

DIGITAL VULNERABILITY, ACCOUNTABILITY AND THE NEW FRONTIERS OF TECHNOLOGICAL GOVERNANCE

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It is with great satisfaction that we present Volume 4, Number 1 of the Brazilian Journal of Law, Technology and Innovation, opening the fourth year of the journal with an issue devoted to the legal consequences of technological transformation in contexts of vulnerability, institutional uncertainty, and regulatory experimentation. The nine articles gathered here move across health data, human-robot interaction, child protection online, algorithmic discrimination, adaptive enforcement, freedom of expression, hate speech, biometric identification, and tokenized finance. Taken together, they reveal a common problem: the need to design legal frameworks capable of preserving dignity, autonomy, equality, and accountability while technological systems increasingly mediate social, economic, and political life.

Opening the volume, João Alexandre Silva Alves Guimarães and Malu Mariana Damasceno Góes examine the legal case for the Oncological Right to be Forgotten. Their article addresses a form of discrimination that persists beyond clinical recovery: the continued use of past cancer-related information in credit and insurance markets. By combining constitutional reasoning, comparative analysis, and the ethical foundations of privacy, the authors argue that cancer survivorship cannot become a permanent civil stigma. The contribution is especially relevant because it reframes the right to be forgotten not as an abstract claim to erasure, but as an instrument of social reintegration, material equality, and the free development of personality. In doing so, the article reminds readers that technological memory must remain compatible with human recovery.

The second article, authored by Sthéfano Bruno Santos Divino, André de Lima Salgado, Danilo Chagas Clemente, Maria Eduarda Couto Grossi and Rafael Bastos Andrade, explores human-robot interaction fostered by generative artificial intelligence from the perspective of privacy. The study proposes adaptations to the OpenTera framework through the integration of conversational modules supported by the ChatGPT API,

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automatic speech recognition, speech production, and emotional interaction interfaces. Its originality lies in the combination of technical prototyping with legal threat modeling. By showing that assistive social robots may improve interaction while simultaneously exposing users to privacy and personal-data risks, the article provides an interdisciplinary contribution to robotics, AI governance, and privacy by design.

In the third contribution, Jessica Fernandes Rocha analyzes age assurance mechanisms in digital environments, focusing on their technical options, legal limits, and proportionality criteria. Drawing on Brazilian regulatory developments, including the Digital Child and Adolescent Statute, guidance issued by the National Data Protection Authority, and European institutional references, the article maps mechanisms such as self-declaration, document verification, biometric estimation, behavioral signals, parental controls, and attribute-based solutions. Rocha's central claim is that the legitimacy of age assurance cannot be measured solely by technical accuracy. It also depends on purpose limitation, data minimization, security, inclusion, and proportionality. Her analysis offers an essential framework for regulators and platforms seeking to protect children without transforming protection into excessive surveillance.

The fourth article, by Wellington José Campos, addresses the legal challenges posed by algorithmic racism. The article demonstrates that artificial intelligence systems are not neutral infrastructures, since the data used to train them may reproduce and amplify racial inequalities already embedded in social structures. By engaging with critical data studies, legal doctrine, and regulatory frameworks such as the LGPD and the GDPR, Campos argues that anti-discriminatory algorithmic justice requires more than general commitments to innovation or efficiency. It demands transparency, auditability, multisectoral accountability, and legal mechanisms capable of identifying and correcting racially disparate impacts. The article is a timely contribution to the debate on equality, dignity, and fundamental rights in automated decision-making environments.

The fifth article, written by Thiago Cobra, examines responsive enforcement in innovation-intensive markets and develops proceduralization as a condition of legitimate adaptive governance. The article starts from a dilemma familiar to contemporary administrative law: sanction-centered regulation may chill innovation and intensify adversarial dynamics, while flexible instruments such as responsive regulation and regulatory sandboxes may generate opacity, unequal treatment, and risks of capture. Cobra argues that the decisive issue is not whether regulators should choose rigidity or flexibility, but under what procedural conditions discretion can be lawfully exercised. His article therefore places reason-giving, transparency, participation, monitoring, and reviewable constraints at the center of regulatory legitimacy in technology-intensive sectors.

In the sixth contribution, Ricardo Manoel de Oliveira Morais revisits freedom of expression through the conceptual distinction between positive and negative freedom and the contemporary phenomenon of digital populism. Mobilizing Isaiah Berlin, John Stuart Mill, Paulo Bonavides, and Giuliano da Empoli, the article investigates how intense information flows, social media dynamics, and algorithmically amplified political communication destabilize classical assumptions about public opinion and free debate. Morais does not offer a simplistic solution to the problem of anti-democratic speech. Instead, he reconstructs the philosophical and legal tension between non-interference and autonomy, asking how democratic institutions may respond to expression that uses democratic freedoms to erode the very conditions that sustain them.

The seventh article, by João Victor Rozatti Longhi, continues the reflection on democracy and communicational freedom by examining hate speech and its role in reverse censorship. Longhi analyzes the political uses of the internet, the personalization of public discourse, digital populism, fake news, profiling, and informational pollution as forces that reshape the deliberative public sphere. The article argues that democratic institutions must confront harmful speech and manipulative propaganda without collapsing into simplistic regulatory responses. Its central contribution lies in showing that freedom of speech, data protection, and institutional regulation are now inseparable dimensions of informational dignity. In this sense, the article offers an important bridge between constitutional theory, platform governance, and contemporary democratic resilience.

In the eighth contribution, Patricia F. Macedo Possamai examines the World ID protocol and the offer of financial rewards in exchange for biometric data under the Brazilian General Data Protection Law. Through a case-study approach, the article asks whether cryptoasset-based compensation for iris scans may compromise the validity of consent, especially when directed at socioeconomically vulnerable individuals. Possamai argues that consent for sensitive personal data must be free, informed, specific, and unambiguous, and that monetary inducement may interfere with the formation of will in contexts of informational and economic asymmetry. Her article powerfully connects digital vulnerability, biometric governance, compliance, and the ethical limits of data extraction.

Closing the issue, Victor Hugo Gimenez Gonçalves investigates stablecoins, imputation gaps, and the challenges of civil liability in the tokenized economy. Focusing on agribusiness financing, the article shows how stablecoins may fragment the poles of liability, weaken linear causation, and strain classical models based on individual fault or clearly identifiable risk-bearers. Through comparative analysis of the European Union, the United States, and Brazil, the study proposes an interpretive model grounded in layered proportional liability, duties of governance and due diligence, and accountability as an autonomous criterion of

imputation. The article makes a significant contribution to the legal understanding of blockchain-based finance and to the reconstruction of civil liability in decentralized infrastructures.

The Editorial Board expresses its deep gratitude to the authors who entrusted us with their research and to the reviewers whose careful, anonymous work sustains the quality and credibility of the journal. We also thank our advisory council, editorial team, and production collaborators for their continued commitment to open access, interdisciplinary scholarship, and international dialogue. This issue confirms the vocation of the Brazilian Journal of Law, Technology and Innovation to serve as a forum for rigorous inquiry into the normative transformations produced by digital technologies, especially when those transformations affect vulnerable subjects, democratic institutions, and the allocation of responsibility in complex systems.

May this volume contribute to the construction of legal frameworks that are not only technically informed, but also ethically grounded, institutionally legitimate, and attentive to the human consequences of innovation.

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