

From Likes to Laws: Governing Social Media in the 21st Century

Satyavati Rajesh Khaladkar, B.A., LL.B., LL.M., NET., Ph.D (regd.) Principal in-charge, Sarhad Law School

Email id: satyakhaladkar@gmail.com**Abstract**

In the digital age, social media platforms have emerged as transformative tools shaping global communication, public discourse, and societal behavior. While offering unprecedented opportunities for connectivity and expression, these platforms have also become conduits for misinformation, online abuse, data exploitation, and threats to national security. This article explores the evolving landscape of social media governance, highlighting the necessity of legal regulation to ensure accountability, protect user rights, and balance freedom of expression with public safety. Drawing on global legislative examples—including Germany’s NetzDG, India’s IT Rules 2021, and the European Union’s Digital Services Act—it examines the complexities of enforcing platform accountability in diverse political and legal contexts. The article further discusses ethical challenges, platform resistance, and the implications of algorithmic control, child safety, and cross-border jurisdiction. Concluding with a call for transparent, inclusive, and rights-based regulatory frameworks, it advocates for a future where digital freedom and digital responsibility go hand in hand.

Keywords: Social Media Regulation, Digital Governance, Freedom of Expression, Online Safety**Introduction**

The way we talk to each other, get knowledge, and interact with the world has changed a lot because of social media. Social media sites like Facebook, Twitter (now X), Instagram, YouTube, and TikTok have turned into the public spaces of the 21st century, full of people who want to meet, be creative, take action, or do business. On the other hand, with unmatched power comes unmatched duty. The very things that make social media fun—the ability to go viral, the fact that it's anonymous, and the speed with which information spreads—also make it easy to abuse. The bad things that happen online, like harassment, spreading false information, data breaches, and hate speech, need strong rules to keep everyone safe. Now is the time for social media rules to step in.

The 21st century brings up a big question: how do we police sites that affect people all over the world, are privately owned, and have a big effect on the public? This piece talks about the new laws that are being made around the world, how they affect free speech, and how important it is to have fair, ethical, and legally binding rules for social media.

The Rise of Social Media: Power Without Precedent

It is truly amazing how quickly social media has grown in the last twenty years. There are more than 5.1 billion regular social media users around the world as of 2025, and each person spends about 2.5 hours a day on these sites. The effect is felt by people of all ages, locations, and political views, and it changes everything from buying habits to the results of elections.

But social media sites are mostly private businesses that are run by terms of service rather than public law. This has made the internet an uncontrolled area where damaging content like fake news, online abuse, and radical messaging can spread faster than fact-checkers can keep up.

Why Social Media Needs Regulation**1. Misinformation and Fake News**

Recent elections around the world and the COVID-19 outbreak have shown how dangerous false information can be if it is not checked. Untrue information, like vaccine hoaxes and films that have been changed, can cause fear, divide people, and put public health at risk.

2. Cyberbullying and Online Harassment

People can hide their identities on social media sites, which often makes them more likely to use hate speech, doxxing, and trolling. Studies show that one in three teens have been bullied online in some way.

3. Data Privacy Violations

The Cambridge Analytica scandal showed that Facebook user data was stolen and used to sway political campaigns. This event made it clear that tech companies need to be held responsible by data security rules.

4. National Security Threats

It is now possible for hostile state actors to use social media to plan attacks, hire terrorists, and spread false information, all of which threaten national security and political order.

Freedom vs. Regulation: A Delicate Balance

Protecting free speech, which is an important part of democracies, is one of the hardest parts of making rules about social media. Some people say that too many rules could cause censoring, which would stop people from speaking out or reporting the news freely. Fans of freedom, on the other hand, stress that complete freedom without responsibility leads to chaos.

Laws that work must:

- Tell the difference between free speech and hate speech
- Let the courts review decisions about takedowns
- Be open and honest about your position;
- Don't shut down minority views;

Global Legal Frameworks: A Comparative Overview**1. Germany: NetzDG Law**

Germany's **Network Enforcement Act (NetzDG)** mandates that platforms remove "obviously illegal" content within 24 hours or face hefty fines. It is one of the first aggressive national laws addressing hate speech online.

2. India: IT Rules 2021

India's Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules require platforms to:

- Appoint grievance officers
- Enable traceability of originators
- Remove content within 36 hours upon government notice

Critics argue it compromises privacy and weakens end-to-end encryption, while the government defends it as necessary for combating online harm.

3. European Union: Digital Services Act (DSA)

The DSA, enforced from 2024, imposes:

- Stricter content moderation requirements
- Annual risk assessments
- Transparency in algorithms
- Independent audits for large platforms

It is seen as a model for balancing innovation with rights-based regulation.

4. United States: Section 230 Debate

Section 230 of the Communications Decency Act protects platforms from liability for user content. While it helped the internet flourish, many now call for reforms to make platforms more responsible without stifling innovation.

Emerging Trends in Social Media Governance**🌐 Algorithmic Accountability**

Laws are evolving to demand transparency in how platforms rank, promote, or suppress content. This includes disclosures on content recommendation algorithms and content amplification policies.

🤖 AI and Deepfake Regulation

The spread of AI-generated fake content is forcing lawmakers to rethink definitions of truth and authenticity online. Laws must address labeling of synthetic media, digital watermarking, and penalties for malicious usage.

🛡️ Child Safety and Age-Appropriate Design

The UK's **Age-Appropriate Design Code** is leading the way in protecting minors by setting standards for platform design, data collection, and engagement methods.

💬 Digital Literacy and User Empowerment

Beyond legal controls, governments and educational systems are investing in digital literacy—empowering users to identify fake news, protect their data, and use platforms responsibly.

Challenges to Effective Implementation

1. The complexity of the law

Laws are implemented at the national level, but social media sites work all over the world. This causes problems with who has authority and leaves gaps in the law.

2. Resistance on the Platform

Tech companies often refuse to follow the law, saying that it gets in the way of growth and invades users' privacy. Legal compliance also affects business models that depend on getting people to interact and collect data.

3. Risk of Censorship

The rules about social media have been abused in totalitarian governments to shut down critics, stop the resistance, and limit news. The public's trust in the government is hurt by this abuse.

4. Laws That Are Behind

Laws don't change as fast as technology does. Platforms and how they work might have changed by the time laws are passed.

India: A Case in Point

India shows both the good and bad sides of digital government. With more than 800 million internet users, India is one of the biggest places for social media sites to reach people. But more and more government actions, like takedown orders and shutting down the internet, have led to debates about digital rights and control. Recent events, like the blocking of journalist accounts, takedown letters to Twitter, and FIRs against comics and activists, show how complicated the relationship is between platform compliance and state control.

The Way Forward: Principles for Ethical Social Media Governance

The following ideas should guide future rules about social media to make sure they are fair, democratic, and effective:

1. Transparency: Make sure that review rules, content bans, and automatic choices are all made public.
2. Due Process: Make sure users can protest, react, and fight orders to take down content.
3. Propriety: Laws should be fair, and there shouldn't be any total bans or too much monitoring.
4. Inclusion: Let users, experts, and members of civil society help make digital policy.
5. International Cooperation: Push for laws that work across borders to deal with global problems like child pornography, terrorism, and hate speech.

CONCLUSION

It's impossible to overstate how much social media has changed things, from violent fake news to influencer marketing to election fraud. In terms of people, politics, and the economy, it has changed everything. But when you have a lot of power, you need to take care of it.

Clicks, likes, and shares aren't enough in the 21st century. It wants clear rules, laws, and everyone to commit to being polite online. It is no longer a choice whether to regulate social media; it is necessary to protect democracy, human rights, and the digital future of future generations.

REFERENCES

- European Commission. (2022). *The Digital Services Act: Ensuring a safe and accountable online environment*. <https://digital-strategy.ec.europa.eu/en/policies/digital-services-act>

- Government of India. (2021). *Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021*. Ministry of Electronics and Information Technology. <https://www.meity.gov.in/>
- Gillespie, T. (2018). *Custodians of the Internet: Platforms, content moderation, and the hidden decisions that shape social media*. Yale University Press.
- Keller, D. (2020). Amplifying the dangers of intermediary liability for online speech. *Georgetown Law Technology Review*, 4(2), 452–469. <https://georgetownlawtechreview.org/>
- Newton, C. (2021, May 26). India's new internet rules are turning Twitter and Facebook into government censors. *The Verge*. <https://www.theverge.com/>
- United Nations. (2021). *Roadmap for Digital Cooperation*. Office of the Secretary-General's Envoy on Technology. <https://www.un.org/en/tech/roadmap>
- Wray, S. (2022). How Germany's NetzDG law tackles illegal content on social media. *SmartCitiesWorld*. <https://www.smartcitiesworld.net/>
- Zuboff, S. (2019). *The age of surveillance capitalism: The fight for a human future at the new frontier of power*. PublicAffairs.
- Pew Research Center. (2022). *Social media use in 2022*. <https://www.pewresearch.org/>
- Mozilla Foundation. (2021). *YouTube regrets: How the platform's AI spreads harmful content*. <https://foundation.mozilla.org/en/youtube-regrets/>
- West, S. M. (2018). Censored, surveilled, and sealed: The digital age of authoritarianism. *Brookings Institution*. <https://www.brookings.edu/>

