Social media as a factor in the transformation of public administration, justice and legality

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Abstract This article explores social networks’ theoretical underpinnings and real-world impacts on public administration, law enforcement, and judicial power. It uses netocracy institutionalism to evaluate social networks’ diverse effects and the necessity for fresh conceptual frameworks to grasp the intricacies of modern communication societies. The study employs a methodical strategy, incorporating theories such as netocracy, e-government, and legal field theory, as well as concepts about internet communications and information society. It employs structural-functional, institutional, and interdisciplinary methodologies to examine the impact of social networks on public policy and contemporary political communication. Given the increasing reliance on information and communication technologies, social media platforms have become crucial in contemporary public administration. The concept of e-government encompasses various activities facilitated by these technologies, such as service provision, information dissemination, public procurement, and more. A broader e-government perspective emphasises transforming internal and external interactions to optimise management and improve public services, ultimately fostering electronic democracy. Netocratic public management underscores the importance of transparency, collaboration, and public participation in decision-making processes, aligning with the principles of an information-driven society. Netocracy, which consists of a technologically proficient elite, exerts influence and shapes public consciousness and behaviour through advanced communication skills in the digital domain. The research underscores the rising significance of social networks in contemporary governance as netocracy gains prominence as a formidable and impactful entity in the digital age. It also emphasises the necessity for fresh social frameworks and ideas to comprehend the intricacies of present-day communication societies. Within this context, social networks have transformed into vital tools for facilitating communication between authorities and the public, offering numerous channels for interaction and engagement.

Keywords: social networks, netocratic public management, digitalisation, virtual middle, information and communication technologies

1. Introduction

Social networks wield significant influence across various facets of societal existence in the contemporary digital landscape. This impact is particularly notable in public administration, law enforcement, and the judiciary. Recognising the profound implications, it is imperative to underscore these platforms’ pivotal role in shaping societal harmony and ensuring the autonomy and efficacy of judicial institutions.

Social networks have garnered widespread attention globally, permeating various facets of public life, including politics, law enforcement, and the judiciary. Exchanging and communication platforms have brought about significant shifts in shaping public opinion, mobilising populations, and even influencing political and legal decision-making. Consequently, there is an immediate need to examine both the theoretical and practical dimensions of social networks’ impact on public administration, the empowerment of civil society, and the emergence of new challenges for judicial bodies and law enforcement agencies (Prylipko et al., 2020). A comprehensive understanding of these dynamics is essential for devising effective strategies and policies to uphold a just legal order and enhance the quality of the judicial system within the contemporary digital landscape.

Renowned researchers and scientists have made significant strides in understanding various facets of social networks, delving into cultural, social, psychological, and political dimensions. One notable figure in this domain is Pew (2020), whose expertise lies in the political implications of social networks and their role in shaping public opinion and information dissemination. Pew’s work elucidates how platforms like Twitter and Facebook were harnessed by candidates, political parties,
and voters during elections. He investigates how social media facilitates candidate-voter interaction, exploring strategies such as targeted advertising and live broadcasts to convey ideas to the general populace. Moreover, Pew’s research delves into the spread of news and information through social channels, examining the impact of disinformation on electoral discourse.

Tufekci’s research, conducted in 2019, is primarily devoted to investigating how social networks influence mass communication, particularly in the context of social movements and political events. She delves into topics such as censorship, algorithms used by social networks, information echo chambers, and other related aspects of this study area.

Another group of researchers delves into using social networks in public administration, encompassing governmental bodies and public services. A notable example is Manoharan (2021), who examines explicitly integrating social media and internet platforms in public administration.

Researchers such as Goldsmith, Feeney, Arduini, Nasi, and Chen have significantly contributed to IT technologies and social media in public administration and related communications. Their work spans various aspects, including the transformation of local government, improvement of citizen services through technology, impact assessment of social media on government-to-citizen and internal government communications, examination of social networks’ role in facilitating interaction between authorities and the public, and exploration of technological innovation’s effects on public administration and management. These scholars’ research sheds light on utilising social networks in public administration and e-government, offering valuable insights into enhancing governance practices and citizen engagement (Semenets-Orlova, 2022).

The imperative to establish a highly effective electronic governance system is increasingly recognised during worldwide digital transformation. This system addresses citizens’ demands for streamlined public administration and is imperative today. Various countries are adopting diverse approaches to leveraging electronic tools for citizen engagement. The advancement of electronic governance facilitates a shift toward a more communicative relationship between society and the state.

Traditional bureaucratic procedures, characterised by in-person visits to government offices, reliance on paper documentation, and lengthy formalities, are evolving towards more efficient management practices centred on individual accountability. Consequently, government policies are becoming more transparent and accessible to the public, enabling society to play a more active role in shaping global political dynamics and state policies. These shifts suggest the emergence of netocratic elements within public administration.

The issue under investigation is significant for multiple reasons. First, it arises from citizens’ essential requirement for receiving top-notch public services while minimising the expenditure of time, emotions, finances, and other resources. Second, it addresses the necessity of facilitating effective political participation among citizens. Equally crucial is the ongoing integration of social networks into upholding legal order and ensuring the proper functioning of the judicial system. Consequently, this integration gives rise to novel social processes warranting further research.

2. Methodology

A structured methodology serves as the foundational framework for this investigation. It draws upon the paradigm of netocracy, the notion of e-government, and the theory of the legal domain. Additionally, theories concerning internet communication and the information society underpin the examination of contemporary strategies for political communication within the digital landscape.

The selected advanced methodologies allow for a comprehensive exploration of social media’s role as a complexly organised system in public policy. These approaches aid in identifying the fundamental factors influencing its distinct attributes and in analysing the development and application of network-based technologies in public policy.

In broad analysis, three primary approaches are acknowledged: structural-functional, institutional, and interdisciplinary methodologies.

3. Results and discussion

Contemporary state institutions heavily depend on incorporating information and communication technologies (ICT), essential for efficient public administration. The use of automated information systems, specialised software, and advanced automation tools has become indispensable for the operation of governmental entities. Although scholarly literature lacks a definition of “electronic government”, two primary approaches are commonly observed. The first, narrower perspective defines e-government as using ICT by state authorities, encompassing services for the populace and businesses, organising public procurement, financial transactions, and information exchange (Fang, 2002). In contrast, the second, broader approach views e-government as a process of redefining internal and external interactions within the public administration system through the adoption of ICT. This approach aims to enhance management efficiency, elevate the quality of public services, and safeguard citizens’ constitutional rights (McDonagh, 2005).

These two strategies indicate a shift towards incorporating management within the virtual realm, laying the groundwork for establishing efficient electronic democracy. Tested elements of e-government are progressively being adopted for broader application, signalling the emergence of netocratic governance. This model offers enhanced avenues, tools, and communication methods for interaction between the government and society.
Netocratic public management refers to a management framework characterised by transparency, openness, collaboration, and the active participation of the public in decision-making processes facilitated by information and communication technologies. As Storozenko (2023) highlights, this model advocates for a more democratic and inclusive form of governance, essential for fostering an information society.

One of the unconventional participants in contemporary political dynamics within the modern information society is the netocracy, an elite group intertwined within the information “network”. This phenomenon remains relatively understudied and distinct. Emerging electronic communication technologies are elevating and refining political processes. Within present-day society, a power nexus oversees the virtual and tangible realms, often called the netocratic or cyber elites (Kumar, 2023).

According to Swedish scientists Bard and Soderqvist (2002), netocracy embodies the dominance of technologically advanced societies in the social realm. Netocrats possess exceptional communication skills in cutting-edge information technologies, enabling them to influence the thoughts and behaviours of other users within networks. Bard and Soderqvist argue that traditional elites are gradually ceding ground to netocracy, relinquishing their positions in society. They assert that netocracy does not emerge directly from traditional elite structures but from the economic dynamics fostered by globalisation and emerging information technologies. The production, distribution, consumption, and control of information form the foundation of netocracy’s power, shaping its influence in contemporary society.

As a social class, network dominance includes individuals from diverse backgrounds who occupy prominent positions in social networks of influence based on specific characteristics. Cyberdom is demonstrated in the proliferation of online communities centred on diverse interests. Currently, the Internet represents another dimension of social existence in which new opportunities for influence are emerging that influence power dynamics and mechanisms of control.

The emergence of new media platforms in the mobile Internet era has completely changed the pattern of global political communication. In this networked society, traditional information power holders can no longer control ideology and political influence alone. However, social media platforms have bestowed significant authority upon ordinary individuals, offering them unprecedented digital influence (Liu, 2011). Moreover, experts contend that social media is transforming into a powerful tool of diplomacy, wielding considerable impact both at home and on the global stage (Patrut, 2014).

In the era of social media, governmental authority is progressively distributed among engaged communities (Margetts et al., 2015). Freedom of speech catalyses political discourse on social platforms. Extensive engagement in online political dialogues nurtures a sense of empowerment among individuals, who frequently perceive themselves as champions for broader civil society. This proactive involvement motivates many citizens to participate actively in politics.

The OECD views “e-government” as a pivotal tool for enhancing government effectiveness, highlighting the use of information and communication technologies, notably the Internet, to elevate operational standards. While acknowledging the significance of technology, the primary focus lies on proficient management. The OECD emphasises that “e-government” primarily concerns governance rather than technological aspects in its endeavours within the e-government sphere.

Governments should actively leverage the information society’s resources to ensure that their operations align closely with citizens’ demands. According to some scholars, E-government represents an ongoing endeavour to refine service delivery, encourage citizen engagement in governance, and perpetually evolve internal and external governmental procedures by utilising information and communication technologies alongside other pertinent tools (Storozenko, 2023).

Since 2009, many countries have begun exploring opportunities to establish e-government, including using social networks. This initiative aims to enhance operational efficiency, increase government entities’ online presence, promote transparency in government procedures and regulations, and involve citizens actively in governance.

Using social networks in public administration offers several advantages, including streamlined communication processes, increased trust levels, and improved perceptions of government responsiveness. Nonetheless, Western scholars aptly highlight that specified prerequisites must be fulfilled to integrate social networks effectively into the public administration system. These include establishing usage protocols and upholding confidentiality principles, ensuring timely website updates, allocating resources for pertinent analytical endeavours, and providing specialised training for civil servants. Hence, a synergistic approach dictates the delineation of “parameters of order”, as Koliba et al. (2018) outlined.

Numerous examples from American practices demonstrate how government agencies have integrated social media platforms and digital channels for communication and service delivery. For instance, the official US federal government portal, USA.gov, provides links to its Twitter, YouTube, and Facebook pages, mobile applications and an Internet blog. Agencies such as the Consumer Product Safety Commission use social media platforms to allow consumers to report product-related complaints, enabling dialogue between consumers and manufacturers. Similarly, the Federal Bureau of Investigation (FBI) maintains active Twitter, Facebook, and YouTube profiles to disseminate information and engage with users. Through downloadable applications for iPhone and iPad, the FBI offers updates on wanted criminals and other news, complemented by contact details for local FBI offices (Hubanova, 2021).

The Federal Reserve, a vital institution in the US economy, has used several social networking platforms to communicate its decisions and participate in political campaigns. Adopting the Open311 system, an open-source software integrated with government agency CRM systems enables continuous communication and response. Open311 applications
facilitate various functions, allowing users to access government agency sections on websites to lodge complaints, submit claims, and provide feedback on service quality. Various municipalities in the United States, including Boston, San Francisco, and New York, are participating in the Open311 initiative (Swann, 2019).

The collaborative effectiveness of public administration hinges on the interplay between the state and society, as Bourgon (2011) argues. Society’s potential is predominantly actualised through the management resource, which takes on a nonlinear nature in networked communication. This nonlinear aspect facilitates the sustainability and efficacy of national state development, including cultivating new essential competencies among civil servants. These competencies encompass:

- Be open to innovation;
- Perceptions in the field of psychology of electronic communication;
- Willingness to self-manage and self-control;
- Holistic, integral vision.

It is important to note that younger generations, who view digital technologies as essential to their daily lives, are maturing. While Generation Y (born between 1981 and 1995) sees digital technologies as the future, Generation Z already considers them an integral part of the present.

This demographic segment of the population is emerging as fully engaged participants in political affairs. Conventional methods of engaging with this electorate could be more effective, necessitating a new approach by the state leveraging digital technologies, mainly networking platforms.

According to data from WeAreSocial and Hootsuite, as of the start of 2020, approximately 3.8 billion individuals registered on social networks, accounting for nearly 60% of the global population. This number has been increasing yearly; for example, 2019 there were 3.48 billion users, as highlighted by Luttrel and Wallace (2021).

As digital technologies advance, social networks are becoming new avenues for government and public interaction. This requires government officials to actively engage with their audience online. However, the full potential of this platform still needs to be realised, partly because government officials approach digital tools sceptically.

Reale (2014) proposes that the challenge confronting the representation of civil interests in traditional entities like trade unions and political parties indicates a surge in what he labels “consumer citizenship”, made possible by Internet technologies. This change in citizen conduct calls for a reevaluation of public administration practices and a more transparent system capable of harmonising with modern standards of openness, public involvement, and cooperation between civil society and government.

Mergel (2013) conducted a notable study on using social networks in governmental operations. Through interviews with representatives from executive departments, Mergel determined that social platforms serve as new avenues for engaging with the public. These platforms facilitate the dissemination of information from government officials to citizens while allowing officials to gather data on local issues. In her 2013 study, Mergel identified three primary purposes for using social media in the public sector: transparency, collaboration, and participation. Additionally, she classified the functions of social networks in public administration into three distinct groups based on their roles:

- The administration utilises social media primarily to disseminate messages rather than engage directly with citizens, using it as a channel for information rather than interaction;
- Pull strategies aim to draw information from the same demographic, encouraging active involvement within their communities. Despite any drawbacks, they inherently desire interaction and engagement;
- Facilitate continuous and horizontal communication by engaging in open discussions with users;
- Expanding the classification provided by Mergel et al. (2020), social networks enhance the delivery of certain public services and facilitate social interactions. Consequently, according to Criado (2020), its utilisation for public administration can be categorised into three groups:
  - The goal is to disseminate essential administrative information, including activities, events, press releases, and more;
  - Administrations aim to engage with citizens by fostering bi-directional communication on various platforms;
  - Sharing information about government services involves communicating a range of public offerings administered by the government, such as health advisories, weather alerts, water conservation notices, calls to action, and more.

As Villorde (2020) notes, social media’s use to implement new public management strategies within established public organisations is significantly affecting various services and public policies. Social networks’ communicative and participatory capabilities in public administration are particularly evident in emergency management and the efforts to combat misinformation within these platforms. Administrations leverage such dissemination channels to their benefit, aiming to advance the objectives of public administration within society.

Social networks and blogs have become common public discourse channels in the US and Europe. Nowadays, almost every politician maintains an online presence, using these platforms to share information about their political agendas and provide insights into their personal lives.
Several nations have gained valuable insights from employing diverse tools for monitoring the efficacy of public administration through social network analysis. For example, Portugal employs automatic message categorisation based on the ISO 37120 standard to manage citizen feedback related to the delivery of government services. Citizens channel their complaints or feedback regarding specific services to relevant government organisations via official profiles.

Social networks lie in revolutionising the way political communication operates. Direct interaction replaces traditional intermediaries like newspapers and television, with politicians and citizens engaging as equals on these platforms. It fosters a more personalised and transparent political discourse within public spaces. These shifts extend beyond politicians’ direct engagement with users; they reshape political communication, even without politicians’ direct involvement. Social networks serve as arenas for discussing crucial socio-political matters, shaping the opinions of millions and influencing the formation of public sentiment on these issues.

Social networks have made communication more accessible to individuals previously excluded from traditional channels like newspapers, television, and radio in pre-information society. These platforms have created virtual communities where members actively produce and consume content, communicate, and coordinate actions to pursue common objectives. Through social networks, individuals and groups can disseminate information, build online fame, gain public recognition, and enhance their social standing. Consequently, this has led to new pressure groups and increased lobbying capabilities.

Adapting to social networks mirrors historical patterns of how states embraced new communication technologies. This resemblance is captured in the three-stage model of social media adoption proposed and tested by Bretschneider and Mergel (2013). During the “entrepreneurship and experimentation” phase, politicians engage with social networks in an ad-hoc and experimental manner to explore their potential, limitations, and risks. There is considerable variation in the strategies and usage habits of politicians, officials, and government entities on social networks, as there are yet to be universally recognised standards for behaviour. Each participant decides on their approach. As we transition into the “order from chaos” stage, the knowledge gained from initial experiments is organised, leading to a deeper comprehension of the potential of social networks. It recognises prompts and establishes clear guidelines for their use. Finally, formal frameworks emerge in the “institutionalisation” stage that outlines acceptable conduct on social networks, sometimes through regulations and legislation (Lytvyn, 2022). Given that social networks are integrated into existing political communication systems where traditional media already operate, norms and rules from these systems can be adapted to social networks. To facilitate this institutionalisation, dedicated departments within press services are established and staffed with specialists in blogging, video content creation, account moderation, and other relevant areas.

Social networks, as a complex social phenomenon, impact the rule of law. Therefore, it is crucial to examine the legal framework governing citizen engagement in public affairs through social media.

In many countries, citizen participation in public affairs via social media is primarily regulated by implementing Social Media Policies. Below are several examples illustrating these regulations.

Klang and Nolin (2011) conducted a study on 26 regulations regarding social network usage by the local executive and administrative bodies in Sweden. These regulations address vital matters such as monitoring social network activities, gathering public opinions about the organisation, documenting these interactions, establishing user response timeframes, and ensuring coherence with other online resources.

The US Office of Government Ethics has set forth guidelines concerning utilising social media for personal reasons. These guidelines address various aspects such as managing time effectively during work hours, delineating personal views on personal accounts, conducting job searches, and managing official accounts (United States Office of Government Ethics, 2015). The UK has implemented Social Media Guidelines for Government Officials to promote responsible use of online platforms through ethical standards. These guidelines encompass the appropriate use of network platforms and outside official working hours. They allow government officials to engage with citizens, facilitating discussions on policy decisions or highlighting significant events. Remarkably, Britain ranks first globally in the e-Participation Index within the e-Government Index, according to the United Nations’ 2016 report.

The European Commission has approved directives on social media use by its staff, emphasising the need to differentiate between personal and professional use. The guidelines specify which roles within the Commission are authorised to represent the organisation on social media, while others are expected to express personal opinions only. It is important to note that the guidelines also emphasise the obligation to respect intellectual property rights.

Dedicated regulatory bodies have been established in the United States and Canada to oversee government personnel’s online conduct. These entities are authorised to request access to profiles and contribute information. Meanwhile, in France and other European countries, employees must declare their social media accounts when signing employment contracts (Shchokin, 2023).

It is essential to highlight that implementing social media regulations extends beyond government employees to individual citizens. For instance, individuals seeking an American visa may be required to disclose passwords for all their online profiles (Ure, 2019). It grants US immigration authorities unrestricted access to personal information, effectively diminishing the concept of privacy voluntarily.
In April 2017, German authorities implemented laws imposing significant fines, potentially reaching up to 50 million euros, on network platform owners for disseminating false news. While the main objective of this law is to address hate speech and curb the dissemination of misinformation, it also represents the state’s ongoing endeavours to oversee the digital information environment (Garcia and Hoffmeister, 2022).

As social networks become ubiquitous across society, they introduce new social dynamics that shape-shifts in the legal realm. The swift proliferation and extensive utilisation of online resources present considerable hurdles in determining the legal standing of individuals involved in internet-based communication. Among the various legal aspects of social phenomena, the legal status of an individual holds paramount importance, particularly within the realm of social internet networks. Contemporary internet resources operate based on upholding constitutional rights, which are integral to an individual’s legal standing. These rights encompass the freedom to associate (with communities and groups forming within social internet networks around diverse interests, provided such associations adhere to constitutional principles), freedom of thought and expression online social networks often lies in the ability for users to express opinions, judgments, and assessments on any topic, and information rights concerning the distribution, transmission, reception, and utilisation of information.

Enforcing these constitutional rights simultaneously frequently coincides with illicit actions that infringe legal rights and interests. These could encompass unauthorised access to personal data, divulgence of confidential information, defamation, copyright violation, fraud, misuse of banking data, and similar offences for individual users.

Various matters are typically governed by existing branch legislation, such as criminal, administrative, and civil laws, which apply equally to individuals in real-world and virtual communication settings. However, current legal frameworks often need to address the changing nature of individuals who engage in online communication via social networks despite the growing recognition of the unique dynamics of these platforms within the legal sphere.

As the border between virtual and offline reality continues to blur, distinguishing between a “virtual personality” and a “real” person in social interactions becomes increasingly challenging. Legal norms regulating these evolving social dynamics must adapt to recognise the subjects involved and tailor their provisions accordingly. In the information age, traditional distinctions between a “subject of law” and a “subject of a legal relationship” undergo conceptual shifts, often rendering it challenging to discern whether a participant in a legal context is a virtual entity or a flesh-and-blood individual. Consequently, regulating social networks and online platforms necessitates mechanisms and procedures within existing legislation to address these complexities effectively.

Anonymity on the Internet facilitates illicit activities, hindering perpetrators’ apprehension due to limited operational search capabilities and investigative actions across international borders. Moreover, more effective international cooperation is needed to address this issue. Modern computer technologies allow traffic routed through multiple countries, further compounding the challenges.

In contemporary legislative circles, grappling with regulating online anonymity and identifying users for law enforcement poses numerous challenges. However, the approach to enhancing the legal framework in this domain is reactive rather than proactive. Legislative bodies often need more thorough consideration to introduce regulatory changes. They aim to address existing issues but need help to keep pace with the swift evolution of technology. This lag enables criminals to exploit cutting-edge technical tools for unlawful activities.

Exploring legal implications related to social networks is a relatively recent development, drawing considerable focus on public legal issues. These include addressing challenges such as tackling fake news and disinformation, preventing the manipulation of public opinion, protecting personal data from unlawful exploitation, leveraging social media content as evidence in criminal cases, and assessing the effects of adverse online content on minors, which may contribute to detrimental behaviours like suicide. Judicial proceedings are witnessing new labour disputes stemming from breaches of communication ethics and inappropriate social media postings, prompting companies to establish guidelines and codes of conduct for employees engaging on social networks.

In 2021, American professor Lipshultz published the textbook “Social Network Law and Ethics”, delving into critical topics such as copyright, data privacy, protection of dignity and honour, government censorship, social network platform regulations, and employer policies. The book offers legal concepts for managing social media content (Lipshultz, 2021). Preceding this, in 2016, Texas legal scholar and lawyer Daxton authored a similarly titled textbook. Stewart’s work addressed the issues above and explored matters like account ownership in social networks and the utilisation of social media data in legal proceedings (Daxton, 2016). Together, these scholars argue in favour of creating a legal framework to address the intricacies of social network interactions, surpassing mere information provision. The primary civil challenge lies in defining the legal standing of a user’s account, which acts as the repository for all commercial and non-commercial information that pertains to the user. Researchers have endeavoured to classify a social media account within the context of civil law (Mangan and Gillies, 2017).

According to some experts, an online account should be viewed as a product of intellectual effort akin to complex objects like multimedia creations. They suggest considering this perspective, particularly when establishing ownership claims (Houser, 2022). Upon reviewing academic research and terms of service agreements, which establish the framework for interactions between social media platform owners and their users, it becomes apparent that the concept of a social media
account needs to align with civil law constructs neatly. Theoretically, it could be considered a type of digital right, falling into an “other” category if explicitly recognised by legislation. However, even under this classification, its definition remains ambiguous: the account does not truly belong to the user. However, it is owned by the copyright holder of the social network, as outlined in the user agreements.

The comprehension of social networks as a legal entity is still in its infancy, lagging in understanding these platforms as concepts, programs, or developmental strategies. Transitioning to a specific legal framework to address private law regulation within existing legislation or establishing a separate regulatory legal framework is premature. The legal domain of social networks should serve as a cohesive force to tackle various issues, such as clarifying user identity and network ownership. For instance, there could be provisions for holding network owners accountable if consumer rights are violated by individuals using fake accounts for illicit activities. Developing the legal framework for social networks as an independent institution requiring adequate regulation is a pressing task in contemporary times (Mulska, 2022).

In legal oversight, regulation concerning social media is still in its nascent stages. In 2017, Germany introduced the Social Networks Law, which mandates that networking platforms promptly address user complaints and eliminate illicit content (Mangan and Gillies, 2017). Entities that breach this law may face hefty fines of up to 50 million euros. Subsequently, in 2020, the French parliament enacted legislation to combat online hate speech, compelling social media platforms to remove offensive content without judicial intervention. Penalties for non-compliance include fines reaching up to 1.25 million euros, escalating to 4% of the platform’s annual global revenue for repeated infractions (Garcia and Hoffmeister, 2022).

Social networks are vital for raising awareness about justice and law enforcement and influencing the judicial system. They play a significant role in orchestrating petitions and campaigns, as they enable the easy creation of online petitions and the initiation of social media campaigns aimed at garnering support and signatures for particular initiatives or reforms within the judiciary and law enforcement.

Given certain restrictions on extracurricular activities due to their special status, the question arises: Are judges permitted to use social media? The answer is unequivocally yes, as mere participation in social networks does not contravene ethical standards. Furthermore, it is essential to recognise that social media platforms aid in disseminating information about judicial activities, enhancing court transparency, and can serve as tools for legal education. They are integral parts of global culture, and attempting to isolate judges from participating in this information ecosystem would be futile and nonsensical.

As judges increasingly engage in social networks, examining the ethical considerations surrounding their online presence becomes crucial. Determining what is appropriate and where the boundaries lie for judges on social media is a pressing issue. Exploring the ethical dimensions of judges’ participation in social media seeks to underscore the necessity of establishing clear criteria for their behaviour. Resolving contradictions between moral norms governing online conduct and professional, ethical guidelines applicable to judges is imperative. It prompts questions such as: What information do judges deem suitable for publication online, and how closely does their stance align with the judicial community?

The UNODC report highlights the relevance of the Bangalore Principles of Judicial Conduct, which set out six fundamental standards for judges’ conduct: independence, objectivity, honesty and integrity, ethical standards, equality, competence and compassion (Schoeller-Schletter, 2022). Judges are strongly encouraged to adhere to these principles when using social media platforms and refer to the accompanying commentary for further guidance. Because these guidelines were developed before the advent of social media, they need to directly address the use of social media or provide clear advice about its specific challenges or benefits.

The significance of social networks as a source of evidence in legal proceedings has garnered attention. Some American courts have dismissed litigants’ requests to access social media information, deeming it irrelevant to the case. Plaintiffs in Kennedy v. Contract Pharmaceutical Co. alleged sex discrimination and sought damages. However, the defence sought extensive access to the plaintiff’s social media content, requesting “all material related to the plaintiff’s use of social media”. However, the U.S. District Court for the Eastern District of New York refused to compel the plaintiff to comply, citing the motion’s lack of specificity. The court noted that the defence failed to make any effort to narrow down the scope of relevant claims pertinent to the dispute (Graves, 2020; Bondarenko, 2022).

In Ford v. United States, a Maryland district court denied the government’s blanket request for social media content. The government requested “all materials, posts, photos, messages or recordings of any kind on social networking platforms during a specified period that relate to the plaintiff’s and their experts’ claims”. The court opted not to enforce this requirement on the plaintiffs due to its lack of specificity. The government’s request does not specify the type of material sought, leaving the onus on the plaintiffs to determine potential relevance.

– In some legal cases, courts have limited the scope of social media discovery requests instead of outright denying them before compelling compliance from the opposing party. An example occurred in the Mailhoit v. Home Depot case in the Central District of California. The defendant requested extensive disclosure of social network data, as described in Hoffmeister (2014):
  – All social network profiles, posts, and messages concerning the plaintiff’s mental state;
  – A third-party message was sent to the plaintiff to provide context for her message;
The requested materials comprise images of the plaintiff, any social media interactions involving her and current or former Home Depot employees, and any communications regarding her employment at Home Depot or the ongoing lawsuit.

The court considered the last batch of information adequately requested, dismissing all other inquiries for their lack of detail and unlikely relevance in identifying admissible evidence for the case. As eDiscovery cases involving social media content become increasingly frequent in US federal and state courts, parties should recognise that while such information typically necessitates disclosure, courts may entertain more precise requests for the social media data they anticipate. Evaluate its pertinence to the particular case. In 2022, the Supreme Court struck down a Texas law prohibiting social media companies from censoring users based on their “worldview”, ruling it unconstitutional.

The US Supreme Court has recently reaffirmed the provisions of Section 230 of the Communications Decency Act. It clarifies that social networks cannot be held liable for user-generated content, even concerning terrorism-related topics. This decision came after considering two separate lawsuits. One accused Twitter of facilitating terrorist activity by allowing ISIS content on its platform, while the other claimed Google promoted ISIS videos on YouTube through algorithms. The Supreme Court upheld the legal immunity granted by Section 230 by rejecting both cases.

In recent years, courts have progressively welcomed social media platforms as a tool to cultivate stronger ties with their communities. According to research conducted by the Conference of Court Public Information Officers, 41% of American courts currently do not use social media. It reflects a decrease of over 48% in 2013. However, approximately 26% of court officials still perceive social media as unnecessary, while nearly one-third remain neutral. This cautious approach can be attributed to the conservative nature of the judicial system, which traditionally emphasises one-way communication focused on delivering accurate information, constrained resources, legal limitations, and socio-cultural factors such as language barriers (Ure, 2019).

Within this framework, courts have found various applications for social media. For instance, platforms like Facebook are utilised for advertising job openings, sharing calendar events, and publicly acknowledging the achievements or retirements of court staff. Twitter is commonly used by over 60% of courts to announce rulings, manage emergencies, and monitor news updates, including notifications about high-profile cases and operational changes like court reopening schedules after weather delays. YouTube serves as a platform for instructional videos, mainly targeting self-represented litigants with “how-to” guides, some of which are available in Spanish.

The Michigan Supreme Court has outlined specific guidelines for utilising official social media accounts statewide. Predominantly, these guidelines focus on direct communication and facilitating access to justice, with only a few exceptions involving stakeholder participation. Online networking platforms are approved for various functions, such as sharing court-related information, engaging with the community, promoting education, and facilitating interactions to improve access to court services. Additionally, they can be used to gather feedback through surveys, promote special events and volunteer opportunities, distribute press releases, respond to requests for more information, inform jurors or stakeholders about court operations, and train employees in the use of technology.

In a parallel vein, the Florida judicial branch has devised a four-year communication plan incorporating social media objectives. The plan underscores interactive platforms as pivotal tools for bolstering transparency and accountability. Additionally, it emphasises the importance of fostering dialogue between courts and journalists, offering a platform to address public concerns, and leveraging social media for citizen education to foster trust in Florida’s justice system (Jonston, 2017).

In summary, the judiciary is actively employing social media for various objectives. These include internal communication within the courts, recruitment of employees, and training for judges, employees, and individuals representing themselves in legal matters. Online networking platforms are also utilised for disseminating public information such as court locations, operating hours, parking details, and media releases. Additionally, they serve as a tool for community outreach, facilitating interaction for accessing services, seeking input from the public, providing volunteering opportunities, and more.

4. Conclusion

Research has shown that social networks and traditional communication methods present a significant new channel for dialogue between the public and governmental entities. They hold the potential to serve as platforms for both citizen and government engagement. Social networks’ influence on political and social movements and dynamics is expected to continue expanding.

As society evolves, the landscape of communication culture is in constant flux, leading to the emergence of new forms of power organisation. Humanity is tasked with adapting to these evolving communication landscapes. Today’s pressing imperative is to swiftly discern and anticipate these shifts, constructing new social frameworks that align with emerging communication and power dynamics. Networked communication is a potent means to address the inherent contradictions within the information age. Present-day public philosophy should focus on comprehensively studying the intricacies of a communication-driven society, characterised by its vast dispersion and complexity. Grasping the essence of such a society demands the cultivation of innovative approaches and conceptual frameworks.
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