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## A LOOK AT FREEDOM OF EXPRESSION ON THE INTERNET

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### ABSTRACT

This article aims to present a perspective on freedom of expression, which can be understood as the right of every individual to freely express their ideas, opinions, and dogmas without suffering any kind of reprisal or censorship from society or the State. Therefore, the focus is on freedom of expression in the context of the internet and how its exercise in a pluralistic and globalized society like today's raises several questions for the Brazilian legal system. The methodology used is bibliographic, primarily employing scientific journals and academic publications found in repositories of major institutions. Furthermore, material from reliable websites such as Google Scholar and SciELO, among others, is used to enrich the work. Finally, the choice of this theme is justified because it is a topic of great discussion within the field of Civil Law today, and it also offers extremely rich content for debate among researchers. Constitutional conflicts arising from the exercise of a fundamental constitutional right such as Freedom of Expression are present in various sectors of society.

**Keywords:** Freedom of Expression. Freedom. Internet. Civil Law. Demonstration.

## INTRODUCTION

Freedom of expression as a fundamental right has been immensely important throughout human history, as its purpose is to allow individuals to have thoughts, opinions, and ideas, and to express and externalize them without fear of reprisals from public or private actors.

It is certain that democracy depends on the exercise of freedom by its citizens. Freedom has many facets, and can be understood as the right to religious, ideological, informational, and press freedom. Given the history of dictatorial, authoritarian, and radical governments that suppressed these rights, several countries have given special attention to the protection of freedom in their legislation and constitutions.

Thus, while it is correct to affirm that freedom of expression has immense value for the ideal functioning of democracy, other principles are also equally important, among them the principle of the dignity of the human person. Every citizen has the right to defend themselves against any offense against their image, their honor, their privacy, and anything else related to their personality.

The attribution of responsibility in these cases has received special attention from legal professionals and must adhere to normative criteria, as well as be analyzed from a perspective that seeks to guarantee the fundamental duality of justice and legal certainty. This resulted in the creation of Bill No. 2,630 of 2020, which establishes the Brazilian Law of Freedom, Responsibility, and Transparency on the Internet. Initiatives like this are attempts to resolve the social conflict in question, taking into account fundamental rights and civil liability for damage caused to third parties.

This article aims to present a perspective on freedom of expression, which can be understood as the right of every individual to freely express their ideas, opinions, and beliefs without suffering any kind of reprisal or censorship from society or the State. Therefore, the research focuses on freedom of expression in the context of the internet and how its exercise in a pluralistic and globalized society like today's raises several questions for the Brazilian legal system.

The methodology used is bibliographic, which primarily utilized scientific journals, as well as academic publications found in repositories of the main public and private universities in the country. Furthermore, material from reliable websites such as Google Scholar, SciELO, JusBrasil, among others, was used, with the main goal of enriching the knowledge base for the work to be carried out.

Finally, the choice of this theme is justified because it is a topic of great discussion within the field of Civil Law today, and it also offers extremely rich content for debate among researchers. Constitutional conflicts arising from the exercise of a fundamental constitutional right such as Freedom of Expression are present in various sectors of society.

## DEVELOPMENT

First and foremost, it is necessary and fundamental to contextualize the concept and history of freedom of expression in order to understand the nuances involved in this topic.

Looking at the historiography of the concept of Freedom of Expression, it is clear that its emergence stemmed from the first codes of the modern age, which became known worldwide as the Bill of Rights of 1689, a document that went hand in hand with freedom of religious belief.

It should be noted that, before the English Revolution succeeded, the Absolutist Regime was in place, which required every citizen to belong to a single religion, living under the whims of the clergy by order of the Kings, thus suppressing religious freedom and automatically the freedom of expression of the population at the time (Martins, 2017).

It is noteworthy that the Declaration of Rights was, in fact, a great advancement in terms of

democracy during the 17th century, as it addressed, in its subtext, and sought to protect fundamental rights. However, freedom of expression, understood as the manifestation of ideas and opinions articulated by any means without reprisals by any citizen, regardless of their color, creed, gender, and social class, was still a dream far from the reality of citizens around the world during that particular period.

It is necessary to bear in mind that in no way was freedom of expression, as well as any other fundamental right inherent to man, which has been acquired over the years, granted as a gift to the citizen by a King or Emperor, nor created by a state or parliamentary body; fundamental rights only exist today due to historical demands in pursuit of such rights (Martins, 2017).

It is understood that all the natural cultural and social development of all societies ended up forcing the appropriate conditions for the emergence of such rights, which were essential for the evolutionary process of the Democratic Rule of Law.

It was with the advent of the French Revolution that fundamental rights began to be noticed, since during its course the Declaration of the Rights of Man and of the Citizen was created and approved in 1789. This document stipulated that the ideals of liberty, equality, and fraternity, which were the basis of the entire French political and social revolution, should be equally applied to the entire population without any kind of distinction.

Freedom of expression was enshrined in the Declaration of the Rights of Man and of the Citizen in its articles 10 and 11.

Article 10. - No one may be harassed for their opinions, including religious opinions, provided that their expression does not disturb the public order established by law.

Article 11. - The free communication of ideas and opinions is one of the most precious rights of man. Every citizen may therefore speak, write, and print freely, but shall be responsible for abuses of this liberty as defined by law (France, 1789).

It is extremely important to emphasize that freedom of expression encompasses various forms , such as: religious, press, ideas, information, sexual, etc. Therefore, it is clear from all historical readings that, due to the customs of the time, no individual could fully exercise their right to freedom of expression in France in 1789.

With regard to Brazil and Fundamental Rights, such as Freedom of Expression, these became more evident with the end of the Brazilian Military Dictatorship, since after that moment, there was a process of redemocratization that ended up resulting in the Federal Constitution of 1988, finally enshrining fundamental rights and guarantees, the essential guiding principles for a legal order of a Democratic State of Law.

The Brazilian Constitution of 1988 guarantees freedom of expression in its fifth article, which begins Title II of the Constitution entitled "Fundamental Rights and Guarantees," through clauses IV and IX:

Article 5 - All are equal before the law, without distinction of any kind, guaranteeing to Brazilians and foreigners residing in the country the inviolability of the right to life, liberty, equality, security and property, under the following terms:

[...]

IV - Freedom of expression is guaranteed, anonymity being prohibited;

[...]

IX - Freedom of expression of intellectual, artistic, scientific and communicative activity is guaranteed, regardless of censorship or licensing (Brazil, 1988).

Thus, by understanding the concept and historical trajectory of freedom of expression, it becomes clear that this fundamental right was won through long social and political struggles, constantly being

improved and challenged over time. From its earliest philosophical manifestations to its consolidation in contemporary democratic legislation, freedom of expression reveals itself as an essential pillar for the maintenance of citizenship, democracy, and human dignity, requiring, even today, constant vigilance to ensure that it is fully guaranteed and respected.

### **Freedom of Expression as a Fundamental Right**

The foundations, ranging from the philosophical to the social realm, are vast and allow for the classification of freedom of expression as a fundamental right, which is the basis of any democratic state governed by the rule of law.

As previously defined, freedom of expression can be understood as the right of every individual to freely express their ideas, opinions, and beliefs without suffering any kind of reprisal or censorship from society or the State.

As presented by Coutinho (2019), the exercise of Freedom of Expression is an end in itself, with the author stating that every human being has the need to express themselves, to communicate, to exchange ideas and experiences. Such mechanisms would not be possible if Freedom of Expression were not enshrined as a Fundamental Right.

Based on what Coutinho (2019) presented, it can be understood that man's freedom to express himself freely has an instrumental nature, since its exercise ends up being used to achieve something important for the society to which he belongs. Thus, it is perceived that the effective exercise of freedom of expression, in fact, enables the formation of free public opinion, that is, without any external interference that for some reason might coerce certain individuals or social groups.

According to Sarmiento (2020), public opinion is in fact an essential requirement of democracy; therefore, freedom of expression holds a preferential position within the Democratic Rule of Law, since it concerns allowing individual participation in political decisions. He further states that for democracy to function, it is extremely important that the State itself protects freedom of expression for the benefit of its citizens.

According to Sarmiento's thinking (2020), it is understood that the State can in no way censor manifestations that result from the exercise of freedom of expression, since they end up becoming targets of the manifestations which have the legitimacy to consider the exercise of freedom valid or not, based on the Principle of the Dignity of the Human Person.

It is noted throughout the research that the right to freedom of expression within the Brazilian legal system, like all other fundamental rights, cannot be understood as an absolute right, and needs to be subject to limitations when it conflicts with other constitutional guarantees, in order to enable harmony between fundamental rights that are naturally sometimes pitted against each other in the daily life of society as a whole.

Although one of the objectives of the fundamental right to freedom of expression is to prohibit censorship, this mechanism does not preclude the fact that many individuals express themselves in a discriminatory or even violent manner, and may be held civilly and criminally liable, even if their right to express themselves freely is recognized.

The method used to resolve conflicts related to freedom of expression and human dignity is the principle of proportionality. This is because, despite the various limitations on freedom of expression within the constitutional text itself, it remains difficult to limit it in practice.

It is clear that cases where the exercise of freedom of expression conflicts with other fundamental rights encompass all types of freedom of expression, such as religious freedom and freedom of the press, which are the main "types" of the "genus" that is freedom of expression.

## Globalization and Freedom of Expression

Globalization, as a phenomenon that has intensified the interconnection between peoples, cultures, and economies, has brought profound transformations to the way information is produced, shared, and consumed. In this new scenario, freedom of expression has come to play an even more central role, allowing individuals from different parts of the world to express their ideas and opinions in real time, breaking down geographical and cultural barriers.

According to the online dictionary Dicio, globalization is defined as a process that leads to integration, or a close connection, between economies and markets in different countries, resulting in the breaking down of borders between them. Globalization is selective and not always democratic and inclusive (Diniz, 2023).

According to Giddens (2018), two views are evident regarding the phenomenon of Globalization, thus being divided into two groups of people: the skeptics and the radicals. Also according to Giddens (2018), members of the Skeptics group claim that Globalization is nothing more than a myth created by man, thus it is evident that the global economy has not in fact undergone any major changes. In contrast to this group of people, the Radicals believe that Globalization is in fact, the effects of which can be felt everywhere; for them, as for most of society, it is evident that the market as a whole is in constant development.

Based on the author's analysis, it is understood that it would not actually be possible to explain the phenomenon of Globalization in an absolute way, since it is a multifaceted phenomenon involving distinct areas, thus acting in various spheres such as the economy, the social and cultural spheres, geopolitics, as well as demographic and religious spheres. In this way, Giddens sees Globalization as a complex network of processes. (Giddens, 2018).

With the arrival of advanced technologies, the use of the internet for social purposes became increasingly evident. In the 1980s, it was used only for military and academic purposes and for connecting research laboratories. However, it spread around the world, becoming popular among all types of people in 1992 with the creation of internet service providers (Dias, 2018).

This widespread dissemination has led to people becoming increasingly connected to one another, regardless of their location, through the use of emails and today through social networks. This gave rise to the phenomenon of cyberculture, which constitutes a multiverse of events, trends, and phenomena of a large networked society, an informatized society connected, in an atemporal way, by new information technologies.

In today's world, it's noticeable that there are a large number of social networks worldwide, each with a different purpose and aimed at a different audience, but all sharing the same common goal: fostering relationships between people.

According to IBGE (2021), the consumption of social networks is currently recent, considering that the first social networks were known during the first decade of the 21st century, more specifically between the years 2004-2010.

Starting from the understanding that contemporary society operates through the use of the internet, and consequently through the interaction provided by social networks, it is clear that this reality has completely changed the way young people and adults act, think, interact, and express themselves .

Regarding freedom of expression, it is positive to state that it is one of the individual rights that most reflects the characteristics of each human being, since it concerns the capacity to think, communicate, and experience life.

Therefore, freedom of expression should not be understood solely from an individual perspective, but also from a diffuse perspective. As an individual right, it consists of each person's right to express

themselves freely within the society to which they belong, and as a diffuse right, it refers to society's right to obtain and receive information, free from any interference or obstacles. In this way, freedom of expression becomes a true instrument of exchange and communication among all citizens belonging to a given society, where knowing the thoughts of others becomes as important as expressing one's own.

In this context, it is stated that the emergence of the internet has represented the possibility, to a degree never seen or imagined before, for individuals to express themselves, as can be seen in the words of the International Commission on Human Rights: “the Internet, like no other means of communication that existed before, has allowed individuals to communicate instantly and at low cost, and has had a dramatic impact on journalism and on how we share and access information and ideas” (Organización de Los Estados Americanos, 2013, p. 5).

The great potential of the internet stems from its unique characteristics, especially its speed and global reach, and sometimes relative anonymity (Silva, 2021). These characteristics enable individuals to disseminate information in real time, thus driving people towards both good and illicit and violent actions. Silva (2021) mentions that:

The characteristics of the Internet – a radically open, decentralized, and plural space – result from its network architecture, devoid of a center. It developed from principles rooted in its design, and it is of paramount importance that any regulatory framework preserves these principles and takes this architecture into account. The Internet cannot be treated in the same way as other means of communication (Silva, 2021, p. 21).

As previously mentioned in this research, no fundamental right is absolute. It is certain that there are legitimate reasons related to protection, collective security, and others entirely linked to other rights that concern the same dignity. Thus, in the case of conflict between freedom of expression and other values that thrive on the same protections, a reasonableness test of restrictive measures is usually applied.

Similarly, restrictions on internet freedom will only be legitimate if they simultaneously meet a set of demanding requirements, namely:

a) Exceptionality and legal provision, that is, the restrictions must be exceptions expressly provided for in a law, in both formal and material terms, specified in clear and objective language, and which must be interpreted restrictively.

b) Adequacy, that is, the restrictions must aim at a legitimate purpose and be in fact capable of promoting that purpose. The purposes legitimately recognized by international declarations of rights are protecting the reputation of other individuals and protecting national security, public order, or public health.

c) Necessity, that is, freedom of expression on the Internet should only be restricted to the extent strictly necessary to achieve the objectives of the restriction, after careful consideration of other less restrictive alternatives.

d) Proportionality, that is, a positive relationship between the benefits expected from the restriction compared to the sacrifice imposed on freedom of expression.

e) Possibility of review by an independent authority, in accordance with due process: any decision that restricts the right to freedom of expression must be applied by an authority independent of any undue influences, whether political, commercial, or otherwise, in a way that is not arbitrary or discriminatory, and with adequate safeguards against abuse, including the possibility of challenge and invalidation against its abusive application.

These requirements must be taken into account in the formulation of regulatory frameworks on the use of the Internet, aspects of which will be developed in the following topics. According to the

United Nations Special Rapporteur on Freedom of Opinion and Expression, legitimate types of information that may be restricted include child pornography, hate speech, defamation (in order to protect the rights and reputation of others against unjustified attacks), direct and public incitement to commit genocide, and advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence.

### **Civil Liability in the Brazilian Legal System and Internet Crimes**

In the context of the digital society, civil liability takes on new dimensions within the Brazilian legal system, especially given the increasing occurrence of illegal acts committed in the virtual environment. The internet, while a space that expands the exercise of freedom of expression, has also been the stage for conduct that violates personality rights, such as honor, image, and privacy, generating the need to hold the agents involved accountable.

When analyzing what civil liability is, it can be seen, according to Diniz (2023, p. 44), that this mechanism varies according to the aspects it aims to cover, thus there is no single correct definition of what can be understood by civil liability. This multiplicity of understandings stems from the very complexity of social and legal relations, which impose different forms of interpretation depending on the context and the subjects involved.

Within this perspective, it is also possible to understand the etymological origin of the term, which, according to the scholar Dias (2018), comes from the Latin *respondere*, that is, "to answer for something," which reinforces the idea that accountability arises as a necessary response to the practice of a harmful act, supported by the social demand that everyone assume the consequences of their actions.

The etymology of the word "responsibility" reveals the idea of obligation, of consideration. In this sense, Dias (2018, p. 33) emphasizes that responsibility expresses an equivalence between the act and its consequence, representing a correspondence between the conduct and the reparation due. This conception dialogues with the notion that civil liability is directly linked to the idea of reparative justice.

Complementing this understanding, Diniz (2023, p. 44) defines responsibility as "the situation of someone who, having violated a rule or obligation, causing harm, one is subject to the resulting consequences. their harmful act, that is, to the reparation of the damage, by restoring the status quo ante or by indemnity".

When addressing the issue of the reparability of damage, Rodrigues (2007, p. 51) observes that the real problem of liability is "knowing whether the damage experienced by the victim must or not to be repaired put who caused it", highlighting the element of causality as central to legal analysis.

Along the same lines, Gonçalves (2021) reinforces that civil liability is a phenomenon of an eminently social nature, as it translates the requirement to impute to whoever commits an unlawful act — or omits a legal duty — the burden of bearing the consequences of the harm resulting from their conduct.

Sarmiento (2020) states regarding civil liability:

Civil liability is the duty to compensate for patrimonial or moral damage caused to another, imposed on the agent causing the damage. Accidents resulting from damaged urban public roads can cause material, aesthetic, and even moral damages. The attribution of responsibility in these cases has received special attention from legal professionals and must comply with normative criteria, as well as be analyzed from a perspective that seeks to guarantee the fundamental duality: justice and legal security (Sarmiento, 2020, p. 65).

Complementing this understanding, Machado and Santos (2019) broaden the comprehension of the term "responsibility," associating it with the obligation to give, do, or not do something, to compensate or repair damages, to bear penal sanctions, expressing at all times the obligation to answer for something. Thus, responsibility is nothing more than the duty undertaken by the one who caused the threat of harm, to assume before the entire public sphere, through judicial or extrajudicial means, the damage caused to another through their actions.

In light of the above, Santos (2021) translates that:

Civil liability almost always entails a burden on the agent of the damage, through compensation, which may fall on the passive subject of the original relationship or on some third party. When liability arises from one's own act, there is so-called direct liability, and indirect liability is that which arises from a wrongful act beyond one's control, but somehow under one's protection and supervision. We can then say that civil liability is the obligation to compensate for the loss or damage, originating from an act of the agent himself (direct) or an act or fact under his supervision (indirect), and that this obligation must be assumed before the Judiciary (Santos, 2021, p.12).

Thus, it is evident that civil liability plays a central role in protecting the rights of victims, ensuring full compensation for damages suffered, either through the direct liability of the perpetrator of the harmful act, or by imputing responsibility to someone who, although not directly involved in the harmful event, had control or supervisory power over the principal agent. This distinction between direct and indirect liability, in addition to reflecting the complexity of contemporary legal relations, imposes on legal professionals the need to carefully assess the nature of the relationship between the parties, as well as the circumstances surrounding the damage, in order to adequately substantiate the claim for compensation before the Judiciary .

Venosa (2023) states that:

In principle, any activity that causes harm generates liability or a duty to compensate. There will sometimes be exclusions that prevent compensation, as we shall see. The term liability is used in any situation in which any person, natural or legal, must bear the consequences of a harmful act, fact, or transaction. Under this notion, therefore, all human activity can entail a duty to compensate (Venosa, 2023, p. 358).

According to legal scholars, responsibility manifests itself in various ways, appearing as the capacity to bear the consequences of one's own actions, as the duty to compensate, and also as the obligation to repair damages.

Regarding civil liability in the cyber environment, the enactment of Law No. 12,965, of April 23, 2014, known as the Brazilian Civil Rights Framework for the Internet, stands out. This legislation recognizes internet access as essential to the exercise of citizenship in contemporary society, while establishing the legal framework for the use of the network, considering the particularities of virtual space (Brazil, 2014).

According to Article 19 of the aforementioned legal instrument, internet application providers can only be held liable for damages caused by information produced by third parties if, after a court order, they fail to take adequate measures to remove the content considered infringing, which must be clearly identified and located (Brazil, 2014). Therefore, anyone who considers themselves offended by statements published on social media should contact the Judiciary, provide the default resource locator where the offensive content is located, and request a court order mandating the removal of the material from the virtual environment.

The civil liability of internet providers, websites, and social media application managers is being analyzed within the scope of the Supreme Federal Court. The general repercussion of the matter regarding the constitutionality or not of article 19 of Law No. 12.965/14 was recognized, as the matter was considered of unequivocal relevance, given the importance and reach of social networks, and

could form the basis for thousands of similar lawsuits throughout the country, with legal and financial impact, reverberating in national economic activity (Brazil, 2014).

However, it must be emphasized that social media platforms become jointly liable with the user who caused the harm if they become aware of the injury through legal channels and fail to remove the offensive content. Therefore, the aim is to prevent prior censorship, so that, initially, freedom of expression is guaranteed against restrictions; however, in cases of violation of fundamental human rights that guide the dignity of the human person, there will be subsequent liability for the damages caused, encompassing both the user who caused the harm and, in case of inaction, the social media platform itself.

It is important to highlight that civil liability is an institution of Brazilian civil law composed of elements such as: conduct, fault, causality, and damage. The aim is to restore the status quo ante to the injured individual. Therefore, when fake news is spread, there must be accountability for the damage caused by such an action, since the fundamental right to freedom of expression does not negate such an act.

The Brazilian legislative branch has diligently sought to address the problem of fake news. Proof of this is Bill No. 2,630 of 2020, which establishes the Brazilian Law of Freedom, Responsibility, and Transparency on the Internet. Initiatives like this are attempts to resolve the social conflict in question, taking into account fundamental rights and civil liability for harm caused to third parties. This stance, although still lacking more in-depth studies, is the beginning of the debate proposed in Brazilian law to better deal with the new reality caused by the dissemination of fake news and its relationship with civil liability.

## **FINAL CONSIDERATIONS**

With the conclusion of this research, it is understood that freedom of expression is a fundamental right enshrined in the Federal Constitution, a fact that should not change in the face of new challenges that may arise even decades after its creation, as it is a pillar of democracy.

It is worth noting that when observing the current scenario, analyzing the media and the internet, it can be observed that these are not environments entirely free from particular interests contrary to society. It is evident that the problem revolving around the interests of one party to the detriment of another is not recent; one only needs to study history to verify, for example, that fake news and its dissemination are not a novelty in the world, being a civilizational challenge that predates the creation of the printing press and the internet, and one that has not been solved to this day.

However, it should be noted that freedom of expression – like most fundamental rights – is not absolute and has its limits. For example, it is limited by civil liability, which affects the issue of spreading false news, or so-called fake news.

Finally, it is worth highlighting the idea that, to address the new reality, updated legislation is necessary. Technology alone will not suffice. Only the law guarantees the opportunity for defense and fair proof, characteristic of mature democracies. Within this scope, without any intention of stagnating on an extremely complex subject, the aim was merely to contribute and assist in a deeper discussion of the matter at hand, so commonly found in our legal field. Finally, once again, it is worth emphasizing that our country has been standing out and strengthening itself in the fight against criminal transgressions exposed and prevalent on the web, even though it lacks specific legislation.

## REFERENCES

BRAZIL. **Constitution of the Federative Republic of Brazil of 1988**. Brasília, DF: Executive Branch. 1988. Available at: [https://www.planalto.gov.br/ccivil\\_03/constituicao/constituicao.htm](https://www.planalto.gov.br/ccivil_03/constituicao/constituicao.htm). Accessed on: January 20, 2025.

BRAZIL. **Law No. 12,965**, of April 23, 2014 (Marco Civil da Internet) . Establishes principles, guarantees, rights and duties for the use of the Internet in Brazil. Available at: [https://www.planalto.gov.br/ccivil\\_03/\\_ato2011-2014/2014/lei/112965.htm](https://www.planalto.gov.br/ccivil_03/_ato2011-2014/2014/lei/112965.htm) Accessed on: January 22, 2025.

COUTINHO, José Pereira. Religion and other concepts. **Journal of the Faculty of Arts of the University of Porto**, Vol. XXIV, 2019, pp. 171-193.

DAYS, Sergio Novais . **Responsibility Civil of Attorney** . 2. ed. They are Paul: LTr, 2018.

DINIZ, Maria Helena. **Course on Brazilian Civil Law: Civil Liability** . São Paulo: Saraiva, 2023. Available at: <https://app.minhabiblioteca.com.br/#/books/9786553627765/>. Accessed on: January 20, 2025.

FRANCE . **Declaration of the Rights of Man and of the Citizen of 1789**. Paris, 1789. Available at: [https://www.planalto.gov.br/ccivil\\_03/decreto/d4657compilado.htm](https://www.planalto.gov.br/ccivil_03/decreto/d4657compilado.htm). Accessed on: January 25, 2025.

GIDDENS, Anthony. **The world in it was from the globalization** . Lisbon: Editorial Presence, 2018.

GONÇALVES, Carlos Roberto. **Civil Liability** . 20th ed. São Paulo: Saraiva Jur, 2021.

IBGE. **Research shows that 82.7% of Brazilian households have internet access** . Government. Federal, 2021. Available at: <https://www.gov.br/mcom/pt-br/noticias/2021/abril/pesquisa-mostra-que-82-7-dos-domicilios-brasileiros-tem-> Accessed on: January 20, 2025.

AX, Danielle Renne Gomes; SAINTS SON, Edson Victor of Oliveira. Civil liability and the theory of unforeseen circumstances. **Jus Navigandi Magazine** , Teresina, year 5, no. 44, August 1, 2000. Available in: <https://jus.com.br/artigos/649>. Accessed on: January 18, 2025.

MARTINS, Guilherme Magalhães. **Civil Liability for Consumer Accidents on the Internet** . 2nd ed. São Paulo: Editora Revista dos Tribunais, 2017.

ORGANIZATION OF THE AMERICAN STATES. Inter-American Commission of Human Rights. **Special Rapporteurship for Freedom of Expression**.

**Inter-American legal framework on the right to freedom of expression.**

2009. Available at: <http://www.oas.org/es/cidh/expresion/docs/publicaciones/MARCO%20JURIDIC%20INTERAMERICANO%20DEL%20DERECHO%20A%20LA%20LIBERTAD%20DE%20EXPRESION%20ESP%20FINAL%20portada.doc.pdf>. Accessed  
Published: January 18, 2025.

RODRIGUES, Sílvia. **Civil Law : Civil Liability**. 4th ed. São Paulo: Saraiva, 2007.

SANTOS, João Paulo. **Modern Civil Liability** . São Paulo: Editora Exemplo, 2021.

SARMENTO, Daniel. **The Balancing of Interests in the Federal Constitution** . Rio de Janeiro: Lúmen Juris, 2020. Available at <http://www.dsarmento.adv.br> Accessed on: January 20, 2024.

SILVA, José Afonso da. **Course on positive constitutional law** . 33rd ed. São Paulo: Malheiros, 2021.

VENOSA, Silvo de Salvo. **Civil Law : Civil Liability**. 10th ed. São Paulo: Atlas, 2023.