvements in writing clarity during the preparation of this manuscript. All conceptual development, research design, data collection, legal analysis, interpretation of findings, and conclusions were conducted independently by the authors. The authors carefully reviewed, verified, and edited all AI-assisted outputs and assume full responsibility for the accuracy, originality, and integrity of the content presented in this article.

## Conflict of Interest

The authors declare that there are no financial, professional, institutional, or personal relationships that could be perceived as influencing the research, authorship, or publication of this manuscript. The authors confirm that this study was conducted independently and objectively, and that no competing interests exist that could have affected the interpretation of the findings or the conclusions presented in this article.

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