



Social Media Regulation: The Impact on Freedom of Expression

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Abstract

The rapid expansion of social media has transformed freedom of expression from a predominantly state-regulated right into a practice mediated by complex regulatory and platform-based governance structures. This study examines how social media regulation influences the scope, exercise, and substance of freedom of expression within contemporary digital environments. Employing normative legal analysis supported by comparative and empirical insights, the research explores the interaction between statutory regulation, administrative enforcement, and private content moderation. The findings demonstrate that regulatory mechanisms addressing misinformation, hate speech, and digital risk often generate indirect constraints on lawful expression through uncertainty, self-censorship, and privatized enforcement practices. Empirical evidence from prior studies and official assessments indicates that these effects extend to democratic discourse, political participation, and expressive autonomy across different jurisdictions. The study argues that social media regulation has not eliminated freedom of expression, but has reconfigured its operation by embedding it within multilayered governance systems. Understanding this transformation is essential for evaluating the legitimacy and democratic consequences of contemporary regulatory approaches to online expression..

Keywords : Freedom of Expression, Social Media Regulation, Platform Governance, Digital Rights, Democratic Discourse.



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INTRODUCTION

The expansion of social media platforms has profoundly altered the architecture of public discourse, enabling individuals to participate in communicative practices that were once mediated by traditional institutions. Digital environments have redefined the meaning of expression by collapsing boundaries between speakers, audiences, and publishers, while simultaneously amplifying the speed and reach of information flows (Woods, 2012). These developments have elevated freedom of expression to a central normative concern in digital governance, as online speech increasingly shapes political, cultural, and social life. Legal scholarship has long observed that the internet intensifies both the emancipatory and disruptive dimensions of expression, demanding renewed analytical attention to regulatory responses (Oozeer, 2014).

Social media regulation emerges from a persistent tension between the protection of expressive liberties and the perceived need to address harms facilitated by digital communication. Platforms operate as hybrid spaces that combine private governance mechanisms with public-facing communicative functions, complicating the application of conventional free speech doctrines. This dual character produces what has been described as a regulatory paradox, where criminal law, platform policies, and constitutional values intersect in unpredictable ways (Coe, 2015). The resulting legal uncertainty has fueled debates on whether regulation strengthens democratic discourse or constrains it through indirect forms of control.

The role of social networks in reshaping freedom of expression has become particularly salient in European legal thought, where digital intermediaries increasingly influence the boundaries of permissible speech. Judicial and legislative developments illustrate a gradual reconfiguration of expressive rights, influenced by algorithmic moderation, content removal practices, and transnational regulatory pressures (Bassini & Pollicino, 2023). These transformations signal a shift away from purely

state-centered models of speech regulation toward complex systems involving private actors with quasi-normative authority. Such evolution raises fundamental questions regarding accountability, transparency, and the redistribution of power over expression.

Periods of crisis have further intensified regulatory intervention in social media, especially in relation to misinformation and emergency governance. The proliferation of fake news has been framed as a risk to public order and democratic stability, prompting states to adopt exceptional regulatory measures affecting online speech (Vese, 2022). Emergency-driven regulation often expands executive discretion, placing freedom of expression under heightened pressure. This dynamic demonstrates how extraordinary circumstances can normalize restrictive approaches that persist beyond their original justifications.

The regulation of hate speech on social media illustrates the concrete impact of legal norms on everyday expressive practices. Empirical research has shown that criminalization strategies influence user behavior, encouraging self-censorship even in the absence of direct enforcement actions (Miró Llinas & Gómez Bellví, 2020). Such findings suggest that regulatory frameworks shape not only the legality of speech but also the subjective perceptions of risk held by users. The chilling effects associated with these measures complicate claims that regulation merely targets extreme or unlawful expression.

Normative theories of freedom of expression continue to inform debates on how hate speech should be addressed in digital spaces. Legal analysis highlights enduring disagreements between absolutist and proportionality-based approaches, each offering divergent justifications for regulatory limits (Paulos & Çelik, 2021). Social media intensifies these theoretical disputes by magnifying the social impact of harmful speech while blurring distinctions between public and private forums. As a result, regulatory choices often reflect deeper philosophical commitments rather than neutral technical assessments.

Comparative perspectives reveal that national legal systems adopt varied strategies in regulating expression on social media, shaped by constitutional traditions and socio-political priorities. Studies from jurisdictions such as South Africa demonstrate how courts and lawmakers struggle to reconcile platform regulation with entrenched free speech guarantees (Sive & Price, 2019). These approaches underscore the absence of a universally accepted regulatory model, despite shared global challenges. Divergence across legal systems reinforces the importance of contextual sensitivity in evaluating the impact of regulation on expression.

Beyond doctrinal analysis, recent scholarship emphasizes the broader human rights implications of social media regulation, particularly regarding privacy and expressive autonomy. Empirical assessments indicate that regulatory interventions can simultaneously protect users from harm and expose them to new forms of surveillance and control (Bashir et al., 2025). This dual effect highlights the fragile balance between safeguarding individual rights and managing digital risks. The study of social media regulation thus remains essential for understanding how freedom of expression is transformed under contemporary governance regimes

RESEARCH METHODS

This study employs a normative legal research method grounded in doctrinal and conceptual analysis to examine the impact of social media regulation on freedom of expression. Primary legal materials consist of scholarly works, judicial interpretations, and authoritative academic commentaries addressing digital speech, platform governance, and expressive rights, while secondary materials are used to contextualize theoretical developments within broader socio-legal debates. The research applies a qualitative analytical approach, integrating comparative and interpretative techniques to assess how regulatory frameworks reshape the scope and exercise of freedom of expression across digital environments. Through systematic legal reasoning and critical evaluation of existing literature, the study elucidates normative patterns and underlying principles that inform contemporary regulatory approaches to social media expression.

RESULTS AND DISCUSSION

Conceptual and Normative Foundations of Social Media Regulation and Freedom of Expression

The regulation of social media is inseparable from evolving conceptual understandings of freedom of expression in digital environments, where communicative practices operate beyond the

structural limits of traditional media (Woods, 2012; Oozeer, 2014). Social platforms function simultaneously as facilitators of democratic participation and as sites of concentrated power, shaping the visibility and circulation of speech through technical and economic architectures (Hintz, 2016). This dual role complicates normative assessments, as expressive freedom is exercised within privately governed infrastructures rather than purely public forums (Theil, 2022). Legal discourse increasingly recognizes that freedom of expression online cannot be examined solely through classical liberal frameworks, but requires engagement with platform governance and market dynamics (Momen, 2020).

At the normative level, freedom of expression has historically been justified through democratic self-governance, individual autonomy, and the pursuit of truth, all of which acquire distinct meanings in social media ecosystems (Paulos & Çelik, 2021). Digital communication amplifies participation while intensifying risks of harm, including misinformation, defamation, and hate speech, prompting calls for regulatory intervention (Coe, 2015). These developments expose structural tensions between negative liberty models of free speech and regulatory approaches grounded in proportionality and harm prevention (Pollicino & Bassini, 2014). As a result, social media regulation operates within a contested normative space where expressive freedom is continuously reinterpreted rather than uniformly protected.

The emergence of fake news as a regulatory concern illustrates how epistemic anxieties influence freedom of expression discourse in the digital age (Vese, 2022; Helm & Nasu, 2021). Regulatory responses often frame misinformation as a systemic risk to democratic stability, legitimizing restrictions that would have been difficult to justify under ordinary circumstances (Fathy, 2018). This framing shifts freedom of expression from an individual-centered right toward a collective interest subject to risk management rationales (Maroni & Brogi, 2021). Consequently, expressive freedoms become increasingly conditional upon assessments of social utility and public order.

The privatization of speech governance through platform moderation further transforms the normative foundations of freedom of expression (Theil, 2022). Social media companies exercise quasi-regulatory authority by enforcing content standards that frequently exceed statutory requirements, reshaping expressive boundaries through contractual mechanisms (Bassini & Pollicino, 2023). These practices raise concerns regarding legitimacy and accountability, as private rules determine access to digital public discourse without equivalent constitutional safeguards (Hintz, 2016). Scholarly analysis emphasizes that freedom of expression in this environment is mediated less by law alone than by platform design and enforcement priorities (Momen, 2020).

Empirical research demonstrates that regulatory frameworks and platform policies have measurable effects on user behavior and perceptions of expressive freedom. Studies examining hate speech regulation and misinformation controls reveal patterns of compliance accompanied by heightened self-censorship, particularly among politically active users (Miró Llinares & Gómez Bellvís, 2020; Thuku & Mbaaro, 2022). These findings underscore that regulation shapes not only the legality of speech but also its social practice. To illustrate these dynamics, comparative empirical indicators from prior studies and official reports are presented below.

Table 1. Comparative Empirical Findings on Social Media Regulation and Its Effects on Freedom of Expression

Regulatory Focus Area	Jurisdiction / Study	Key Finding on Expression	Source
Hate speech criminalization	Spain	Increased self-censorship among users	Miró Llinares & Gómez Bellvís (2020)
Fake news regulation	EU member states	Emergency measures narrowed expressive scope	Vese (2022)
Platform moderation	Global platforms	Private standards exceed legal limits	Theil (2022)
Speech and privacy	Cross-regional study	Expression constrained by surveillance concerns	Bashir et al. (2025)

The data reinforce normative critiques that regulatory intensity correlates with chilling effects on lawful expression, even when policies target harmful content (Helm & Nasu, 2021). Such outcomes challenge assumptions that regulation can be neatly calibrated to affect only undesirable speech. The persistence of self-censorship reflects users' uncertainty regarding enforcement thresholds and potential sanctions (Miró Llinares & Gómez Bellví, 2020). Normatively, this uncertainty weakens the democratic function of freedom of expression by discouraging participation in contentious discourse (Coe, 2015).

Comparative constitutional traditions further shape how freedom of expression is conceptualized within social media regulation (Sive & Price, 2019). Jurisdictions with strong proportionality doctrines tend to accept broader regulatory interventions, while systems emphasizing absolutist protections express greater skepticism toward content-based controls (Paulos & Çelik, 2021). These differences reveal that freedom of expression is not a static universal principle but a context-sensitive norm mediated by legal culture (Pollicino & Bassini, 2014). Social media regulation thus reflects deeper constitutional identities rather than purely technological necessity.

Developing democracies face distinct normative challenges, as regulatory frameworks often intersect with political power and institutional fragility (Junius Fernando et al., 2022; Ghofur, 2024). In such contexts, social media regulation may be justified through public order narratives while simultaneously constraining dissenting voices (Fathy, 2018). Scholarly assessments indicate that ambiguous legal standards intensify the risk of selective enforcement, undermining trust in expressive protections (Momen, 2020). These dynamics illustrate how freedom of expression online is shaped by broader governance conditions.

Professional and institutional speech, including judicial expression, has also been affected by social media norms and regulatory expectations (Boskovic & Novakovic, 2025). Judges and public officials navigate heightened scrutiny regarding online expression, reflecting the expanding reach of regulatory and ethical constraints. This phenomenon demonstrates that freedom of expression on social media extends beyond ordinary users to institutional actors whose speech carries symbolic authority (Maroni & Brogi, 2021). Normatively, such developments blur distinctions between private expression and public responsibility.

Taken together, the conceptual and normative foundations of social media regulation reveal a complex transformation of freedom of expression shaped by risk governance, privatized enforcement, and comparative constitutional values (Woods, 2012; Bassini & Pollicino, 2023). Freedom of expression persists as a core legal principle, yet its content and scope are increasingly contingent upon regulatory objectives and platform power (Theil, 2022). This condition reflects neither a simple erosion nor an unqualified expansion of expressive liberty, but an ongoing reconfiguration of its meaning (Hintz, 2016). Understanding this reconfiguration is essential for evaluating the legitimacy and impact of contemporary social media regulation.

Regulatory Mechanisms of Social Media Governance and Their Implications for Freedom of Expression

Regulatory mechanisms governing social media operate through an intricate combination of statutory law, administrative enforcement, and private platform governance, each exerting distinct influences on freedom of expression (Sive & Price, 2019; Theil, 2022). States increasingly rely on legislative instruments to address perceived digital harms, while delegating significant enforcement responsibilities to platform operators (Bassini & Pollicino, 2023). This hybrid regulatory structure redistributes power over speech from public authorities to private entities with global reach (Hintz, 2016). As a result, freedom of expression is shaped not only by formal legal norms but also by corporate policies embedded within platform architectures.

Legislative approaches to social media regulation frequently invoke objectives of public order, national security, and democratic integrity to justify constraints on expression (Vese, 2022; Helm & Nasu, 2021). Laws targeting fake news and disinformation illustrate how regulatory intent is framed around collective interests rather than individual expressive autonomy (Fathy, 2018). Such frameworks tend to expand discretionary powers for regulators, introducing flexible standards that are difficult to predict or contest (Maroni & Brogi, 2021). The elasticity of these standards raises concerns regarding legal certainty and the proportionality of restrictions imposed on online speech.

Administrative enforcement mechanisms further intensify regulatory impact by enabling rapid intervention in digital communication flows. Regulatory agencies often possess authority to order content removal, impose financial penalties, or mandate platform compliance within compressed timeframes (Sive & Price, 2019). These mechanisms prioritize efficiency and risk mitigation, frequently at the expense of procedural safeguards traditionally associated with freedom of expression (Coe, 2015). The acceleration of enforcement processes transforms the temporal dimension of expressive rights, where speech may be suppressed before meaningful review occurs.

Platform-based content moderation represents a central regulatory mechanism affecting freedom of expression in social media environments (Theil, 2022). Through terms of service and community standards, platforms regulate speech using criteria that combine legal compliance with reputational and commercial considerations (Hintz, 2016). Automated moderation systems and algorithmic filtering further institutionalize these standards, embedding regulatory judgments into technical infrastructures (Bassini & Pollicino, 2023). This privatized enforcement reshapes expressive boundaries through opaque processes that limit users' ability to challenge decisions.

Empirical research demonstrates that these regulatory mechanisms produce observable patterns of behavioral adaptation among users. Studies indicate that heightened enforcement activity correlates with reduced engagement in politically sensitive or controversial discussions (Miró Llinares & Gómez Bellvís, 2020; Bashir et al., 2025). Users internalize regulatory signals conveyed through content takedowns, account suspensions, and warning notices. The cumulative effect of these practices is a recalibration of expressive behavior shaped by perceived regulatory risk rather than explicit legal prohibition.

Table 2. Regulatory Mechanisms of Social Media Governance and Their Observed Effects on Freedom of Expression

Regulatory Mechanism	Implementing Actor	Observed Impact on Expression	Source
Fake news legislation	State authorities	Narrowing of political discourse	Vese (2022)
Administrative takedown orders	Regulatory agencies	Pre-emptive suppression of speech	Helm & Nasu (2021)
Platform content moderation	Social media companies	Increased user self-censorship	Theil (2022)
Hate speech enforcement	Criminal justice system	Reduced engagement in contentious debate	Miró Llinares & Gómez Bellvís (2020)

The data suggest that regulatory mechanisms operate cumulatively rather than independently, producing layered constraints on expression (Helm & Nasu, 2021). Legal rules establish baseline obligations, while administrative enforcement and platform moderation amplify their practical reach (Theil, 2022). This interaction blurs the distinction between public law restrictions and private governance outcomes (Bassini & Pollicino, 2023). Freedom of expression becomes embedded within a multi-level regulatory ecosystem where accountability is diffuse.

Comparative legal analysis reveals significant variation in how regulatory mechanisms are structured and justified across jurisdictions (Pollicino & Bassini, 2014). Some systems emphasize judicial oversight and proportionality assessments, while others prioritize executive discretion and rapid response capabilities (Paulos & Çelik, 2021). These differences shape the intensity and scope of expressive constraints experienced by users. Regulatory design thus reflects constitutional traditions as much as responses to technological change (Sive & Price, 2019).

In emerging and transitional democracies, regulatory mechanisms often intersect with broader governance challenges (Junius Fernando et al., 2022; Ghofur, 2024). Laws addressing online expression may coexist with weak institutional checks, heightening the risk of politicized enforcement (Fathy, 2018). Scholars note that ambiguous definitions of prohibited content facilitate selective application

against dissenting speech (Momen, 2020). These conditions intensify the impact of regulation on freedom of expression beyond its formal legal scope.

Professional speech and institutional communication are increasingly subjected to social media regulatory mechanisms. Judicial conduct rules and ethical guidelines now extend to online expression, reflecting concerns about public trust and institutional legitimacy (Boskovic & Novakovic, 2025). This expansion illustrates how regulatory mechanisms extend beyond ordinary users to shape elite and authoritative speech. The boundary between personal expression and professional responsibility becomes progressively constrained within digital spaces (Maroni & Brogi, 2021).

Regulatory mechanisms governing social media constitute a complex matrix of legal, administrative, and private controls that collectively redefine freedom of expression (Woods, 2012; Coe, 2015). These mechanisms do not merely restrict speech through explicit prohibition, but recalibrate expressive behavior through uncertainty, risk management, and privatized enforcement (Hintz, 2016). Freedom of expression persists formally, yet its practical exercise is increasingly conditioned by multilayered governance structures (Theil, 2022). Understanding these mechanisms is essential for assessing how regulation transforms expressive autonomy in contemporary digital societies.

Socio-Legal Consequences of Social Media Regulation on Democratic Discourse and Expressive Autonomy

The socio-legal consequences of social media regulation extend beyond formal legal structures, reshaping democratic discourse and the lived experience of expressive autonomy. Social media platforms have become central arenas for political deliberation, civic mobilization, and public accountability, positioning regulation as a decisive factor in democratic participation (Woods, 2012; Oozeer, 2014). Regulatory interventions influence not only what may be said, but also who participates and how discourse is structured (Hintz, 2016). This transformation situates freedom of expression within broader questions of democratic quality and inclusiveness.

Regulatory constraints imposed on social media frequently alter the dynamics of political communication by privileging risk-averse expression over critical engagement. Scholars observe that users increasingly moderate their own speech in anticipation of sanctions, content removal, or reputational harm (Miró Llinares & Gómez Bellví, 2020; Bashir et al., 2025). This anticipatory self-restraint affects political minorities and dissenting voices more acutely, narrowing the spectrum of viewpoints present in digital debate (Fathy, 2018). Democratic discourse is consequently reshaped through subtle but pervasive mechanisms of behavioral adaptation.

The governance of misinformation illustrates how regulatory objectives intersect with democratic theory. Efforts to preserve electoral integrity and public trust have justified extensive regulatory oversight of political content (Vese, 2022; Helm & Nasu, 2021). These measures recalibrate the balance between open debate and informational control, often prioritizing stability over contestation (Maroni & Brogi, 2021). The result is a model of democratic discourse that emphasizes order and accuracy, while constraining pluralism and rhetorical experimentation.

Private platform governance plays a decisive role in shaping socio-legal outcomes, as moderation policies directly influence public visibility and agenda-setting. Algorithmic ranking systems and enforcement practices determine which voices gain prominence and which are marginalized (Theil, 2022; Bassini & Pollicino, 2023). This form of structural dominance redistributes expressive power without formal legal authorization (Hintz, 2016). From a socio-legal perspective, freedom of expression is exercised within hierarchies embedded in platform design rather than equal public forums.

Empirical and comparative research confirms that social media regulation has measurable consequences for democratic participation and expressive confidence. Studies across multiple jurisdictions indicate declining willingness to engage in controversial political speech following intensified regulatory enforcement (Miró Llinares & Gómez Bellví, 2020; Thuku & Mbaaro, 2022). Official reports and academic findings further demonstrate disparities in how regulatory impacts are distributed across user groups and political contexts (Junius Fernando et al., 2022). The following table synthesizes selected socio-legal indicators derived from prior research and institutional assessments.

Table 3. Socio-Legal Impacts of Social Media Regulation on Democratic Discourse and Freedom of Expression

Socio-Legal Dimension	Observed Outcome	Jurisdiction / Study	Source
Political participation	Decline in contentious engagement	Spain	Miró Llinares & Gómez Bellvis (2020)
Democratic discourse	Prioritization of stability over pluralism	EU	Vese (2022)
Expressive autonomy	Heightened self-censorship	Cross-regional	Bashir et al. (2025)
Dissent and protest speech	Increased vulnerability to restriction	Egypt	Fathy (2018)
Digital democracy	Uneven protection of expression	Indonesia	Junius Fernando et al. (2022); Ghofur (2024)

The data underscore that regulation affects not only speech outcomes but also citizens' perceptions of democratic legitimacy. When expressive boundaries appear unpredictable or selectively enforced, trust in digital public spheres erodes (Momen, 2020). Users may disengage from political discussion, perceiving social media as spaces of surveillance rather than participation (Bashir et al., 2025). This erosion weakens the deliberative function of freedom of expression within democratic systems (Coe, 2015).

Judicial and institutional actors are similarly affected by the socio-legal environment of regulated social media. Research highlights growing constraints on the online expression of judges and public officials, justified through impartiality and institutional credibility (Boskovic & Novakovic, 2025). These constraints reflect broader expectations of expressive restraint in digital spaces. Socio-legally, this development reinforces norms of caution that permeate both elite and popular discourse (Maroni & Brogi, 2021).

Comparative analysis reveals that socio-legal consequences vary significantly across political systems. In jurisdictions with strong rule-of-law safeguards, regulatory impacts are partially mitigated through judicial oversight and constitutional review (Pollicino & Bassini, 2014). In contrast, systems with weaker institutional checks experience deeper chilling effects and greater politicization of expression (Sive & Price, 2019; Fathy, 2018). These disparities demonstrate that social media regulation amplifies existing governance conditions rather than operating in isolation.

The intersection between freedom of expression and privacy further complicates socio-legal outcomes. Surveillance-oriented regulatory practices heighten users' awareness of data collection and monitoring, discouraging expressive risk-taking (Bashir et al., 2025). Expression becomes strategically calculated rather than spontaneously exercised, reshaping communicative norms (Momen, 2020). This convergence of expression and privacy concerns illustrates the multidimensional impact of regulation on individual autonomy.

The socio-legal consequences of social media regulation reveal a profound transformation of democratic discourse and expressive freedom. Regulation restructures participation, redistributes expressive power, and recalibrates citizens' relationship with public debate (Woods, 2012; Hintz, 2016). Freedom of expression endures as a formal right, yet its democratic substance is increasingly mediated by regulatory rationalities and platform governance (Theil, 2022). Understanding these consequences is essential for evaluating whether social media regulation ultimately strengthens or constrains democratic life.

CONCLUSION

Social media regulation has fundamentally reshaped the contemporary understanding and practice of freedom of expression by relocating expressive activity within complex systems of legal control and private governance. Regulatory frameworks designed to address misinformation, hate speech, and digital harm have introduced multilayered constraints that extend beyond formal legal

prohibitions, influencing user behavior, democratic participation, and expressive autonomy. The interaction between state regulation, administrative enforcement, and platform moderation has produced cumulative effects, including self-censorship, uneven protection of speech, and the reallocation of communicative power to private actors. While regulation seeks to preserve democratic order and social stability, its implementation often recalibrates the balance between expressive freedom and collective interests, rendering freedom of expression increasingly conditional. This transformation demonstrates that the central challenge is no longer the recognition of freedom of expression, but its effective realization within digitally mediated public spheres governed by both public authority and private dominance.

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