

THE HEART OF THE MATTER

Disinformation and digital sovereignty in the clash between Musk and the Supreme Court of Brazil

O X DA QUESTÃO: Narrativa desinformativa e soberania digital no embate entre Musk e o STF

EL QUID DE LA CUESTIÓN: Narrativa de desinformación y soberanía digital en el choque entre Musk y la Corte Suprema de Brasil

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ABSTRACT

This essay, based on bibliographic research, analyzes how the reconfiguration of the public sphere in digital environments is linked to the platformization of communication, the datafication of social life, and the expansion of disinformation narratives. It starts from the premise that digital platforms have not only expanded possibilities for participation and informational circulation, but have also consolidated new power asymmetries by concentrating the mediation of public debate, content moderation, and the economic exploitation of data. In this context, the urgency of governance mechanisms capable of addressing algorithmic opacity, the concentration of power of big tech companies, and the impacts of disinformation on citizenship and democracy is discussed. As an emblematic case, the conflict between the Brazilian Supreme Court and X, formerly Twitter, is examined as a revealing episode of the tensions between freedom of expression, platform regulation, and digital sovereignty. It is argued that tackling disinformation requires not only actions aimed at controlling the circulation of content, but also a review of the economic, institutional, and political conditions that make such narratives scalable and socially harmful.

KEYWORDS: Public sphere; Digital platforms; Regulation; Disinformation; Digital sovereignty.

Introduction

This text is conceived as a theoretical-interpretative essay, of a reflective nature, guided by bibliographic research. In this perspective, it is not intended to empirically exhaust the theme, but to critically engage with concepts and secondary evidence capable of illuminating the contemporary dilemmas of the digital public sphere, disinformation, and informational sovereignty.

The bibliographic research focused on works and reference studies on the public sphere, datafication, surveillance capitalism, social media platforms, algorithms, regulation, and disinformation, prioritizing authors with recognized contributions to this debate, such as Habermas, Couldry, Fuchs, O'Neil, and Zuboff.

As a methodological procedure, exploratory and selective reading of the literature was carried out and, afterward, analytical and interpretative reading, seeking to identify convergences, divergences, and central categories throughout the argument. The time frame of the selected news and reports comprises from the negotiation for the acquisition of the then Twitter by Elon Musk, in 2022, to the suspension of the trial of a section of the Internet Civil Framework by the Federal Supreme Court (STF), in mid-2025.

At the outset, it is important to recall that the public sphere persists as an essential concept for understanding the transformations of the communicational process and political participation in the digital era. Outlined by Habermas (1984) to understand the bourgeois public sphere and to refer to the gathering of people in deliberation of common issues, it was affected, like everything, by the internet and

social media platforms. In the current scene, platforms such as Facebook, Instagram, X, and others have not only expanded the possibilities of interaction, but also — and perhaps paradoxically — introduced complexities that challenge the inclusive ideal of the public sphere.

In a recent review, Habermas (2023) notes that the digital world brings new communication dynamics, with the possibility of multiple connections in real time and regardless of distance. However, the fragmentation of the public sphere is accentuated, since the consumer also becomes a content producer, generating a greater volume of data, while platforms neglect the verification of information. The absence of professional moderation and algorithms that prioritize sensationalism and the capture of public attention for commercial purposes can make the space more susceptible to disinformation and polarization.

Couldry (2019) and Zuboff (2021) emphasize that the concentration of symbolic power and the commodification of data by Big Tech accentuate inequality of power in communication. They add that the logic of platforms has proved different from the promise of democratization of access to information, because everyone has a voice, but the control of informational flow creates an environment of economic exploitation that has resulted in the greatest fortunes ever seen. The transformation of data into commodity, moreover, is central to the business model of Silicon Valley giants, as it makes advertising and manipulation of public opinion more efficient, compromising values such as privacy and the autonomy of individuals.

With the increase of disinformation and the impact of platforms on politics and culture, pressure for rules that mitigate the distortions that platforms project into social life is intensified. These movements are responded to by lobbying from Big Tech, revealing the power of such corporations, making it difficult to formulate public policies that promote balance among the interests of all involved.

Furthermore, discussions about the need to define a social function for digital media point to alternatives that aim to rebuild an idea of a deconcentrated and diverse public sphere, where citizens can participate well informed and with equity. This would be a counterpoint to the current scenario, in which the concentration of power by a few companies reinforces a colonial context, in which the Global South is at the mercy of the interests of foreign corporations.

The concentration of power by the owners of digital infrastructures, associated with the lack of effective regulation and the manipulation of information flows by algorithms that satisfy commercial interests, have contributed to the erosion of

democracies. An exemplary episode of this was the conflict between X and the Federal Supreme Court of Brazil, when, in the name of unrestricted freedom, the platform neglected the fight against disinformation, attacking democratic institutions to maintain its positions.

From this example and from the set of concepts and propositions of researchers who address the themes raised above and below, this essay intends to reflect on how to rethink the digital public sphere so that it promotes democracy and citizenship. The objectives are to contribute to the construction of alternatives to a digital environment marked by aggressiveness and to warn about the limits of decisions taken vertically, even if supposedly supported by the Federal Constitution.

Therefore, the approach adopted privileges the argumentative articulation between theoretical references and recent public events, in an essayistic perspective, without the intention of testing hypotheses through exhaustive empirical procedures.

The digital public sphere

At the birth of the concept, Habermas (1984) presents the public sphere as a space where individuals gather to discuss and form opinions about political and social issues. This dynamic, the author understands, influences rulers in their decision-making. Given the context that produced European liberal democracies, he analyzes the trajectory of the public sphere, highlighting, for example, how cafés, salons, and the press participated in this composition and how socio-economic changes, especially the emergence of capitalism, affected this scenario, deforming it.

Regarding the twentieth century, Habermas notes the fragmentation of the public sphere and the influence of mass media. He revisits the theme in a recent publication that comments on the reformulation of communication media from the popularization of the internet and, more recently, of the so-called social media platforms. According to Habermas (2023, p. 60), unlike television, which defines more limited roles for those involved in the process, “platforms establish a multifaceted communicative connection for the spontaneous exchange of possible contents among potentially many users”. This novelty is central in the author’s revision, who perceives potentials and risks that arise from this conjecture. He points out two effects: user empowerment and the challenge of dealing with information without the guardianship that existed in traditional media.

When the user, previously a mere consumer, becomes an author and has to face the absence of tools that filter content by professional and cognitive criteria, there is a

tendency toward dissolution of boundaries and fragmentation of the public sphere, contradicting its integrative and plural potential.

Anticipating such notes from Habermas, other academics addressed the relationship between public sphere and digital communication. Couldry (2019), for example, understood that the way current society deals with data, giving it commodity value, should be observed as the beginning of a new phase in human history that carries similarities with colonialism.

He reflects that the power to present the world is highly concentrated and questions the passivity toward this, evaluating that the changes in media, from hegemonic mass vehicles to decentralized connection platforms, did not generate the previously speculated democratization. There was no change in the scenario of concentration of symbolic power, only the intensification of corporate struggle for this power. The logic of these digital platforms is, therefore, paradoxical:

[...] we live in a world in which everyone seems to have a voice, everyone seems more empowered, although they are less so, with less clarity about where to go, with whom to work, with whom to find solidarity in order to build a better society, perhaps even to preserve the possibility of democracy (Couldry, 2019, p. 81).

The concern raised by Couldry regarding the datafication of the economy finds resonance and depth in the studies of O'Neil (2020). She highlights that, camouflaged under a supposed neutrality and objectivity, algorithms carry inherent tendencies that may replicate or even exacerbate economic, racial, and social prejudices and injustices, to the detriment of already vulnerable segments of the population. Considering that algorithms are mathematical models that define the reach of content and are modulated in ways that conveniently serve the interests of those who control digital spaces, without transparency, the impact they may exert on politics, the economy, culture, and other aspects of social life is concerning.

In this regard, when addressing social media platforms, Fuchs (2015) argues that sociality on the internet is not a novelty, but platforms such as Facebook, X, and Instagram innovate by enabling various forms of sociality — which he categorizes as cognition, cooperation, and communication — within a single environment. From this integration derives their strength, as they increasingly capture users' attention, who, in

exchange for these possibilities, inadvertently produce and provide a vast volume of data about themselves.

In this sense, the public sphere becomes constrained by the commercialization of media within capitalist society, which imposes narrow margins due to media concentration, inequality of power between those who control the media and those who are subjected to it, and the tendency to prioritize entertainment over facts due to advertising. All these issues already permeated traditional media and, not by chance, shaped the contours of the internet as it emerged.

Fuchs observes how the possibilities of sociality in virtual spaces generate a blurring of boundaries public and private, such that these roles eventually merge. He adds that the “capital accumulation model of social media companies is to transform users’ private, semi-public, and public data into commodities that can be sold to advertisers who wish to target their ads to users” (Fuchs, 2015, p. 42), yet there is no clarity regarding how this data is utilized or any fair compensation to those who provide it.

While encouraging users to share more and more of their preferences — pushing privacy into the background — these platforms conceal their commercial interests and financial conditions, lacking transparency even regarding how their algorithms operate. Users are left to experiment with them persistently through trial and error, which in itself already induces the need to constantly generate data and share information.

Even though users may be uncomfortable with the misuse of their data, they do not perceive a clear possibility of organizing to demand changes. They are also unable to reject the imposed terms, since such refusal would imply exclusion from the platform, restricting their possibilities of interaction in a society that increasingly directs its practices and rituals to digital environments.

Finally, it is important to briefly highlight the connection between the climate of paranoia that affected the United States of America after the attacks of September 11, 2001, and the surveillance capitalism that emerged alongside the digitalization of life (Zuboff, 2021). From this, one must be attentive not only to the use of data for advertising purposes — which would already be concerning enough — but also for political ends. Data may serve both the interests of authoritarian governments, such as those that have emerged since then, and the manipulation of popular will, as seen in the Cambridge Analytica episode.

Added to this is the evident concentration of control over digital platforms in the hands of a few. This can be observed from an economic perspective (98% are managed by for-profit organizations) or a demographic one (72% are headquartered in the United States), but there are numerous indications (Fuchs, 2015) that a great deal of power is concentrated in very few hands. Such a scenario prevents the plurality of perspectives on how to develop this market, address its dilemmas, and expand the diversity of voices while ensuring equity and ethics.

Disinformation, regulation and the social function of platforms

In view of the perspective that the digital public sphere has not contributed to the promotion of citizenship and the preservation of democracy, it is necessary to observe that the era of the information economy coincides with the era of post-truth in politics. Big Tech accumulate capital that grows in a dimension incomparable to the oligarchies of other times. The promise of Donald Trump to appoint Elon Musk to a strategic position in the presidential cabinet of his second term as president of the United States of America (Chade, 2024) reveals the interests of Big Tech in participating in politics.

Many reasons for this movement can be speculated, but there is no way to deny that the clamor of sectors of various societies for legal changes in the treatment of platforms has generated discomfort among the barons of technology. A recent example was Google's reaction to Bill 2630/2020, known as the Fake News Bill, which aims to define norms, guidelines, and transparency mechanisms for digital social platforms and messaging applications. In 2022, the company announced on TV and in newspapers advocating against the proposal (Shores, 2022). In the following year, in view of the growing appeal for regulation after January 8, the company's reaction was to publish on its platforms, such as YouTube, messages contrary to the proposal, reaching millions of users (Rodrigues, 2023) without costs and with openness.

Lobbying and biased advertising are not inventions of the 21st century, but the example presented warns of a great risk to public debate: if information flows are massively controlled by companies that have no interest in a specific subject (and that differ little ideologically among themselves), there is no way to build a frank, inclusive, and well-informed discussion. In this frightening scenario, disinformative narratives prosper.

Opportunely, it is useful to look at the recent past to understand how the success of most Big Tech occurred. The internet emerged as a new market of

possibilities in the late 1980s. In the following decade, when this technology reached American households, the need to regulate some points was noted. In 1996, Section 230 was enacted, a rule that, among other provisions, exempted technology companies from responsibility for content published by third parties. Thus, if someone used a web page to plan or commit a crime, responsibility was attributed only to that person, not to the page.

This guideline was adopted to provide legal security to companies, which, in return, should commit to content moderation. The logic was absorbed by other countries. In Brazil, Law No. 12,965 of 2014, the Internet Civil Framework, defines those online services are not responsible for third-party content, except when they do not take measures to remove the content after a court order (Brazil, 2014). There are, however, few considerations about what platforms must actively do to prevent and remedy occurrences of this type.

Ten years after the publication of the Framework, it is noted that the convergence of life to digital spaces has reached another level. Instagram, for example, was still taking its first steps here at that time. Today, it is full of influencers of the most varied types, from scientific communicators to propagators of denialist theories. TikTok, another very popular digital platform today, did not even exist, having been launched internationally only in 2017. From this, one perceives the need to frequently revisit the governance of social media platforms in order to react to the novelties of digital life.

Another central point lies in the social function. Like any company with activities in Brazil, services offered by Big Tech must observe this constitutional requirement that establishes that a property must be used not only for its own benefit, but for that of society. The social function may receive more specific contours from the Constitution itself, but, in the absence of express guidelines, one may take what the Framework states, which advocates an internet with access for all, focused on information, knowledge, and participation in public affairs, valuing innovation and having as principles human rights, free expression, citizenship, plurality, diversity, and others (Brazil, 2014).

As social media platforms developed spontaneously and at the margins of the law, their activities evolved from the naive sharing of routine to the construction of a complex economy. This context generated everything from millionaire content producers to people who depend directly and indirectly on platforms for their subsistence. Despite this, the owners of these media structures cannot refrain from

fulfilling the function for which Brazilian society, through its representatives, defined for their enterprises.

This economic complexity, moreover, is also one of the reasons for promoting clearer regulation of social media platforms, in order to preserve not the business model of technological giants, but that of those who depend on them to earn income. It is necessary to open a debate for more justice in the relationship between those who host content and those who produce it, in order to avoid a tech reproduction of feudal models of exploitation.

Furthermore, there are many economic questions that may emerge from the debate on the regulation of platforms. One example is capital flight, since spending on digital advertising grows year after year and there are no legal mechanisms to ensure the reinsertion of part of this amount into the economies of the countries where the advertisements are broadcast. The same logic analogous to traditional colonialism applies to data extraction (Couldry, 2019), with the Global North benefiting abundantly from its opposite pole in the commodification process.

After all, these are profit-oriented organizations. Even though they are communication companies, they are also giant advertising agencies (Fuchs, 2015). But it should not be overlooked that they are communication companies, even if predominantly constituted by foreign capital, which violates article 222 of the Federal Constitution (Brazil, 1988). This also generates imbalance in the communication market, given that television and radio respect such limitation and are still categorized as public concessions.

While Habermas (apud Couldry, 2019) suggests that the press should be seen as a public service, with incentives and subsidies for its effectiveness, Couldry (2019) extends this idea to the internet by proposing the creation of a digital media tax to be paid by technology companies. He advocates for deliberative instruments in the process of allocating resources, in order to transfer to the online world the culture of public service that supported information transmission models in much of the globe in the 20th century.

These are ideas offered only as examples that there are possibilities beyond the "anarcho-capitalism" that prevails in the digital market. In other times, movements such as Wikipedia, Anonymous, pirate parties, free software, open source, Creative Commons, Free Press, and digital hacktivism were debated as counter-hegemonic alternatives. Today, they have lost space, perhaps as a consequence of algorithms.

By curating what is supposedly relevant to platforms, “making life easier” for the user by filtering what will interest them, algorithms may create obstacles to discussions that advocate, for example, their own end. It is a new element in the exhaustive debate on public interest and interest of the public. If Gil Scott-Heron (1971) recited that the revolution would not be televised, a digital revolution certainly will not pass through the feeds of the platforms that predominate today, even though dozens of peoples have risen there in recent decades, none against the hegemony of Silicon Valley.

Any change, therefore, will have to occur against the will of Big Tech, but there are few spheres capable of amplifying this conversation. Considering the growing interest of Brazilian society in politics, the political sphere may become a space of greater mobilization. Likewise, journalism is an important agent, especially in view of the unease of traditional media with the migration of audiences and advertising resources to digital. However, in the absence of concrete actions by the press, civil society, and representative politics, another institutional response has occurred and produced practical effects: judicialization.

Digital sovereignty and disinformation in the clash between the Supreme Court and X

In view of the above, this now concerns an episode that condenses and exemplifies several dilemmas caused by the concentration of informational flow. It specifically addresses the effects of this for the aggravation of anti-democratic discourses and the weakening of national sovereignty in the digital sphere: the conflict between the X (the former Twitter) and the Brazilian Federal Supreme Court.

Despite the essayistic character of the text, it is pertinent to delimit some methodological aspects. For the analysis of the episode, we resorted to documentary research in the main media outlets (BBC, G1, Estadão, Correio Braziliense, and Aos Fatos) that echoed it. Additionally, we complemented with news from the STF’s own website.

The chronology of the episode

In summary, it is necessary to note that Twitter was acquired in October 2022 by Elon Musk, who was already its majority shareholder since April of that year, but wanted full control over the platform (BBC News Brasil, 2022). Since then, in addition to the name change (G1, 2023), he implemented significant changes, relaxing content moderation policies, restoring access to suspended accounts, and establishing new

criteria for verification badges, no longer based on reputation and reach of the profile, but on a paid subscription system (Dang & Paul, 2022).

These changes occurred globally and raised concern in Brazil due to the consequent precarization of content moderation, especially in the political context, given the recent history of aggravation of disinformation in electoral processes in the country (Rudnitzki, 2023). After January 8, it became more clearly perceived the failure of social media platforms in content moderation, since many articulations were handled in these spaces (Vivas & Castro, 2024).

The investigations resulting from these attacks gave rise to the conflict between X and the Supreme Court. First, Justice Alexandre de Moraes, who led the inquiry, ordered the blocking of profiles on social media platforms of those accused of attacking the Brazilian State (BBC News Brasil, 2024). In April 2024, decisions sent to X were exposed on the profile of a U.S. activist, and Musk endorsed the criticisms (Souza *et al.*, 2024). The digital platform continued to challenge judicial orders to the point that, in that month, Moraes included Musk, its sole owner, in the list of those investigated (Rodrigues, 2024).

Amid the conflict, Musk used X to manage public opinion, even exposing judicial determinations through the account @AlexandreFiles, a user with a verified badge by affiliation to X, suggesting the resignation or impeachment of the Justice (Figueiredo, 2024). The situation worsened when Moraes increased fines and warned that failure to comply would imply the crime of disobedience by the legal representative of X, to which Musk responded by closing X's office in Brazil (Estadão, 2024).

In response, Moraes determined that a new representative be appointed, in compliance with national legislation, under risk of blocking the platform. With X remaining inert, its blocking was ordered on August 30 (Netto, 2024). It remained blocked until October 8, when the requirements were met and the fines paid (Junqueira & Mendes, 2024). This interval coincides with the period of the 2024 municipal elections, with the first round on October 6.

Analysis of the empirical example

This was not the first time that a technology company failed to comply with judicial orders and, for that reason, suffered sanctions from the Brazilian State. What was new was the explicit reaction of X — and its sole owner — in positioning itself against Brazilian legislation and attempting to mobilize public opinion against the

consequences of its choices, holding the Judiciary responsible, rather than the legal noncompliance, for the blocking of the service.

Using its own means of resonance, where it can control the reach of the message, Musk promoted his actions as acts of rebellion against an alleged censorship. The outcome, however, revealed that commercial interest prevailed. By complying with the determinations and paying the fines after 39 days of blocking, he resumed his business, without, however, revealing how difficult it can be to confront a platform with billionaire capital and millions of users.

Brazil is one of the largest markets for X, with about 22 million users, close to 10% of the Brazilian population. Instagram, in turn, has 134 million users (Datareportal, 2024). Consider the possibility of blocking Instagram bearing in mind that, beyond sharing trivialities on the platform, millions of people use it for professional purposes. Companies sell products and “platformized” freelancers depend on it to sustain their standard of living and, in some cases, subsist. It is a completely different profile from X, where ephemeral debates tend to predominate.

Many social media platforms are, today, indispensable to individual economies. On WhatsApp, for example, professional and personal lives, entertainment and information are mixed in indistinguishable flows. Between a judicial decision that values digital sovereignty and a platform that offers some material condition for economic activity, it is likely that the citizen will opt for the latter, so it is urgent to accelerate and deepen this debate in the social sphere, so that it is reflected in the political sphere constituted by the representatives of the people.

However, while society and the Legislative seem demobilized — or merely disorganized — judicialization, as mentioned, has handed the reins of the debate to the Judiciary. Between requests for review and dissenting votes, the Supreme Court had not reached, by mid-June 2025, a majority in a judgment of general repercussion on the constitutionality of article 19 of the Internet Civil Framework (Rocha, 2025), which exempts websites, messaging applications, and platforms from responsibility for third-party content. The court will decide whether services have the obligation to remove content considered illicit without a court order.

Whatever the verdict, it will be a fragile response, given that a decision taken in isolation may lack political and popular support and is subject to various pressures. There is pressure, for example, from the Brazilian Association of Radio and Television Broadcasters (Abert), which argues that the provision creates an exceptional regime for

internet services, since radio and television are responsible for all the content they broadcast, including that of third parties.

The heart of the matter, therefore, lies in expanding the debate so that all interests are revealed, enabling civil society to become politicized on the subject and the political class to debate the country's digital sovereignty, reaping the fruits or suffering the consequences of its deliberations. After all, the public sphere, even in its origin, has never gone beyond setting agendas for debate and forming the guiding opinion of the political sphere. It will not be now, with such concentration of power, that this reality will change.

Final considerations

The analysis of the digital sphere reveals a complex scenario. The promise of democratization and empowerment of citizens by the internet, with the multiplication of voices and the expansion of debate, encounters a series of challenges, with spaces marked by fragmentation, manipulation, and concentration of power. The digitalization of life has expanded the capacity for interaction and dissemination of information, but this phenomenon is not neutral. On the contrary, platforms operate a business model that privileges data collection for targeted advertising, and content is filtered by algorithms that tend to reinforce bubbles and prejudices, favoring profit for the companies that control them.

If, in the past, the press and spaces such as cafés played a fundamental role in the construction of public opinion, today social media platforms emerge as protagonists of this process. However, control of information and symbolic power remain in the hands of a few, who modulate the debate. This concentration extends to how such platforms operate in surveillance capitalism, where data is transformed into commodity. Digital sociality, in this dynamic, serves the commercial interests of platforms, which use user behavior to generate profit from supposedly free services.

The lack of effective regulation and the growing influence of Big Tech on institutional politics are issues that demand attention. Initiatives that propose more transparency and responsibility for platforms run into resistance from companies, which organize against them, in a worrying scenario, because without clear control mechanisms, platforms will continue to act opaquely.

Furthermore, as evidenced in the conflict between the Supreme Court and X, the judicialization of issues related to disinformation and platform control has become a recurring alternative. Although the Judiciary plays an important role in guaranteeing

sovereignty, depending exclusively on this path risks restricting the debate to legal interpretation, without broad involvement of society and the political class. Judicialization, thus, does not resolve the dilemma of how platforms should operate in a democratic context.

The power of Big Tech also raises questions of national sovereignty in relation to transnational companies. The episode involving X and the Supreme Court once again exemplifies how decisions made by a single businessman can impact a country. Musk's conduct illustrates how these platforms can operate on the margins of local legislation.

The lack of regulation also results in significant imbalances in the economy. Platforms dominate the digital advertising market, but there are no mechanisms to ensure reinvestment, configuring a neo-colonialism in which the Global South is economically exploited. Also noteworthy, at this point, is the competitive asymmetry between internet services and traditional media, already quite regulated, even if not ideally.

Brazilian legislation establishes guidelines that must be observed to ensure that online services operate for the benefit of society. However, it is necessary to revisit and update this legislation, since the internet, as a field of social and economic interaction, has evolved significantly in recent years.

Any solution to the problems pointed out inevitably involves the mobilization of society, which must demand more transparency, regulation, and fairness in the relationships between users and platforms. Expanding public debate and creating more responsible digital governance mechanisms are essential to ensure that the internet is, in fact, a space of freedom, diversity, and inclusion. The digital sphere, far from being an ideal space of democratic interaction, is configured as a field of disputes of power and interests. Therefore, building a web that promotes citizenship, democracy, and social justice requires a joint effort so that the internet becomes, in fact, a means of emancipation.

Beyond the notes of this article, such as market regulation and expansion of debate, it is essential to guarantee people's literacy for digital life, as well as for the exercise of citizenship. Otherwise, no action will be effective. An example of this was the period in which X was blocked in the country, during municipal elections, which did not prevent many electoral processes, especially that of São Paulo, from being taken over by disinformative narratives on an unprecedented scale.

For advancement in terms of digital governance, it is necessary to hold platforms accountable for blatant disinformative content. As the discussion did not advance in the National Congress, the Supreme Court took up the debate in its plenary regarding the regulation of digital platforms. On the agenda is article 19 of the Internet Civil Framework (Law 12,965/2014), which exempts companies from responsibility. By majority, the plenary of the Supreme Court declared the unconstitutionality of the article; however, the vote is still ongoing. With this decision, digital platforms become responsible for user content.

In practical terms, if the unconstitutionality of the article is declared, regardless of judicial or extrajudicial decision, platforms will be responsible for removing illicit and illegal content containing hate speech, racism, pedophilia, etc. Currently, platforms are obliged to remove certain types of content only after a judicial decision.

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RESUMO

Este ensaio, fundamentado em pesquisa bibliográfica, analisa como a reconfiguração da esfera pública em ambientes digitais se articula à plataformização da comunicação, à datificação da vida social e à expansão de narrativas desinformativas. Parte-se do pressuposto de que as plataformas digitais não apenas ampliaram possibilidades de participação e circulação informacional, mas também consolidaram novas assimetrias de poder ao concentrarem a mediação do debate público, a moderação de conteúdos e a exploração econômica de dados. Nesse contexto, discute-se a urgência de mecanismos de governança capazes de enfrentar a opacidade algorítmica, a concentração de poder das big techs e os impactos da desinformação sobre a cidadania e a democracia. Como caso emblemático, examina-se o conflito entre o Supremo Tribunal Federal e o X, antigo Twitter, compreendido como episódio revelador das tensões entre liberdade de expressão, regulação de plataformas e soberania digital. Sustenta-se que o enfrentamento da desinformação exige não apenas ações voltadas à circulação de conteúdos, mas também a revisão das condições econômicas, institucionais e políticas que tornam tais narrativas escaláveis e socialmente danosas.

PALAVRAS-CHAVE: Esfera pública; Plataformas digitais; Regulação; Desinformação; Soberania digital.

RESUMEN

Este artículo, basado en una investigación bibliográfica, analiza cómo la reconfiguración de la esfera pública en entornos digitales se vincula con la plataformización de la comunicación, la datificación de la vida social y la expansión de las narrativas de desinformación. Parte de la premisa de que las plataformas digitales no solo han ampliado las posibilidades de participación y circulación de información, sino que también han consolidado nuevas asimetrías de poder al concentrar la mediación del debate público, la moderación de contenidos y la explotación económica de datos. En este contexto, se discute la urgencia de mecanismos de gobernanza capaces de abordar la opacidad algorítmica, la concentración de poder de las grandes empresas tecnológicas y los impactos de la desinformación en la ciudadanía y la democracia. Como caso emblemático, se examina el conflicto entre el Supremo Tribunal Federal de Brasil y X, antes Twitter, como un episodio revelador de las tensiones entre la libertad de expresión, la regulación de las plataformas y la soberanía digital. Se argumenta que abordar la desinformación requiere no solo acciones dirigidas a controlar la circulación de contenidos, sino también una revisión de las condiciones económicas, institucionales y políticas que hacen que dichas narrativas sean escalables y socialmente dañinas.

PALABRAS CLAVE: Esfera pública; plataformas digitales; Regulación; Desinformación; Soberanía digital.