

# EMERGING ARCHITECTURES OF DIGITAL LAW: INSTITUTIONS, PLATFORMS AND AI

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VOLUME 3 | NUMBER 2  
JUL./DEZ. 2025

November 26, 2025.

It is with great satisfaction that we present Volume 3, Number 2 of the *Brazilian Journal of Law, Technology and Innovation*, marking yet another step in consolidating the journal as a leading platform for interdisciplinary debate at the intersection of law, governance, and digital transformation. Entering the second semester of our third year of uninterrupted publication, the journal continues to deepen its international reach and reinforce its commitment to rigorous peer review, high-quality scholarship, and open access. The nine articles gathered in this issue address a wide array of contemporary concerns—from digital constitutionalism and algorithmic governance to data protection, platform regulation, criminal reform, and innovations in notarial practice—offering readers both analytical sophistication and practical insights into the legal challenges of a rapidly evolving digital society.

Opening the volume, Inma Conde examines the legislative evolution of Brazil’s *Marco Civil da Internet* from 2014 to 2025, offering one of the most detailed reconstructions to date of the statute’s normative trajectory. By employing a methodology grounded in legislative historiography, the study reveals how the law has absorbed new regulatory demands in areas such as data protection, platform accountability, and algorithmic discrimination while preserving its role as a constitutional “anchor” for digital rights. Conde demonstrates that far from being a static framework, the *Marco Civil* has evolved through structured regulatory dialogues and parliamentary reforms, illustrating the adaptability of rights-based digital governance in democratic societies. Her conclusions will interest comparative scholars seeking to understand how foundational internet legislation can remain coherent amid rapid technological change.

The second article, authored by Laurence Duarte Araújo Pereira, Maelle

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Antunes Pereira Lima and Maria Cláudia Viana Hissa Dias do Vale Gangana, scrutinizes the regulation of digital platforms in Brazil and the constitutional tensions surrounding content moderation. Anchored in the ongoing debates before the Federal Supreme Court on Article 19 of the *Marco Civil*, the authors argue that freedom of expression—although central—cannot exhaust the regulatory discussion. By contextualizing political controversies, including high-profile disputes involving global platform executives, the study reveals how digital intermediaries increasingly exercise private power with significant social, economic, and political consequences. The article urges a broader reflection that moves beyond dichotomies of liberty versus censorship to examine structural asymmetries, opaque moderation practices, and the constitutional role of platforms in democratic life.

In the third contribution, Riya Gulati provides a comprehensive analysis of India's sweeping criminal law reforms, focusing on the *Bharatiya Nyaya Sanhita* (2023) and its replacement of the Indian Penal Code of 1860. Through a lucid and comparative approach, the study highlights the modernization of procedural tools, the introduction of new categories of cyber and organized crimes, the expansion of penalties, and the role of data and forensic technologies. At the same time, the article identifies persistent doctrinal and normative gaps—such as gender asymmetries, unresolved debates on marital rape, and the challenges of integrating facial recognition systems in criminal investigations. Gulati's analysis exemplifies how legal modernization initiatives must confront deep-rooted structural issues while adapting to emerging technological realities.

Turning to Brazil's data protection landscape, Gabriel Oliveira de Aguiar Borges investigates the regulatory role of the Brazilian National Data Protection Authority (ANPD) and its influence on shaping the national personal data market. The article frames ANPD's interventions as mechanisms capable of promoting a healthier market structure, avoiding crony capitalist practices, and balancing fundamental rights with economic efficiency. Drawing on law-and-economics principles, Borges argues that well-designed regulation should stimulate innovation without normalizing repugnant data transactions. His analysis offers legislators and regulators a principled framework to guide the next stages of Brazil's data governance architecture, especially as the digital economy accelerates the demand for institutional stability and normative clarity.

The fifth article, by Jessica Fernandes Rocha, addresses the increasing reliance on algorithmic management in high-risk occupational environments, examining how AI-based monitoring tools influence worker safety, privacy, and psychosocial dynamics. Focusing on a case study of geolocation systems in mining operations, Rocha illustrates both the preventive potential and the risks of disproportionate surveillance. The study highlights the heightened

vulnerability of workers in employment relationships and underscores the importance of robust technical and organizational safeguards. By articulating the tension between safety and privacy, the article provides critical guidance for policymakers, employers, and unions seeking to reconcile technological efficiency with the protection of fundamental rights in the workplace.

In the sixth contribution, Eloisa Samy Santiago delivers an in-depth legal analysis of the ASSIS system, the AI-supported judicial assistant implemented by the Rio de Janeiro Court of Justice in 2024. The article raises profound questions regarding due process, equality, and human dignity, arguing that judicial decisions mediated by algorithmic tools may be susceptible to nullity when technical opacity, idiosyncratic bias, or emergent misalignment undermine constitutional guarantees. By engaging with concepts at the frontier of AI ethics and judicial theory, the study reveals how algorithmic decision-support tools may inadvertently create new modes of normative production outside traditional legal grammar. Santiago's analysis is essential for courts navigating the promises and perils of algorithmic governance in adjudication.

The seventh article, authored by José Luiz de Moura Faleiros Júnior, Tales Calaza and Camila Renata Leme Martins, examines the evolution of plain-language norms in Brazilian public administration from the Digital Government Law (Law 14,129/2021) to the recent enactment of the National Plain Language Policy (Law 15,263/2025). The study argues that linguistic clarity is not merely a stylistic preference but a normative requirement central to transparency, digital inclusion, administrative efficiency, and democratic participation. By mapping best practices, institutional initiatives, and remaining implementation challenges—including cultural resistance and federative asymmetries—the authors provide a comprehensive blueprint for institutionalizing plain language as a structural component of good governance in the digital state.

In the eighth contribution, Rodrigo Rocha Feres Ragil and Lucas Barbosa Folster explore the regulatory challenges of artificial intelligence through the lens of law-and-economics, comparing how different legal traditions conceptualize and govern AI systems. By presenting a historical and conceptual overview of AI and aligning it with jurisdiction-specific regulatory approaches, the article reveals the diversity of normative strategies adopted worldwide. The authors highlight the tension between innovation, economic competitiveness, and the preservation of civil rights, proposing analytical criteria capable of guiding future regulatory choices. Their interdisciplinary perspective enriches ongoing debates about risk classification, technological neutrality, and the future-proofing of legislative frameworks.

Closing the issue, Matheus Phelipe Mendes de Almeida analyzes the

implementation of electronic notarial acts through the e-Notariado platform and their interaction with territorial jurisdiction rules established by federal law. The study traces the historical development of notarial activity in Brazil, underscores the role of judicial oversight, and critically examines the CNJ's Provision No. 149/2023. Almeida argues that by redefining territorial competence for electronic acts, the CNJ may have exceeded its regulatory authority and effectively modified federal legislation. The article raises important questions about the limits of administrative regulation, the boundaries of technological innovation in extrajudicial services, and the constitutional distribution of legislative powers.

The Editorial Board expresses its deep appreciation to the authors who entrusted us with their contributions and to our dedicated reviewers, whose anonymous work ensures the scholarly rigor that characterizes this journal. We also thank our international advisory council and production team for their continued commitment to excellence. As we move into our fourth year, we reaffirm our mission to foster critical, interdisciplinary dialogue on the legal, ethical, and institutional transformations driven by digital technologies. We warmly invite researchers from Brazil and abroad to submit original research that advances understanding of law, technology, and innovation.

Together, we continue shaping the legal frameworks of the digital future.

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