

# Private Platforms as Political Institutions: Democratic Implications of Twitter and YouTube in Brazil

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“Big Tech” platforms such as Twitter/X, Meta, YouTube, WhatsApp, etc., increasingly operate as political institutions, central sites where public discourse is shaped, collective norms are enforced, and electoral outcomes can be influenced. Through decisions about content moderation, recommender algorithms, deplatforming,<sup>1</sup> visibility, and advertising, these companies now perform roles traditionally associated with democratic institutions such as courts, regulators, and public media. Yet unlike those institutions—often referred to as the four estates or pillars<sup>2</sup> of democracy— they operate with limited formal democratic oversight, public accountability mechanisms, or transparent constraints on the private individuals who lead them.<sup>3</sup> Essentially operating as a new, fifth estate, but one which we do not yet have the frameworks to address. The institutional power of this new fifth estate becomes particularly evident in high-stakes political contexts. Twitter’s role in enabling former Brazilian president Jair Bolsonaro’s digital populism helps illustrate how individual actors who use and/or control privately governed communication infrastructures can exercise political authority comparable to that of state institutions. The case of Brazil’s 2022 presidential elections raises urgent questions for democracies about how to deal with the new fifth estate. To what extent do major tech platforms (and their leaders) function as unregulated political institutions, and what are the implications for democracy and global governance? Should private platforms be subject to democratic oversight when their decisions have geopolitical effects? Are the methods used to address traditional public media even relevant to the fifth estate?

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<sup>1</sup> Deplatforming’ refers to the removal or banning of individuals, communities, or entire websites that spread misinformation or hate speech. While social media platforms use this practice to curb harmful content, its effectiveness remains a subject of debate. (“[The Unintended Consequence of Deplatforming on the Spread of Harmful Content | Computational Social Science Lab.](#)” n.d.)

<sup>2</sup> Beyond the three traditional branches of government, the free press has often been described as a fourth branch or estate ([Tran 2016](#)).

<sup>3</sup> Griffin, Rachel. 2022. “Public and Private Power in Social Media Governance: Multistakeholderism, the Rule of Law and Democratic Accountability.” SSRN Electronic Journal. <https://doi.org/10.2139/ssrn.4190500>.

Let's step back to describe the technical capabilities and processes that underlie platform capabilities. Primarily, these platforms possess and leverage algorithmic power, the capacity of their computational systems to shape visibility, behavior, and decision-making within digital environments.<sup>4</sup> Their associated algorithms curate information flows, determine which voices and perspectives gain prominence, and moderate user interactions by classifying, amplifying, or suppressing content.<sup>5</sup> In doing so, they function as instruments of governance within the digital public sphere, structuring participation, enforcing norms, and influencing what forms of discourse and knowledge become most salient.<sup>6</sup>

Beyond shaping communication, algorithmic systems also embody broader political and economic power. Their design objectives can reproduce bias, restrict autonomy, and consolidate control over public attention.<sup>7</sup> As such, algorithmic power represents a new mode of governance in which technical systems perform regulatory functions traditionally associated with institutions, blurring the boundary between code, policy, and politics.<sup>8</sup> This dynamic is most visible on large-scale social media platforms (Twitter/X and Facebook/Meta most of all), where individuals and institutions alike can exert significant influence over public opinion. Their architectures create environments where virality often outweighs accuracy, allowing rumors to solidify into “reality” through repetition, algorithmic amplification, and social validation. By removing the psychological distance of traditional media, platforms facilitate direct, unmediated dialogue between public figures and their audiences, deepening emotional engagement and

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<sup>4</sup> Kango, Ujjwal. 2025. “Algorithmic Governance.” *Handbook of Human-Centered Artificial Intelligence*, 1–26. [https://doi.org/10.1007/978-981-97-8440-0\\_90-1](https://doi.org/10.1007/978-981-97-8440-0_90-1).

<sup>5</sup> Caplan, Robyn, and danah boyd. 2018. “Isomorphism through Algorithms: Institutional Dependencies in the Case of Facebook.” *Big Data & Society* 5 (1): 205395171875725. <https://doi.org/10.1177/2053951718757253>.

<sup>6</sup> Aytac, Ugur. 2024. “Big Tech, Algorithmic Power, and Democratic Control.” *The Journal of Politics*, February. <https://doi.org/10.1086/729938>.

<sup>7</sup> Okonkwo, Obioma Adesewa. “Power Dynamics of Information Control, Censorship, and Digital Transparency: Shaping Human Rights Discourse in the Information Society.” ResearchGate, 2024, [www.researchgate.net/publication/397183718\\_Power\\_dynamics\\_of\\_information\\_control\\_censorship\\_and\\_digital\\_transparency\\_shaping\\_human\\_rights\\_discourse\\_in\\_the\\_information\\_society](http://www.researchgate.net/publication/397183718_Power_dynamics_of_information_control_censorship_and_digital_transparency_shaping_human_rights_discourse_in_the_information_society)

<sup>8</sup> Rainie, Lee, and Janna Anderson. 2017. “Code-Dependent: Pros and Cons of the Algorithm Age.” Pew Research Center. February 8, 2017. <https://www.pewresearch.org/internet/2017/02/08/code-dependent-pros-and-cons-of-the-algorithm-age/>.

increasing persuasive power.<sup>9</sup> As Renée DiResta, a researcher of computational propaganda and platform governance, argues, what we encounter on these platforms is not merely misinformation or disinformation but a sophisticated propaganda ecosystem, powered by automation and algorithms that can obscure message origins and allow state and nonstate actors to intensify existing social tensions<sup>10</sup>. Significantly, the public participates directly in this amplification cycle, circulating content that aligns with their identities or emotions. Research shows that platforms’ pursuit of metric optimization has produced real-world harms, with recommendation systems contributing to radicalization pipelines and guiding users toward extreme content.<sup>11</sup> Pursuit of these metrics drives relevance and, in turn, eyeballs (the most critical asset in our attention economy).<sup>12</sup> But what kind of relevance do they promote? They optimize for instant gratification and rapid engagement because those outcomes generate profit. Yet one might ask what would happen if these metrics—rather than being tethered solely to profit maximization—were designed to foster more meaningful, sustained, and constructive interactions.

While there is no single smoking gun that explains current democratic vulnerabilities, it is increasingly evident that our traditional ways of understanding political communication have not kept pace with what digital technologies now enable. Political leaders operate in an environment where innuendo, insinuation, and strategically ambiguous actions can circulate at scale, allowing them to influence public sentiment without ever crossing explicit legal or institutional boundaries. Political leaders are increasingly exploiting social media as an asymmetric communication weapon, maximizing their ability to advance political agendas while minimizing accountability mechanisms. Platforms, as they are currently configured and optimized, provide an unmediated megaphone that allows politicians to stoke outrage, mobilize loyal bases, and

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<sup>9</sup> Lane, Rosemary. 2025. “How Social Media Can Shape Public Opinion.” Georgetown University. September 30, 2025. <https://www.georgetown.edu/news/ask-a-professor-renee-diresta-how-social-media-can-shape-public-opinion/>.

<sup>10</sup> Hern, Alex. 2024. “Online Manipulation Expert Renée DiResta: ‘Conspiracy Theories Shape Our Politics in Extremely Mainstream Ways.’” The Guardian. The Guardian. July 14, 2024. <https://www.theguardian.com/technology/article/2024/jul/14/renee-diresta-invisible-rulers-internet-algorithms-media-disinformation-ai>.

<sup>11</sup> Schultz, John, Robert Laxer, Nishank Motwani, and Dilnoza Satorova. 2023. “The Drivers of Platform Harm.” The Belfer Center for Science and International Affairs. Belfer Center for Science and International Affairs, Harvard Kennedy School. June 5, 2023. <https://www.belfercenter.org/publication/drivers-platform-harm>.

<sup>12</sup> “A system in which human attention, a finite and valuable resource, is treated as a commodity: captured, analyzed, and traded for profit by digital platforms and advertisers.” ([“The Attention Economy and the Collapse of Cognitive Autonomy” 2025](#))

provoke emotional responses in ways that traditional media gatekeepers once constrained. Current metrics, linked to profit maximization, privilege the delivery of sensational, instant-impact content, which often just magnifies such nefarious and opportunistic behavior. This dynamic (as was briefly alluded to previously) resembles asymmetric warfare: politicians can rapidly disseminate inflammatory narratives or disinformation at minimal cost, while democratic institutions must respond slowly, procedurally, and within strict legal constraints. Traditional governance approaches, rooted in slow-moving regulation, norms of public deliberation, and mechanisms of accountability, are fundamentally ill-equipped to address this real-time, opportunistic behavior. As a result, democracies face a structural challenge; political actors can use platform amplification to steer public attitudes and political outcomes before oversight systems can respond.

The role of Twitter in Jair Bolsonaro's political rise in Brazil and the subsequent democratic unrest illustrates how platform governance, when concentrated in private hands and insulated from democratic oversight, can shape national politics in ways comparable to state institutions. Bolsonaro's movement relied heavily on Twitter as an infrastructure for mobilization, a site where campaign messages, anti-institutional narratives, and attacks on electoral legitimacy were amplified through coordinated networks of influencers, bots, and hyper-engaged supporters.<sup>13</sup> Well before Elon Musk acquired the platform, Brazilian authorities were already struggling to persuade Twitter to curb disinformation campaigns targeting the Supreme Electoral Court (TSE), the judiciary, and the 2022 electoral process. The TSE actually signed agreements with Twitter and other platforms ahead of the 2022 elections to combat misleading electoral content, including activating search prompts, issuing warnings with official info, and issuing rapid responses to TSE-reported misinformation; however, this effort fell completely short. They did not spell out how companies would respond to coordinated campaigns to contest results or incite violence.<sup>14</sup>

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<sup>13</sup> Darcy, Oliver. 2019. "How Twitter's Algorithm Is Amplifying Extreme Political Rhetoric." CNN. March 22, 2019. <https://www.cnn.com/2019/03/22/tech/twitter-algorithm-political-rhetoric>.

<sup>14</sup> Johnson, Hawley. 2022. "Agreements with Platforms for Elections in Brazil Fall Short of Policies in the U.S. - Global Freedom of Expression." Global Freedom of Expression. July 14, 2022. <https://globalfreedomofexpression.columbia.edu/updates/2022/07/agreements-with-platforms-for-elections-in-brazil-fall-short-of-policies-in-the-u-s/>.

On January 8, 2023, thousands of supporters of incumbent president Jair Bolsonaro stormed federal government buildings in Brazil's capital, Brasília, following his defeat by Luiz Inácio Lula da Silva in the 2022 presidential election. The rioters deliberately damaged three key structures in the Praça dos Três Poderes: the Supreme Federal Court, the National Congress Palace, and the Planalto Presidential Palace. These attacks were the culmination of years of conspiracy theories advanced by Bolsonaro and his right-wing allies. Throughout his political career, Bolsonaro repeatedly attacked and undermined Brazil's electoral systems, claiming rampant fraud and actively promoting false conspiracies.<sup>15</sup> According to a New York Times investigation, he “constructed a narrative of fraudulent elections from inaccuracies, out-of-context reports, circumstantial evidence, conspiracy theories, and outright falsehoods, often presenting apparent abnormalities in the voting process without attribution while framing hypothetical fraud scenarios as far more probable than they were.”<sup>16</sup> Over time, this campaign embedded deep doubt and skepticism around the electoral process in the beliefs of his supporters, priming them for the violent rejection of his 2022 defeat.<sup>17</sup>

Social media platforms, particularly Twitter, played a crucial role in amplifying this extremist discourse. The use of nationalist rhetoric positioned "patriots" (those loyal to Bolsonaro) against democratic institutions. Research indicates that far-right populists manipulate the concept of patriotism to advance anti-pluralism, consolidate authoritarian power, and oppose liberal institutions, including the judiciary and free press.<sup>18</sup> Similar extremist discourse proliferated across multiple platforms in the days leading up to the Brasília attack.<sup>19</sup> Bolsonaro's supporters posted the most messages on WhatsApp and Twitter during key events related to the attack. The

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<sup>15</sup> “Bolsonaro’s False Fraud Claims Involve This Brazil Voting System.” n.d. [Www.aljazeera.com](https://www.aljazeera.com). <https://www.aljazeera.com/news/2022/9/6/bolsonaros-false-fraud-claims-involve-this-brazil-voting-system>.

<sup>16</sup> Nicas, Jack, Flávia Milhorange, and Ana Ionova. 2022. “How Bolsonaro Built the Myth of Stolen Elections in Brazil.” *The New York Times*, October 25, 2022, sec. World. <https://www.nytimes.com/interactive/2022/10/25/world/americas/brazil-bolsonaro-misinformation.html>.

<sup>17</sup> Masih, Niha, and María Luisa Paúl. 2024. “Elon Musk Challenges Brazilian Judge over Order to Block X Accounts.” *The Washington Post*. April 8, 2024. <https://www.washingtonpost.com/world/2024/04/08/elon-musk-brazil-disinformation-twitter-moraes/>:

V. S. Ozawa , Joao , Josephine Lukito, Felipe Bailez , and Luis G. P. Fakhouri . n.d. “Harvard Kennedy School Misinformation Review.” <https://doi.org/10.37016/mr-2020-137>.

<sup>18</sup> Curren, R. (2020). Patriotism, populism, and reactionary Politics since 9.11. In M. Sardoč (Ed.), *Handbook of patriotism* (pp. 741–761). Springer International Publishing. [https://doi.org/10.1007/978-3-319-54484-7\\_8](https://doi.org/10.1007/978-3-319-54484-7_8)

<sup>19</sup> Frenkel, M. (2023, January 9). The pro-Bolsonaro riot and Jan. 6 attack followed a similar digital playbook, experts say. *The New York Times*. <https://www.nytimes.com/2023/01/09/technology/brazil-riots-jan-6-misinformation-social-media.html>

propaganda followed a strategic pattern: Twitter initially served as the platform to manufacture consensus around the coup d'état, with users then spreading these messages organically on WhatsApp.<sup>20</sup>

Platform governance refers to the constellation of rules, policies, design choices, and decision-making processes that structure how digital platforms operate, regulate participation, and shape behavior within online ecosystems.<sup>21</sup> It includes both internal governance mechanisms, such as moderation practices, algorithms, data management, and interface design, and external governance forces, including laws, regulations, industry standards, and global political pressures.<sup>22</sup> In Latin America, Brazil has led the way in establishing platform accountability through the Marco Civil da Internet, which established foundational principles for internet governance and shaped ongoing debates over digital rights and regulation. In its initial iteration, the framework prioritized freedom of expression and platform protection. To prevent arbitrary takedowns, platforms were only to be held liable for user-generated content if they failed to remove it following a court order.<sup>23</sup> While the Marco Civil advanced digital rights, its approach created significant risks. By requiring judicial orders before removal, it allowed harmful content, including disinformation, hate speech, and incitement to violence, to spread unchecked.<sup>24</sup> The reactive enforcement model relied on judicial intervention that could be slow or inconsistent, overburdening courts while offering platforms little incentive to be proactive in moderation. This left users exposed to harm<sup>25</sup> and created a paradox: the same framework designed to prevent

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<sup>20</sup> V. S. Ozawa, Joao, Josephine Lukito, Felipe Bailez, and Luis G. P. Fakhouri. n.d. "Harvard Kennedy School Misinformation Review." <https://doi.org/10.37016/mr-2020-137>.

<sup>21</sup> Lugtu, Rey. 2024. "Platform Governance in Organizations | Institute for Digital Transformation." [Institutefordigitaltransformation.org. 2024. https://www.institutefordigitaltransformation.org/platform-governance-in-organizations/](https://www.institutefordigitaltransformation.org/platform-governance-in-organizations/).

<sup>22</sup> Gorwa, Robert. 2019. "What Is Platform Governance?" *Information, Communication & Society* 22 (6): 854–71. <https://doi.org/10.1080/1369118x.2019.1573914>.

<sup>23</sup> Pinho, Katitza Rodriguez and Larissa. 2015. "Marco Civil Da Internet: The Devil in the Detail." *Electronic Frontier Foundation*. February 25, 2015. <https://www.eff.org/deeplinks/2015/02/marco-civil-devil-detail>.

<sup>24</sup> Alimonti, Veridiana. 2024. "Brazil's Internet Intermediary Liability Rules under Trial: What Are the Risks?" *Electronic Frontier Foundation*. December 11, 2024. <https://www.eff.org/deeplinks/2024/10/brazils-internet-intermediary-liability-rules-under-trial-what-are-risks?>

<sup>25</sup> Khan, Shehroze, and James R Wright. 2021. "Disinformation, Stochastic Harm, and Costly Effort: A Principal-Agent Analysis of Regulating Social Media Platforms." *ArXiv.org*. 2021. <https://arxiv.org/abs/2106.09847>

ensorship could inadvertently encourage it, as platforms might preemptively over-remove content to avoid liability.<sup>26</sup>

A more promisingly effective approach to platform governance is a combined multi-stakeholder effort that includes government oversight and platform self-governance. The central challenge is striking the right balance between holding platforms accountable for harms and protecting freedom of expression, while maintaining human rights principles as the foundation for all governance decisions. Otherwise, under-regulation allows harmful content to spread unchecked, while over-regulation risks transforming protective measures into instruments of censorship. Governments protect the public interest, while platforms have the agility and foresight to quickly adapt to the ever-evolving internet landscape. In the 2022 elections, under-regulation granted corporations complete control over content and information decisions based on internal corporate rules, with little accountability, sidelining democratic or public-interest values. This, combined with the inherent structural characteristics of social media platforms (their algorithms, business models, and modes of operation), creates echo chambers of affirming content that can radicalize users and amplify extreme viewpoints.

The challenges of profit-driven corporate interests (which, nevertheless, may operate with some checks and balances) can be compounded by the discretionary power, whims, and motives of a single individual. This dynamic was evident in Brazil after Elon Musk's October 2022 acquisition of the platform, when he fired the majority of Twitter's Brazilian employees, including all staff responsible for moderating election misinformation and incitement to violence, leaving only a handful of salespeople.<sup>27</sup> Shortly after taking over, Musk reinstated far-right Brazilian accounts that had been previously banned,<sup>28</sup> and in April 2024, publicly stated he would reinstate accounts suspended under Brazilian court orders investigating the January 8,

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<sup>26</sup> Barata, Joan. 2025. "Brazil Supreme Court Ruling Redefines Framework for Platform Liability." Tech Policy Press. November 20, 2025. <https://www.techpolicy.press/brazil-supreme-court-ruling-redefines.-framework-for-platform-liability/>

<sup>27</sup> Ramirez, Nikki McCann. 2023. "Elon Musk Fired Brazil Twitter's Content Moderation Team." Rolling Stone. January 9, 2023. <https://www.rollingstone.com/politics/politics-news/elon-musk-fired-brazil-twitter-content-moderation-1234657777/>

<sup>28</sup> Elliott, Vittoria. n.d. "Elon Musk Is Platforming Far-Right Activists in Brazil, Defying Court Order." Wired. <https://www.wired.com/story/brazil-court-elon-musk-far-right/>.

2023, attacks in Brasília.<sup>29</sup> This timing proved significant. Musk's changes coincided with, and arguably helped intensify, a surge in engagement from Brazilian right-wing accounts as Bolsonaro supporters amplified election-fraud claims. Throughout 2024, tensions between Musk and Brazilian authorities mounted, culminating in his defiance of Supreme Court Justice Alexandre de Moraes's orders to block accounts linked to election misinformation. This standoff led to Twitter/X being banned in Brazil from August 30 to October 8, 2024.<sup>30</sup>

The events surrounding Twitter/X role in the 2022 Brazilian presidential election highlight several pressing policy debates about platform governance and democratic accountability. First, Musk's unilateral decisions to reinstate banned accounts and dismantle moderation teams underscore the need for platform accountability and democratic oversight. When a private actor can reshape the political information environment with real-world consequences, questions arise about whether such platforms should be subject to legal obligations, transparency requirements, or public-interest duties, as proposed in initiatives such as the EU Digital Services Act. Second, the widespread dissemination of Bolsonaro's disinformation underscores the importance of content moderation and disinformation policy. Weak enforcement allowed coordinated networks to thrive, demonstrating the risks of inadequate safeguards against election-related falsehoods and extremist rhetoric while raising the challenge of balancing moderation with freedom of expression. Third, Musk's defiance of orders from the Brazilian Supreme Court highlights the critical issue of emergency intervention and legal compliance. Governments face significant obstacles in enforcing local laws on global platforms, making questions of sovereignty, enforceability, and cross-border accountability central to current regulatory debates.<sup>31</sup> Collectively, these debates show that the Brazilian case is not only a cautionary tale of social media's political power but also a touchstone for broader discussions about the responsibilities of private platforms in democratic societies.

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<sup>29</sup> Oi, Mariko. 2024. "Musk Challenges Brazil Court Order to Block Certain X Accounts." Bbc.com. BBC News. April 8, 2024. <https://www.bbc.com/news/articles/cv2ygp5pdqlo>.

<sup>30</sup> "The Case of the X Ban in Brazil - Global Freedom of Expression." 2025. Global Freedom of Expression. January 14, 2025. <https://globalfreedomofexpression.columbia.edu/cases/the-case-of-the-x-ban-in-brazil/>.

<sup>31</sup> "Regulatory Pathways and Potential Solutions." 2024. Chatham House – International Affairs Think Tank. January 12, 2024. <https://www.chathamhouse.org/2024/01/towards-global-approach-digital-platform-regulation/03-regulatory-pathways-and-potential>.

Historically, the press has served as the key source of information and played an active role in keeping the government accountable.<sup>32</sup> Journalism organizations generally recognize their accountability obligations by admitting mistakes and issuing corrections promptly.<sup>33</sup> The press is also subject to external checks: individuals can sue news organizations for libel, and regulatory bodies, as well as advocacy groups, help monitor accuracy and professional standards. How democratic societies treat the “fourth estate” is instructive when thinking about platform governance. Traditional news media operate within a framework built for one-way communication, where the public primarily consumes professionally curated content. More and more, social media has begun to occupy this place of importance, functioning as a political communication infrastructure. However, unlike traditional press operating in a two-way, participatory engagement in which users simultaneously consume, produce, and amplify information, the use of algorithms, as currently optimized, amplifies and brings to the forefront some of the worst voices in society—voices that are destructive to the social good—in order to drive profit. Any governance approach must therefore account for the nature of the medium and how the public interacts with it, recognizing that the dynamics and the accountability mechanisms that follow from them differ fundamentally from those of the press.

Over the past few years, there has been debate over the best approach to regulating and moderating social media platforms. Many proposed ideas are rooted in the public law approach that has historically been applied to governments.<sup>34</sup> Like governments, platforms make rules, enforce them, and settle disputes. Given this, it seems logical that platforms follow the same principles as governments, such as fairness, transparency, and accountability.

Platforms have powerful reasons to resist public scrutiny; their business models depend on keeping their algorithms and decision-making processes opaque.<sup>35</sup> Moreover, they use legal tools

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<sup>32</sup> ———. 2016b. “The Fourth Estate as the Final Check - Yale Law School.” Yale.edu. November 22, 2016. <https://law.yale.edu/mfia/case-disclosed/fourth-estate-final-check>.

<sup>33</sup> “SPJ Ethics Committee Position Papers: Accountability.” 2025. Society of Professional Journalists. 2025. <https://www.spj.org/spj-ethics-committee-position-papers-accountability/>.

<sup>34</sup> Matthews, Luke J., Heather J. Williams, and Alexandra T. Evans. 2023. “Protecting Free Speech Compels Some Form of Social Media Regulation.” [www.rand.org](http://www.rand.org). October 20, 2023. <https://www.rand.org/pubs/commentary/2023/10/protecting-free-speech-compels-some-form-of-social.html>.

<sup>35</sup> Waters, Paul. 2020. “Social Media Transparency Is Key for Our Democracy.” Democracy Fund. August 11, 2020. <https://democracyfund.org/idea/social-media-transparency-is-key-for-our-democracy/>.

like non-disclosure agreements and intellectual property protections, including trade secrets, patents, and copyright, to shield their operations from external examination, even when those algorithmic systems produce outcomes that affect civil rights.<sup>36</sup> Even when platforms acknowledge problems, they claim to implement fixes without explaining how, making it impossible to verify whether underlying structural issues have been addressed.<sup>37</sup> This regulatory stalemate reflects not only political gridlock and constitutional constraints, but also a deeper misalignment between platforms' profit-driven incentives and their broader public-interest obligations. It is useful here to shift analytical lenses. The case of public utilities offers a helpful comparison: through regulation, their core objective was transformed from pure profit maximization to meeting a revenue requirement—one that enables a firm to cover operational costs while earning a fair rate of return on its invested capital.<sup>38</sup> The adoption of such a fundamental change to the underlying incentive structure of media platforms, if thoughtfully designed, could address some of the challenges in platform governance.

Governments have long regulated speech on public media, providing a clear precedent for imposing public-interest obligations on powerful communication intermediaries. In principle, media companies, whether traditional or digital, should be subject to norms and laws that reflect their societal impact; they are no longer nascent actors operating outside meaningful oversight.

A shift in this direction is already emerging. On June 26, 2025, the Brazilian Supreme Court declared Article 19 of the Marco Civil partially unconstitutional, marking a significant turning point in platform accountability for user-generated content. Under the new framework, platforms must promptly remove specific categories of serious illegal content, such as hate speech, incitement to violence, and child exploitation, upon notification and without waiting for a

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<sup>36</sup> Foss-Solbrekk, Katarina. 2021. "Three Routes to Protecting AI Systems and Their Algorithms under IP Law: The Good, the Bad and the Ugly." *Journal of Intellectual Property Law & Practice* 16 (3): 247–58. <https://doi.org/10.1093/jiplp/jpab033>,.

<sup>37</sup> Nicas, Jack, and André Spigariol. 2023. "Bolsonaro Supporters Lay Siege to Brazil's Capital." *The New York Times*, January 9, 2023, sec. World. <https://www.nytimes.com/2023/01/08/world/americas/brazil-election>. These kinds of revisions are important as things keep evolving—<https://www.nytimes.com/2023/01/08/world/americas/brazil-election>.

<sup>38</sup> Ghosh, Dipayan, and Josh Simons. 2020. "Utilities for Democracy: Why and How the Algorithmic Infrastructure of Facebook and Google Must Be Regulated." *Brookings*. August 11, 2020. <https://www.brookings.edu/articles/utilities-for-democracy-why-and-how-the-algorithmic-infrastructure-of-facebook-and-google-must-be-regulated/>

judicial order.<sup>39</sup> This approach does not guarantee that harmful content will have been fully addressed. Still, it represents an important step toward mitigating some of the most nefarious forms of abuse, a critical step toward aligning profit-driven platforms with the public functions they now perform. As platforms continue to shape political discourse, social interaction, and access to information, regulatory frameworks must evolve accordingly to ensure that private power does not outpace democratic accountability.

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<sup>39</sup> Gørgen, James. 2025. "Brazil Has a Bridge to Defending the Internet." Tech Policy Press. July 18, 2025. <https://www.techpolicy.press/brazil-has-a-bridge-to-defending-the-internet/>.