
TikTok: A Legal Perspective on the Digital Environment, Highly Accessed by Minors^{*-**}

» THOMAS CASADEI^{***}

ABSTRACT. The article analyzes TikTok from a holistic perspective, integrating legal, philosophical, sociological, and psychological views, with a focus on minors. From a legal perspective, it examines regulatory measures and court decisions aimed at protecting minors from harmful content. From a sociological point of view, it explores the role of “prosumers” in a “convergent culture”, where users create and consume content, shaping social dynamics, as well as the influence of interactivity and personalization. From a psychological angle, it highlights the formation of mental habits in youth and the importance of user agency within the context of children’s digital rights. Lastly, it advocates for strategies such as digital educational pacts to promote responsible use of TikTok.

^{*} Fecha de recepción: 25 de septiembre de 2024. Fecha de aceptación: 25 de noviembre de 2024.
Para citar el artículo: Casadei, T., “TikTok: A Legal Perspective on the Digital Environment, Highly Accessed by Minors”, *Revista de Derecho Privado*, Universidad Externado de Colombia, n.º 48, enero-junio, 2025, 87-116. DOI: <https://doi.org/10.18601/01234366.48.05>.

Este artículo forma parte de la sección “Forum” del n.º 48 de la *Revista de Derecho Privado*, cuyo título es “Minors and the Use of Technology: Legal Protection and Personal Rights”, que contiene, además de la nota introductoria, tres artículos adicionales.

^{**} This contribution was developed as part of the project “TikTok and Beyond: Best Practices for a Safe Digital Citizenship in the Era of Social Networks”, promoted by the CRID – Interdepartmental Research Center on Discrimination and Vulnerability at the University of Modena and Reggio Emilia (www.crid.unimore.it), specifically through the DET “Law, Ethics, Technologies” IT Workshop, established within the Center, as part of the university’s third mission and public engagement activities. The project, aimed at young people, the educational community, and the broader public, investigates the use of social networks, with a particular focus on TikTok, to understand the risks and dangers that arise from a lack of awareness when using such tools.

The contribution also benefited from the discussions generated by the project “Swipe Like Love – Gender Perspectives on Digital Use and TikTok”. The latter, developed as part of activities linked

KEYWORDS: TikTok, regulation, awareness, digital educational pacts, digital citizenship.

TikTok: una perspectiva jurídica sobre el entorno digital, altamente frecuentado por menores

RESUMEN. El artículo analiza TikTok desde una perspectiva holística, integrando visiones legales, filosóficas, sociológicas y psicológicas, con un enfoque en los menores. Desde el punto de vista legal, examina las medidas regulatorias y las decisiones judiciales orientadas a proteger a los menores de contenido perjudicial. Desde una perspectiva sociológica, explora el papel de los “prosumidores” en una “cultura convergente”, en la que los usuarios crean y consumen contenido, moldeando las dinámicas sociales, así como la influencia de la interactividad y la personalización. Desde el ángulo psicológico, destaca la formación de hábitos mentales en los jóvenes y la importancia de la agencia del usuario en el contexto de los derechos digitales de los niños. Finalmente, aboga por estrategias como los pactos educativos digitales para promover el uso responsable de TikTok.

PALABRAS CLAVE: TikTok, regulación, conciencia, pactos de educación digital, ciudadanía digital.

SUMMARY: Introduction: A look at TikTok through the law. I. The “distinctive features” of TikTok. II. What regulation? Judicial interventions and actions by Authorities against TikTok. III. What awareness and what agency? A sociological perspective: prosumers, digital, encoded and convergent culture, interactivity, personalization. IV. Strategies for a conscious use of the platform: digital educational pacts and *digital citizenship*. References.

to the Memorandum of Understanding between CRID and OGEPO – the Interdepartmental Observatory on Gender Studies and Equal Opportunities (University of Salerno), with the undersigned (representing CRID) and Professor Valeria Giordano (representing OGEPO) as coordinators, aims to critically analyze the messages conveyed on TikTok, particularly the so-called “toxic relationships” spread by some content circulating on this platform.

In addition to Professor Valeria Giordano, I would like to thank Dr. Valeria Barone, Dr. Gianluca Gasparini, Dr. Marco Mondello, Dr. Claudia Severi, and Dr. Benedetta Rossi for the discussions on some key aspects of this contribution.

Special thanks are due to Dr. Casimiro Coniglione and Professor Barbara G. Bello, to whom I owe an important dialogue on the strictly legal aspects contained in the central part of the article.

*** Universidad de Módena y Reggio Emilia, Módena, Italia; profesor titular de Filosofía del Derecho, Teoría y Práctica de los Derechos Humanos, Didáctica del Derecho y Educación en Medios; director del Centro Interdepartamental de Investigación sobre Discriminación y Vulnerabilidad, Universidad de Módena y Reggio Emilia, Módena, Italia (CRID: www.crid.unimore.it/). Doctor en Filosofía Política, Universidad de Pisa, Pisa, Italia. Contacto: thomas.casadei@unimore.it ORCID: <https://orcid.org/0000-0002-2922-5356>.

Introduction: A look at TikTok through the law

TikTok is a digital environment accessed by millions of users worldwide, the vast majority of whom are minors and young people¹. Originally created to share very short videos featuring choreography, pranks, and karaoke, which remain the most widespread type of instant and entertaining content², it has recently become a vehicle for messages of cultural, philosophical, historical, literary, and *lato sensu* educational nature³, and, yet, political and activist⁴, health-related⁵, environmental⁶, and economic content⁷.

- 1 In terms of statistics released in 2024, TikTok – which is available in 155 countries and 75 different languages – had 1.5 billion daily users in 2023, an increase of 16% compared to the previous year. As of January 6, 2024, TikTok has been downloaded 4.1 billion times and is currently the sixth most popular social media platform globally (preceded by Facebook, WhatsApp, Instagram, WeChat, and Douyin). In terms of gender demographics, TikTok is one of the platforms where women make up the majority of users (57% women and 43% men; the female user base for Facebook is 43.2%, for YouTube 46%, for Twitter 43.6%, and for Instagram 47.8%). The United States has 109.54 million TikTok users. The average TikTok user spends 850 minutes on the app each month. 90% of TikTok users access the app daily. Advertising revenue generated by TikTok exceeded \$13.2 billion in 2023. Consumer spending on TikTok surpassed \$3.8 billion in 2023 (<https://www.websiterating.com/it/blog/research/tiktok-statistics/>). In Italy, 19.7 million people use TikTok every month. According to some surveys, in three people in Italy use the app to follow the latest trends, which would mean 19.7 million people use it every month.
- 2 On this aspect, see Shutsko, A., “User-generated Short Video Content in Social Media. A Case Study of TikTok”, in Meiselwitz, G. (ed.), *Social Computing and Social Media. Participation, User Experience, Consumer Experience, and Applications of Social Computing*, Cham, Springer, 2020, 108-125.
On the same topic with regard to the pandemic context, Kennedy, M., “‘If the Rise of the TikTok Dance and e-Girl Aesthetic Has Taught Us Anything, it’s that Teenage Girls Rule the Internet Right Now’: TikTok Celebrity, Girls and the Coronavirus Crisis”, *European Journal of Cultural Studies*, 2020, 1069-1076. On the use of the platform in the pandemic phase, cf., also, Giorgi, G., and Gandini, A., *#iorestoacasa: un’analisi visuale del primo lockdown attraverso Instagram e TikTok*, Bologna, Il Mulino, 2023.
For a comprehensive gaze, see Zeng, J.; Abidin, C., and Schaffer, M., “Research Perspectives on TikTok and its Legacy Apps”, *International Journal of Communication*, 15, 2021, 3151-3162.
- 3 Tobeña, V., “Pensar el futuro de la escuela desde comunidades de prácticas. Claves desde TikTok”, *Dilemata*, 33, 2020, 221-233; Yélamos Guerra, S.; García García Gámez, M.^a C., and Moreno Ortiz, A., “The Use of TikTok in Higher Education as a Motivating Source for Students”, *Porta Linguarum. Revista Internacional de Didáctica de las Lenguas Extranjeras*, 38, 2022, 83-98; González-Mohino, M.; Cabeza Ramírez, L. J., and Villar Muñoz, J., “Youtube, Twitch y TikTok en el aula: la videodifusión en redes como instrumento potenciador de competencias digitales”, in Pinilla Gómez, R., and Cruz, I. (ed.), *Estudios de innovación docente como punto de encuentro de ciencias humanísticas y sociales*, Madrid, Dykinson, 2023, 1025-1043.
- 4 For a critical analysis please refer to Lugo Sánchez, L. J., “El desafío de usar TikTok como recurso tecnopolítico para narrativas auto referenciales. Hacia una propuesta desde la etnografía digital”, in Baena-Cuder, I.; Rando Cueto, D., and Otero Escudero, S. (ed.), *Acciones y realidades ante la manipulación social: redes sociales, publicidad y marketing*, 2023, Madrid, Dykinson, 1085-1107. For a discussion of the political dimension focused on social movements, see Lee, J., and Abidin, C. (eds.), special issue of “TikTok and Social Movements”, *Social Media + Society*, 1, 2023.
- 5 See, for example, Pluta, M., and Siuda, P., “Educating Cancer on TikTok: Expanding Online Self-Disclosure of Cancer Patients”, *Social Media + Society*, July-September, 2024, 1-12. Cf., also, Li,

What still seems to be lacking in this context is an investigation *through legal instruments* and – an aspect of particular interest here – from *the perspective of protecting the rights of minors*, children, adolescents and young people in general; in other words, an approach that takes seriously the forms of interaction on this platform and, within this dimension, considers the potential vulnerability of these subjects⁸.

This contribution primarily aims to thoroughly examine the distinctive features of this platform and its usage, also with the view to understanding the risks arising from the lack of awareness of younger users. From this standpoint, the initial discussion aligns with the perspective of the recently approved AI Act, which, as is well known, revolves around the concept of “risk”⁹ and the issue of “usability” of technologies.

The analysis – which is part of an effort to promote inclusive and equal *digital citizenship* – will then critically examine the messages conveyed on social media, particularly focusing on “hate speech” and “sexist” content promoted by certain circulating materials on the web, which can also be widely disseminated on TikTok¹⁰. Specifically, the contribution will focus on certain measures – such as those by AgCom (the Communications Regulatory Authority)¹¹ and AGCM (the Antitrust Authority)¹² – adopted in Italy under the new “Audiovisual Media Regulation” ap-

Y.; Guan, M.; Hammond, P., and Berrey, L. E., “Communicating COVID-19 Information on TikTok: A Content Analysis of TikTok Videos from Official Accounts Featured in the COVID-19 Information Hub”, *Health Education Research*, 3, 2021, 261-271; Southerton, C., “Lip-syncing and Saving Lives: Healthcare Workers on TikTok”, *International Journal of Communication*, 15, 2021, 3248-3268; Fowler, L. R.; Schoen, L.; Smith, H. S., and Morain, S. R., “Sex Education on TikTok: A Content Analysis of Themes”, *Health Promotion Practice*, 5, 2022, 739-742.

- 6 Nieto Sandoval, A. G., and Ferré Pavia, C., “TikTok y cambio climático: comunicar sin fuentes ni soluciones”, *Revista de Comunicación*, 1, 2023, 309-331.
- 7 Sidorenko, P.; Herranz, J. M., and Moya, A., “Análisis de la comunicación de empresas europeas y norteamericanas en TikTok”, *AdResearchESIC. Revista Internacional de Investigación en Comunicación*, 25, 2021, 106-123. For a specific case studies, see Villena, E.; Fernández, M., and Cristófol, C., “La comunicación de las empresas de moda en TikTok: ASOS como caso de estudio”, *Redmarka. Revista de Marketing Aplicado*, 2, 2020, 95-109.
- 8 For an overview of the vulnerability conditions of minors, please allow me to refer to Casadei, Th., “La vulnerabilità delle persone di minore età: profili giusfilosofici”, in Bernardini, M. G., and Lorrubio, V. (eds.), *Diritti umani e condizioni di vulnerabilità*, Trento, Erickson, 2023, 45-70.
- 9 The regulation defines four risk levels for classifying artificial intelligence applications, which will then be subject to different levels of oversight. The four categorization levels are as follows: unacceptable risk; high risk; limited risk; minimal risk.
- 10 For a recent case study, significant from a legal perspective as it revolves around the approval of a highly debated law in Spain, see Colussi, J.; García-Estévez, N., and Ballesteros-Aguayo, L., “Polarización y odio en TikTok contra la Ley Trans de España”, *Icono 14. Revista de Comunicación y Tecnologías Emergentes*, 1, 2024, 1-20.

11 See at: <https://www.agcom.it/>

12 See at: <https://www.agcm.it/>

proved in December 2023¹³. The new rules allow authorities to restrict the distribution of programs, videos, and commercial communications aimed at the Italian public that could potentially harm the physical, psychological, or moral development of minors, promote racial, sexual, religious, or ethnic hatred, violate human dignity, or fail to ensure sufficient protection for consumers.

This provision, along with others that will be reviewed in the text and adopted in various parts of the world, demonstrates how TikTok today represents a space that, like other digital environments connected to the development of artificial intelligence, cannot escape *legal regulation*¹⁴.

Some have even gone so far as to claim that this platform is “rewriting the World”¹⁵ or, at the very least, has profoundly changed social networks¹⁶ in the “connective world”¹⁷.

Beyond specific studies on certain geopolitical contexts that are increasingly emerging, the global spread of TikTok¹⁸ makes it essential not only to understand its functioning¹⁹ but also to grasp its role in what has been defined as the “dynamics of hypersocial communication”²⁰.

13 Resolution No. 298/23/Cons, Regulation Implementing Article 41(9) of Legislative Decree No. 208 of 8 November 2021 Concerning Programmes, User-Generated Videos or Audiovisual Commercial Communications Directed at the Public Italian Audience and Conveyed by a Platform For Video-Sharing Platform whose Provider is Established in Other Member State [online], available at: <https://www.telefoniatech.it/wp-content/uploads/2023/12/Delibera-298-23-CONS.pdf>

14 For a general overview of the issue, in a rapidly expanding literature, see Kerrigan, C. (ed.), *Artificial Intelligence: Law and Regulation*, Northampton, MA - Cheltenham, UK, Edward Elgar Publishing, 2022; Pajno, A.; Donati, F., and Perrucci, A. (eds.), *Artificial Intelligence and Law: A Revolution?*, Bologna, Il Mulino, 2022, particularly vol. I: “Fundamental Rights, Personal Data, and Regulation”; Bocchini, E., *The Legal Regulation of Artificial Intelligence*, Turin, Giappichelli, 2024; Lalli, A. (ed.), *The Public Regulation of Digital Technologies and Artificial Intelligence*, Turin, Giappichelli, 2024. See, also, Tartaro, A., “Regulating by Standards: Current Progress and Main Challenges in the Standardization of Artificial Intelligence in Support of the AI Act”, *European Journal of Privacy Law and Technologies*, 1, 2023.

15 Herman, J., “How TikTok is Rewriting the World” [online], *New York Times*, March 10, 2019, available at: <https://www.nytimes.com/2019/03/10/style/what-is-tik-tok.html>

16 Atevenio, *Por qué TikTok está cambiando las redes sociales* [online], July 24, 2020, available at: <https://www.atevenio.com/blog/2020/07/razones-del-exito-de-tik-tok/> Cf. Campi Maldonado, A. T.; Torres Vargas, R. J., and Herrera Flores, A. E., “Códigos de modernidad: industria cultural digital y la economía global de desarrollo”, *TikTok. Journal of Science and Research - Revista Ciencia e Investigación*, vol. 6, n.º extra 3, 2021, 257-274.

17 Van Dijk, J.; Poell, T., and De Waal, M., *The Platform Society: Public Values in a Connective World*, Oxford, Oxford University Press, 2018.

18 Boffone, T., *TikTok Cultures in the United States*, Oxford, Routledge, 2022; Otto, I., *TikTok. Digitale Bildkulturen*, Berlin - Wilmersdorf, Verlag Klaus Wagenbach, 2023; Sarwatay, D.; Lee, J., and Kaye, D. B. V., “Exploring Children’s TikTok Cultures in India: Negotiating Access, Uses, and Experiences under Restrictive Parental Mediation”, *Media International Australia*, 1, 2023, 48-65 (special issue on “TikTok cultures in the Asia Pacific”).

19 Anderson, K. E., “Getting Acquainted with Social Networks and Apps: It is Time to Talk about TikTok”, *Library Hi Tech News*, 4, 2020, 7-12. Cf. Xu, L.; Yan, X., and Zhang, Z., “Research on the

Most importantly, it is necessary to ensure its conscious use, which allows for the prevention and mitigation of risks while also recognizing its potential, going beyond the restrictive and exclusive dimension of insecurity.

As has been aptly observed, the proliferation of social networks “not only allows for the flow of information and communications, but also gives rise to new forms of *sociality*, fosters new types of *individual and collective identity*, and forms particular communities that, while a-territorial, have their own consistency, share a certain sense of *belonging*, and consolidate their own *interactive dynamics*”²¹.

Therefore, understanding the impact of platforms (in this case, TikTok) on these processes, as well as on the changing “mental habits”, particularly of the younger generations, is not only a matter of the communication and information system on the Web, and thus of the realm of knowledge (and the powers of participation associated with it), but also of the legal experience and the role of law in relation to certain phenomena occurring on this platform.

I. The “distinctive features” of TikTok

The social network TikTok is a *video-sharing* platform that was launched in September 2016 and quickly spread in the United States and globally²², with a significant impact on forms of creativity and youth culture²³.

Causes of the ‘TikTok’ App Becoming Popular and the Existing Problems”, *Journal of Advanced Management Science*, 2, 2019, 59-63.

- 20 Marino, G., and Surace, B. (eds.), *TikTok: capire le dinamiche della comunicazione* ipersocial, with a contribution by M. de Baggis, Milan, Hoepli, 2022; Schellewald, A., “Communicative Forms on TikTok: Perspectives from Digital Ethnography”, *International Journal of Communication*, 15, 2021, 1437-1457.

A large amount of constantly updated information can be found on the portal “TikTok Cultures Research Network” founded by Crystal Abidin, a “digital anthropologist and ethnographer of vernacular internet cultures,” as well as Professor of Internet Studies and ARC DECRA Fellow at Curtin University (Perth, Australia): <https://tiktokcultures.com/>. As stated in the introduction, it is a “portal for scholarly resources, research projects, and events that connects networks of qualitative scholars from different disciplines around the world”.

- 21 Ferrarese, M. R., *Poteri nuovi. Privati, penetranti, opachi*, Bologna, Il Mulino, 2023, 147.
- 22 Pahm, S., “How a Chinese Social Media App Made it Big in the U.S.” [online], November 17, 2016, available at: <https://money.cnn.com/2016/11/16/technology/musically-success-china-shangai-baby-ariel/>

On the geopolitical implications of TikTok, particularly regarding its effects on the international digital platform market: Gray, J., “The Geopolitics of ‘Platforms’: The TikTok Challenge”, *Internet Policy Review*, 2, 2021, 1-26. See also, more generally, Lee, K.-F., *AI Superpowers: China, Silicon Valley, and the New World Order*, New York, Houghton Mifflin Harcourt, 2018.

- 23 For a broad analysis, see Kaye, D. B. V.; Zeng, J., and Wikström, P., *TikTok: Creativity and Culture in Short Video*, Cambridge, UK, PolityPress, 2022; Lin, J.; Swart, J., and Zeng, G., “Theorizing TikTok Cultures: Neuro-images in the Era of Short Videos”, *Media, Culture & Society*, 8, 2023, 1550-1567.

It is an application primarily used by very young individuals under the age of eighteen worldwide, except – not by chance – in China, where a local *alter ego*, Douyin²⁴, is used.

Both applications are Chinese, similar in their algorithms and in the strategic role they play²⁵; indeed, the very young age of their user base is of fundamental importance: it can, in fact, facilitate the collection of data from citizens, as well as from the future ruling class, through an algorithm that determines content and directs consumption, thus implying the possibility of shaping (or even directing) the *formation of personality*²⁶.

There are some differences between the platform in China and the rest of the world: in the former, the application seems to be more sophisticated, as it also integrates specific functions for Internet marketing²⁷; in the rest of the world, however, it seems to be less developed, at least so far, being more oriented towards forms of “entertainment” and “socialization”²⁸ compared to the Chinese version.

24 Douyin is considered by many to be a weapon in the hands of the Chinese Communist Party: by uniting a vast and diverse country like China, the social platform helps build a sense of national unity and a spirit of mobilization that the Party has long sought. See, in this regard, Chen, X.; Kaye, D. B., and Zeng, J., “#PositiveEnergy Douyin: Constructing ‘Playful Patriotism’ in a Chinese Short-Video Application”, *Chinese Journal of Communication*, 2020, 97-117.

Such a tool can be interpreted, as has been suggested, in a strictly geopolitical key, which already reflects a potential conflict in the present: cf. De Ruvo, G., *Da Hegel a TikTok. Metafisica e geopolitica del capitalismo digitale*, Preface by L. Caracciolo, Lesmo (Monza), Etabeta, 2022. In this sense, the author of the volume reconstructs the events that led to Donald Trump’s request, later rejected by a judge, for a ban on TikTok in 2020. The situation involves a complex political and diplomatic game unfolding between China, Hong Kong, TikTok, its American CEO, America itself – first with Trump and then with Biden – Zuckerberg, American judges, and also involves the European Union.

The space between Hong Kong, the eastern vanguard of China, and Taiwan, the western rear guard of America, is precisely the space where the conflict could escalate into a military one. For a discussion of these aspects and more generally of the contents of the volume, see the review by Soda, G.: “Da Hegel a TikTok” by Giuseppe De Ruvo” [online], *Pandora*, April 24, 2023, available at: <https://www.pandoravista.it/articoli/da-hegel-a-tiktok-di-giuseppe-de-ruvo/>

25 Kaye, D. B. V.; Chen, X., and Zeng, J., “Co-evolution of Chinese Mobile Short Video Apps: Parallel Platformization of Douyin and TikTok”, *Mobile Media and Communication*, 2, 2021, 229-253.

26 The role of the algorithm, according to De Ruvo, will be ideological in measuring, calibrating, and directing public opinion and the sentiment of participation in the hypothetical confrontation, in addition to a potential function of espionage as well as the “negative” steering of public opinion.

27 Scolari, C., “Más allá de TikTok: el ecosistema de las plataformas en China” [online], *Hipermediaciones*, July 11, 2020, available at: <https://hipermediaciones.com/2020/07/11/ecosistema-plataformas-china>; Zhang, Z., “Infrastructuralization of TikTok: Transformation, Power Relationships, and Platformization of Video Entertainment in China”, *Media, Culture & Society*, 2, 2020, 219-236.

28 Macías Rodríguez, H. J., “Entre el entretenimiento y la socialización: un acercamiento a la cultura digital adolescente a través de TikTok”, *Revista Iberoamericana de las Ciencias Sociales y Humanísticas - RICSH*, 23, 2023, 71-97. More in general on the subject of socialization through the new technologies, in a broad literature, please see the useful hints contained in Alcoceba, J., “Juventud, tecnologías de la información y cambio social. Perspectivas y escenarios para la socialización”, in Sierra, F. (ed.), *Ciudadanía, tecnología y cultura. Nodos conceptuales para pensar la nueva mediación digital*, Barcelona, Gedisa, 2013, 181-210. Cf., also, Calderón, D., and Gómez, M., *Consumir, crear, jugar. Panorámica del ocio digital de la juventud*, Madrid, Centro Reina Sofía sobre Adolescencia y Juventud, Fundación FAD Juventud, 2022.

Unlike other social networks (Facebook, Instagram, WhatsApp, or Telegram), TikTok allows users to upload very short and extremely short videos²⁹ (although the time limits have been extended and the maximum duration can currently reach fifteen minutes) and to accelerate, modify, integrate and filter their own videos or those uploaded to the platform³⁰.

Moreover, the platform makes extensive use of “Artificial Intelligence” to analyze the interests and preferences expressed by the application’s users in order to “personalize” their experiences and the content proposed to them³¹.

Sociological analyses (which will be discussed more extensively below) highlight the importance for the platform of the presence of young people from the so-called “Generation Z” – those born between 1997 and 2012 – and “Generation Alpha”, i.e. those born between 2010 and 2020. These analyses follow the modalities of “targeting” and “user profiling” imposed by the logic of marketing, which is often intertwined with the spread of social networks.

For this reason, numerous controversies surround the app, with the risk of amplifying and consolidating various phenomena such as online hate, violence, and sexism³², or the transmission of misleading messages to very young users; in short, the perception of risk and insecurity that is often associated, especially among adults, with the internet and its multiple devices, systems, and artifacts.

According to a reading of TikTok’s policy, the dissemination and publication of content via the platform would be prohibited in the following areas: the sale of animals, tobacco, drugs, and weapons; pornographic material and nudity; gambling; fraud; copyrighted material; chemicals or, more generally, dangerous materials; funeral services; abortion services; terrorism, crime, threats, and violent content; harassment, bullying, and, indeed, incitement to hatred, including through discourse characterized by such.

Nevertheless, even indirectly, such content manages to circulate within this platform. It is no coincidence that various states have begun to issue measures against

29 According to some statistical studies, a quarter of all top-performing videos are between 21 and 34 seconds long.

30 Conde, M., “Estructura mediática de TikTok: estudio de caso de la red social de los más jóvenes”, *Revista de Ciencias de la Comunicación e Información*, 26, 2021, 59-77. For a broad study that aims to decipher the functioning of this controversial application, please refer to Otto, I., *TikTok. Digitale Bildkulturen*, cit.

31 For a guide designed to reach younger consumers, see Girardi, E., *TikTok: fatti sentire prima degli altri: guida strategica per creare da zero e gestire un profilo di successo*, Naples, Edises, 2023. The volume outlines, in operational terms, the methods for setting up a profile, creating a community, and sharing stories and ideas, the use of hashtags, how to do a duet or participate in a challenge, how to utilize ads, as well as the advantages of influencer marketing. On these topics, see also Barbotti, I., *TikTok marketing: video virali e hashtag challenge: come fare business con la generazione Z*, Milan, Ulrico Hoepli, 2020.

32 For a framing of the phenomenon, please see: Bello, B. G., and Scudieri, L. (eds.), *L’odio online: forme, prevenzione e contrasto*, Turin, Giappichelli, 2023; Al Hasani Maturano, A., *Discurso del odio y libertad de expresión. Análisis del ámbito político y artístico*, Madrid, Marcial Pons, 2023.

the platform, both through jurisprudence and via authorities. This has thus opened up a more specific issue of regulation.

II. What regulation? Judicial interventions and actions by Authorities against TikTok

As mentioned above, TikTok raises a number of legal issues that have led to decisive measures taken by states against the platform, including judicial actions.

The global popularity achieved by TikTok has required the platform to constantly negotiate with the rules, regulations, and legal frameworks of the regions in which it operates³³, but more broadly, it must be evaluated in light of the Convention on the Rights of the Child (1989) and, hopefully, other recently adopted charters (for example, the “Digital Rights Charter and the Human Rights of Children and Adolescents”³⁴).

The platform has been banned (either temporarily or permanently) for its content in several countries, including India, Indonesia, and Pakistan³⁵.

Over time, its popularity among underage users has brought the platform under increasing scrutiny and criticism.

In Italy, for instance, on January 22, 2021, the Data Protection Authority mandated the suspension of the use of user data for which age verification had not been established³⁶. This decision was taken following the death of a ten-year-old girl who was taking part in a user-defined challenge – defined “blackout” – in which participants attempted to suffocate themselves with a tight belt around the neck³⁷. The girl chose the most dangerous variant, which involved participants tying a belt around their necks to measure their resistance to suffocation and lack of oxygen, with the expectation that they would share their results after the exercise.

In this case, the relevant aspect on the juridical stage is that of the processing of data concerning minors³⁸ as well as their use of social media, given that there

33 Zeng, J., and Kaye, D. B. V., “From Content Moderation to Visibility Moderation: A Case Study of Platform governance on TikTok”, *Policy & Internet*, 14, 2022, 79-95. More in general, on the crucial issue of moderation, West, S.M., “Censored, Suspended, Shadowbanned: User Interpretations of Content Moderation on Social Media Platforms”, *New Media & Society*, 11, 2018, 4366-4383; Ruckenstein, M., and Turunen, L. L. M., “Re-humanizing the Platform: Content Moderators and the Logic of Care”, *New Media & Society*, 226, 2020, 1026-1042 and, above all, Gillespie, T., *Custodians of the Internet: Platforms, Content Moderation, and the Hidden Decisions that Shape Social Media*, Yale University Press, 2018.

34 See, in this regard, the contribution by María del Carmen Barranco Avilés in this same Forum.

35 Since the Taliban took power, TikTok has been banned in Afghanistan to prevent ‘young people from being deceived’. In Russia, residents are allowed access only to Russian content.

36 See at: <https://www.garanteprivacy.it/>

37 On this point, see: <https://www.garanteprivacy.it/home/docweb/-/docweb-display/docweb/9524224>

38 See, in this regard, Ciccia Messina, A., “Servizi della società dell’informazione: protezione dei dati dei minori e accountability dei genitori”, *Cyberspazio e diritto*, 3, 2023, 275-289.

is currently no mechanism for effectively verifying the age of users, or at least no mechanism that cannot be circumvented. In fact, registration on the platforms is based on a mere trust-based instrument, namely the declaration of legal age during the registration process on the platform itself.

These are profiles that invoke the so-called *parental control*³⁹. Starting from November 21, 2023, Italy has implemented a parental control system to protect minors online and to block access to websites with inappropriate content. These are specific technical measures, but in order to ensure effective control, as will be discussed below, it is also necessary to *promote an informed use* that goes beyond mere technical and informational restrictions.

A second relevant case concerning Italy arose from another dangerous trend that went viral on social media, mainly in France: hence the term “French scar”. The challenge consisted in violently squeezing the skin of the cheeks until bruises or “red marks” appeared on the cheekbones. Many psychologists have intervened to highlight the dangers of this trend, not only due to its effects on physical health – in some cases the bruises can last for several weeks, if not months – but especially due to the risks to mental health that such challenges may pose to adolescents.

The trend of this challenge peaked in the early months of winter 2023, and after a series of incidents, AGCM – the Antitrust Authority – has imposed to TikTok to remove the videos⁴⁰: in this way, it has been possible to reach the first measure

39 For a comment on this nodal aspect, please allow me to refer to Casadei, Th.; Coniglione, C.; Rossi, B., and Severi, C., “Al via il ‘nuovo’ Parental Control System. Ma serve anche più cultura” [online], *Agenda digitale*, November 21, 2023, available at: <https://www.agendadigitale.eu/sicurezza/privacy/minori-online-al-via-il-nuovo-parental-control-system-ma-serve-anche-piu-cultura/> See, also, Senigallia, R., “L’identità personale del minore di età nel cyberspazio tra autodeterminazione e parental control system”, in *Le nuove leggi civili commentate*, n.º 6, 2023, 1568-1602 and, above all, Martoni, M., “Sistemi di age verification. Una prima esplorazione tra salvaguardia dell’interesse prioritario del minore e protezione dei dati personali”, *Cyberspazio e diritto*, 3, 2023, 307-322.

40 For the text of the provision, see: [https://www.agcm.it/dotcmsCustom/tc/2029/3/getDominoAttach?urlStr=81.126.91.44:8080/C12560D000291394/0/4BC8AC6981D58F9FC1258AE4003717FB/\\$File/p31124.pdf](https://www.agcm.it/dotcmsCustom/tc/2029/3/getDominoAttach?urlStr=81.126.91.44:8080/C12560D000291394/0/4BC8AC6981D58F9FC1258AE4003717FB/$File/p31124.pdf) On this point, refer to Mallamaci, A., “TikTok e le pericolose ‘challenge’: bene il faro delle Autorità a tutela dei minori”, *Agenda Digitale*, March 24, 2023: <https://www.agendadigitale.eu/cultura-digitale/tiktok-e-le-pericolose-challenge-bene-il-faro-delle-autorita-a-tutela-dei-minori/> The author of the contribution, a lawyer and member of the Co.re.com. - Regional Committee for Communications of the Calabria Region, also highlights other dangerous challenges in the same contribution: “Penny”, also known as “Outlet” (referring to the wall socket), involves the challenger partially plugging a charger into an outlet so that the terminals are exposed, then taking a penny and touching them. This often leads to electric shocks, but can also cause fires and result in severe permanent injuries, such as the loss of fingers, hands, or arms. A notable incident regarding this “challenge” is that Amazon’s Alexa voice assistant encouraged a 10-year-old girl to attempt it. The mother stated that she uses the virtual assistant technology to motivate her children to try physical challenges, such as balancing a broomstick on their hands. When the girl made the request to Alexa, this was the response (documented by the device’s activity log): “Here’s something I found on the web... The challenge is simple: plug a phone charger about halfway into a wall outlet, then touch the exposed terminals with a penny”. “Milk Crate” is another challenge, which has led to injuries for many participants (mostly children and adolescents, but not exclusively). It involves attempting to climb a staircase made of milk crates without falling. However, some do fall and sustain serious

adopted by the authority under the new Regulation on Audiovisual Media approved in December 2023⁴¹.

Moving to another global context, in India, on April 3, 2019, the Madras High Court explicitly requested the Indian government to ban the TikTok application because, according to the Supreme Court⁴², it encourages serious phenomena related to “sex offenders”⁴³ by displaying inappropriate content to the younger segments of the population. The ban came into effect on April 17, 2019, at the same time as ByteDance (the company that developed TikTok) claimed to have removed more than six million pieces of potentially harmful content regarding minors. However, this ban was lifted on April 25, 2019, following an appeal from one of the app’s developers.

Nevertheless, on 29 June 2020, India’s Ministry of Electronics and Information Technology decided to completely remove TikTok from Indian online stores following several armed clashes between Indian and Chinese forces in the Ladakh region, stating that the application - also regarded a weapon of “cognitive warfare” (a specification of so-called information warfare) - was considered a threat to national integrity and the protection of free Indian institutions.

In addition, the Indian government clarified that this decision – beyond its purely military nature, within the perspective of a “digital risk society” – was adopted to protect users’ data and privacy. Concerns about the treatment of minors’ data have also been raised by various European Data Protection Authorities.

In this regard, it is worth noting that in 2023 the Irish Data Protection Authority fined TikTok 345 million euros for breaching the rules regarding on the protection of minors’ personal data, specifically the GDPR – General Data Protection Regulation⁴⁴,

injuries. Another challenge is called “Orbeez”: orbeez are gel spheres that expand in water. Teenagers shoot Orbeez at unsuspecting individuals “drive-by-style”. The gel beads are usually made with water, but the much more dangerous variant involves freezing them to enhance their effects.

41 Resolution No. 298/23/Cons, Regulation Implementing Article 41(9) of Legislative Decree No. 208 of 8 November 2021, cit.

42 Kalra, A., and Varadhan, S., *Indian Court Refuses to Suspend Ban Order on Chinese app TikTok* [online], Reuters, April 16, 2019, available at: <https://www.reuters.com/article/tiktok-india-court-idINL3N21Y1DUK> Cf., on another portal: <https://it.globalvoices.org/2019/05/india-vieta-lapp-tiktok-perche-degrada-la-cultura-e-incoraggia-la-pornografia/>

43 On these figures: Bruzzone, R., and Caputo, A. (eds.), *Criminologia dei sex offender*, Milan, Giuffrè Francis Lefebvre, 2019; Harkins, G., *Virtual Pedophilia: Sex Offender Profiling and U.S. Security Culture*, Durham - London, Duke University Press, 2020.

44 For a general discussion, see Lynskey, O., “Aligning Data Protection Rights with Competition Law Remedies? The GDPR Right to Data Portability”, *European Law Review*, 6, 2017, 793-814. Furthermore, see Kuner, C.; Bygrave, L. A., and Docksey, C., *The EU General Data Protection Regulation (GDPR): A Commentary*, Oxford, Oxford University Press, 2020. On the mentioned dispute see: https://www.edpb.europa.eu/system/files/2023-09/final_decision_tiktok_in-21-9-1_-_redacted_8_september_2023.pdf

the same position was taken by French and Dutch authorities, which expressed significant concern over the inadequate management of minors' data privacy⁴⁵.

Particularly noteworthy is the recent decision of the Munich Court⁴⁶, which – pursuant to the *Digital Market Act* (2020) and the *Digital Services Act* (2022) – highlighted how the platform violates the obligation to negotiate with rights holders for the utilization of protected content on the platform itself. In particular, the German court – assuming that TikTok plays the role of an OCSSP (*Online Content-Sharing Service*) – asserted the uncontested fact that “large amounts of user-uploaded content are stored on the TikTok platform and then made publicly available to other users. Such content is organized by the defendant, among other things, in user profiles and through ‘hashtags’. It is made accessible by the defendant for the purpose of generating profits through advertising revenue. The TikTok platform competes with other online content. Given its global reach of over one billion active users per month, the platform can be considered to play a quantitatively important role in the online content market”⁴⁷.

Moreover, it should also be noted, in passing, that on September 5, 2023, the European Commission classified ByteDance (the holding company that owns TikTok) as a gatekeeper under Article 3 of the DSA Regulation, precisely because of the service offered by TikTok and its relevance in the market. This decision has been challenged by ByteDance: it will be necessary to wait for a definitive position, as currently, TikTok's precautionary requests have been rejected for lack of *periculum*.

The court recognized as proven the presence of the appellant's protected videos on the platform managed by TikTok, and that such presence constituted a public communication act under Directive 2019/790 and its implementation in Germany. According to the Court, TikTok should be held responsible for this act of public communication because the platform had not made any efforts to attempt to conclude a license with the rights holder.

III. What awareness and what agency? A sociological perspective: prosumers, digital, encoded and convergent culture, interactivity, personalization

From a purely sociological perspective, the platform belongs to the category of so-called *new media* platforms, i.e., those that have emerged from the rapid develop-

45 Ridley, K., “TikTok Faces Claim for Billions in London Child Privacy Lawsuit” [online], *Reuter*, April 21, 2021, available at: <https://www.reuters.com/technology/tiktok-faces-claim-billions-london-child-privacy-lawsuit-2021-04-20>

46 The link to the judgement of the Landgericht München is as follows: Landgericht München I, Urteil vom 09.02.2024, Aktenzeichen 42 O 10792/22 [online], available at: <https://openjur.de/u/2481878.html>

47 Lavagnini, S., “TikTok condannata: così la Direttiva Copyright rafforza la tutela del diritto d'autore” [online], *Agenda digitale*, March 14, 2024, available at: <https://www.agendadigitale.eu/cultura-digitale/tiktok-condannata-cosi-la-direttiva-copyright-rafforza-la-tutela-del-diritto-dautore/>

ment of information technology, where concepts such as participation, interactivity, data sharing, informative content, and the promotion of information occur through *networking* activities supported by software designed for such activities⁴⁸. This has a significant impact on the behavior of minors and the protection of their rights, as well as on the new challenges regarding their education and the shaping of their “mental habits”⁴⁹.

Since these are behaviors and mental habits subject to very relevant processes of change, it seems appropriate to focus on some key concepts that characterize the TikTok platform and its logics.

A first relevant concept, useful for understanding the logic of TikTok, is that of the *prosumer*, which combines the figure of the producer and the consumer. Effectively, the consumer of new media – in general – does not limit himself to the simple consumption of passive content, but rather exploits the possibilities of being an active part by participating in the creation of content: this is particularly evident on TikTok⁵⁰.

TikTok thrives on its contents, which – unlike traditional media – are not created by a single production “department”, but by anyone who has the will and passion to do so. This results in the combination of consumer and producer: the *prosumer*, indeed⁵¹.

A second, by no means secondary, aspect is the “codified digital culture” that can be observed within the dense dynamics of TikTok.

Within the platform it is possible to witness – with various stimuli – the birth and establishment of different trends, linguistic or behavioral fashions, which are reflected in the analog interactions of consociates⁵² and, specifically, in those of younger individuals⁵³.

48 See, in this respect, Gorman, L., and McLean, D., *Media e società nel mondo contemporaneo*, Bologna, Il Mulino, 2021.

49 On this specific and very relevant aspect please refer to Kadrow, S., and Müller, J., *Habitus? The Social Dimension of Technology and Transformation*, Leiden, Sidestone Press, 2019. See, also, Pacelli, D., and Rumi, C. (eds.), *Guardare oltre il media system: formazione, diritti e tutela dei minori*, Rome, Armando, 2021.

50 For a general framework of these processes: Stella, R.; Riva, C.; Scarcelli, C., and Drusian, M., *Sociologia dei new media*, De Agostini, Novara, 2021, in part. 10; Lupton, D., *Sociologia digitale*, Santoro, M. and Timeto, F. (Italian eds.), Milan, Pearson, 2018. For a specific discussion on the figure of *prosumer*, see Degli Esposti, P., *Essere prosumer nella società digitale: produzione e consumo tra atomi e bit*, Milan, Franco Angeli, 2015.

51 On the impact of these processes on the cultural production, see Nieborg, D.B., and Poell, T., “The Platformization of Cultural Production: Theorizing the Contingent Cultural Commodity”, *New Media & Society*, 11, 2018, 4275-4292.

52 Stella, R.; Riva, C.; Scarcelli, C., and Drusian, M., *Sociologia dei new media*, cit., 47. Cf., more in general, Boffone, T., *Renegades: Digital Dance Cultures from Dubsmash to TikTok*, New York, Oxford University Press, 2021.

53 On this aspect, see Anderson, M., and Jiang, J., “Teens, Social Media & Technology 2018”, *Pew Research Center*, 31, 2018, 1673-1689.

The cultural product, or rather the cultural products (due to their vastness and variety), offered by TikTok through the algorithm that directs its functioning, is capable of making viral content that is then picked up by the masses⁵⁴ (*rectius*, by users⁵⁵): the aim is to follow the trend, socialization and sharing, as well as the comments generated by the latter.

Closely related to this is a third concept, that of “convergent culture”⁵⁶, meaning that users have the opportunity to promote their own content: thus, a bottom-up movement occurs rather than vice versa. Such a tendency has a high media potential, as it can be “inspired” by any message or behaviour. Moreover, the establishment of convergent culture is based entirely on “imitation”, with both positive and negative consequences within *ad personam* relationships⁵⁷.

The final sociological considerations concern a fourth and fifth concept: that of “interactivity” and “personalization”.

TikTok’s algorithm follows a logic called *push*, which suggests content relevant to users’ interests⁵⁸. A *pull* logic, on the other hand, sees an active and autonomous user in search of the ideal content for them. Liking content rather than not interacting with it, saving it in favorites or not, playing it several times rather just once, saving the sound used to then reuse it in one’s own content: these are all indicators that help the algorithm choose which content to propose in the future⁵⁹.

On TikTok, the words “interact” and “personalize” can be seen as synonyms.

“Interacting” with content within the platform means personalizing our own experience within the application, by sending information to the algorithm.

On the other hand, “personalizing content” means interacting with it in order to make it consistent with one’s personal taste and communicative intentions.

Closely related to both of them is the concept of “consultation”, in which the user indirectly poses a question to the platform through their interactions with the content, and the platform, via the algorithm, is responsible for providing a response consistent with the user’s needs and desires. An *input* is given to the algorithm,

54 In this regard, see Jensen, K. B., “La comunicación en contextos. Más allá de las dicotomías masa-individuo y online-offline”, in Jensen, K. B. (ed.), *La comunicación y los medios. Metodologías de investigación cualitativa y cuantitativa*, México D.F., Fondo de Cultura Económica, 2014, 294-319.

55 Luque Ortiz, S., “Millennials y centennials. Dos generaciones de prosumers a través de Instagram y de TikTok”, in Álvarez Chávez, M. P.; Rodríguez Garay, G. O., and Husted Ramos, S. (eds.), *Comunicación y pluralidad en un contexto divergente*, Madrid, Dykinson, 2022, 116-138.

56 For a first framework, see Jenkins, H., *Convergence Culture. La cultura de la convergencia de los medios de comunicación*, Barcelona, Paidós, 2008.

57 Zulli, D., and Zulli, D. J., “Extending the Internet Meme: Conceptualizing Technological Mimesis and Imitation Publics on the Tiktok Platform”, *New Media & Society*, 24, 8, 2022, 1882.

58 Cf. Worb, J., “How Does The TikTok Algorithm Work? (+10 Hacks to Go Viral)” [online], *Later Blog*, 2020, available at: <https://later.com/blog/tiktok-algorithm> [visited: September 21, 2024].

59 On these profiles, please see the conclusive remarks developed in Issar, S., “The Social Construction of Algorithms in Everyday Life: Examining TikTok User’s Understanding of the Platform’s Algorithm”, *International Journal of Human-Computer Interaction*, 2023, 1-15.

which then, after processing and analyzing the information, provides a content-based *output* in the user's feed within the platform, generating what can be defined as a "process of algorithmization of the self"⁶⁰.

In the field of personalization, two other variables are included: that of time and space, as well as that of production. The so-called "peripheral consumer" is free to control the time and place of the content delivered in response to the request made to the platform. Personalising one's time and space within TikTok thus means consuming the content offered by the platform when and where they wish.

This can be both a positive and a negative aspect: on the one hand, one is autonomous in managing spaces and times, but on the other hand, no one can warn the user (starting with the adult) in case of content abuse or prevent the viewing of it, thus risking falling into a vortex of content addiction and negative emulation (as seen with the case of the challenge among users defined *blackout* or that of the "English scar"). In fact, these results point to the need to structure strategies that can promote and foster an *aware use* of the platform and, more generally, of social media and the tools offered by information technologies, going beyond the "risk (security) paradigm" and promoting, concretely, *agency*⁶¹, which constitutes the "social foundation of rights" for minors and young people in general⁶².

IV. Strategies for a conscious use of platforms: digital educational pacts and digital citizenship

There is a risk is that individuals belonging to the so-called "Generation Z"⁶³, the generation born in close contact with the emergence of new technologies, may – without critical awareness and through "hyper-mediated"⁶⁴ behaviors that become

60 Bhandari, A., and Bimo, S., "Why's Everyone on TikTok Now? The Algorithmized Self and the Future of Self-Making on Social Media", *Social Media + Society*, January-March, 2022, 1-11. For a survey focused on facebook, instead, see Bucher, T., "The Algorithmic Imaginary: Exploring the Ordinary Effects of Facebook Algorithms", *Information, Communication & Society*, 1, 2017, 30-44. More in general on these aspects, see Papacharissi, Z. (ed.), *A Networked Self: Identity, Community, and Culture on Social Network Sites*, London - New York, Routledge, 2011; Papacharissi, Z., "A Networked Self Identity Performance and Sociability on Social Network Sites", in Lee, F. L. F.; Leung, L.; Qiu, J. L., and Chu, D. S. C. (eds.), *Frontiers in New Media Research*, London - New York, Routledge, 2013, 207-221; Rettberg, J. W., *Seeing Ourselves through Technology: How We Use Selfies, Blogs and Wearable Devices to See and Shape Ourselves*, Palgrave Macmillan, 2014, 33-44; Thumim, N., *Self-representation and Digital Culture*, Dordrecht, Springer, 2012.

61 On this aspect, I refer to my introductory note to this Forum.

62 Baraldi, C., "Le basi sociali dei diritti dei bambini", *Jura Gentium*, 2015 (forum su *La Convenzione internazionale dei diritti dell'infanzia e dell'adolescenza [1989]: riflessioni e prospettive*, Casadei, Th., and Re, L. [eds.] [online], available at: <https://www.juragentium.org/forum/infanzia/it/baraldi.html>).

63 Bignardi, P.; Marta, E., and Alfieri, S. (eds.), *Generazione Z: guardare il mondo con fiducia e speranza*, Milan, Vita e pensiero, 2018. Within the same book, see, in particular, Introini, F., and Pasqualini, C., "Generazione Z, i 'veri' nativi digitali", 81-108.

64 Hidalgo, J., "Jóvenes hipermediales: hipermediatización del yo y las juventudes interconectadas", in Barredo, D.; Rodrigues da Cunha, M.; Hidalgo Toledo, J., and Freundt-Thurne, Ú. (eds.), *Jóvenes*,

a mental habit – emulate negative examples that may jeopardize their own psycho-physical well-being as well as that of others⁶⁵.

The digitization process, with its numerous opportunities for interconnection and the pervasiveness of new devices, poses new and complex challenges in the educational field. Challenges that firstly schools and teachers, families and parents, but also the entire community and citizenship, are called upon to address.

What seems to be needed is the definition of shared goals: on the one hand, certain processes focus on the creation of pacts and alliances, of which the so-called “digital education pacts” are a significant example, and, on the other hand, the valorization of positive uses of the platform within the framework of “digital citizenship”.

The “digital educational pacts” are valuable tools in the direction of prevention and education, rather than a logic of control, prohibition, and sanction associated with what has been referred to in this context and in the introductory note to the Forum as the “risk paradigm”.

What is needed is the definition of shared goals, and in this context, the so-called “digital educational pacts” represent valuable tools⁶⁶.

The digital educational pact can be understood as a “pact of co-responsibility” for digital education, starting with the family and opening to cooperation with other stakeholders involved in the digital education of minors.

Digital education is not limited to the management of individual family choices: experience shows that the community (schools, local authorities, and the world of associations) can join with individual families to form a collective alliance, outlining the best strategies for the digital education of children.

In fact, when children receive inconsistent messages from the adult world, they are – fundamentally – disoriented. This ‘disorientation’ can lead to wrong choices in online navigation. Conversely, a strong community alliance (*rectius*, of groups), which organizes itself to outline the best educational strategies in the digital realm, can provide a clear framework for educational choices.

A digital educational pact contains the fundamental principles of these shared choices, ensuring that families, local authorities, and the world of associations com-

participación y medios de comunicación digitales en América Latina, Cuadernos Artesanos de la Comunicación, 2019, 17-45; Torres, À.; De-Santis, A., and Vintimilla-León, D. (coords.), *Más allá de la hipermeabilidad*, Quito, Universidad Politécnica Salesiana - Editorial Abya-Yala, 2021.

65 On this point, see Bilotto, A.; Bozzola, I., and Galante, C., *Genitori social ai tempi di TikTok e Onlyfans: come educare i figli ad utilizzare Internet in modo positivo*, Faenza, Homeless book, 2024.

66 For a series of framing and in-depth materials, it is possible to consult the Center for Digital Wellbeing, established by Prof. Marco Gui at the University of Milano-Bicocca: <https://www.benesseredigitale.eu/> For a presentation of these tools, see Casadei, Th., and Coniglione, C., “I patti educativi digitali: una possibile risposta alle sfide della rete” [online], *Agenda digitale*, November 13, 2023, available at: <https://www.agendadigitale.eu/scuola-digitale/patti-educativi-digitali-come-abituare-i-ragazzi-a-un-uso-consapevole-dei-device/>

mit to the proper use of new technologies by children and teenagers, so as to guarantee their psycho-physical well-being⁶⁷.

On these premises, the following programmatic guidelines for a digital educational pact can be outlined:

- Any “technophobic” vision on the part of parents must be overcome, but the transition from analog to digital must be gradual;
- Preparing the child’s digital autonomy in advance, starting with shared use of devices, and gradually giving independence to the minor, who can then begin to exercise what we have defined as *agency*;
- Establishing clear and transparent rules for the use of the devices from the outset;
- Families are adequately informed about the use of the device by the minor and, in a sense, take greater responsibility through the pact, which involves other families, institutions, and the world of associations.

Digital educational pacts are undoubtedly an important opportunity, as they allow synergy between families, schools, local authorities, and the world of associations, establishing clear but never oppressive rules for children and this can accompany their introduction to platforms such as TikTok and gradually guide them in *how to use* them.

This approach permits to enhance the positive potential of new technologies without being consumed by the frantic race toward digitalization, on the one hand, and without falling into the negative circuits of new technologies – such as viewing inappropriate content for minors or operating in an ‘inappropriate’ online environment – on the other.

The undoubted advantage of a digital educational pact, in addition to the creation of shared principles and rules, is its *flexibility*: new families joining the pact, or the original families, will be able to redefine or establish new content as needs arise and evolve over time.

The primary goal is the psycho-physical well-being of children (and the full protection of their rights), so that they can gain awareness and maturity in the use of devices, without rushing the physiological process of growth and maturation when interacting with online content and, at the same time, learn how to practice digital skills.

67 By way of example, three fundamental principles of a digital educational pact can be outlined: collectively deciding the right time for introduction, that is, determining when children can begin to engage with different types of screens, agreeing together on the most appropriate content and which devices to provide; participating with families in moments of digital education, meaning deciding when to organize in-depth meetings and experience-sharing sessions that aim for a creative, enjoyable, and shared use of digital devices; and establishing binding rules on the use of smartphones and digital devices, meaning families and children define specific agreements that they commit to strictly adhering to.

This type of path seems to be very well linked to the practices of discovery and sharing practices at various levels that platforms in general and TikTok in particular can make possible⁶⁸. This opens the door, as mentioned in the *incipit*, to a conscious use of such tools that is fully in line with the perspective of *digital citizenship*⁶⁹, which, in addition to risk assessment and management, is manifested in the practices of socialization and interaction enabled by the network and the digital society, thus promoting, for minors and young people in general an encounter between knowledge (in its various forms), awareness, and *agency*.

That this happens even in a space *ab origine* intended for entertainment seems to me a significant achievement.

68 For some examples see Guíñez, N., and Mansilla, K., “Booktokers: generar y compartir contenidos sobre libros a través de TikTok”, *Comunicar*, 30 (71), 2022; Ardiana, E., and Azwar, A., “The Effect of Using the Tiktok Application as Learning Media on the Activeness and Learning Outcomes of Class XI Social Sciences Students in Sociology Subjects at SMA”, *LANGGAM - International Journal of Social Sciences Education, Art and Culture*, 2, 2022, 22-29; Lampe, N. M., “Teaching with TikTok in Online Sociology of Sex and Gender Courses”, *Teaching Sociology*, 4, 2023, 323-335.

69 See, on this topic, ultimately, Scagliarini, S., “I diritti costituzionali nell’era di internet: cittadinanza digitale, accesso alla rete e *net neutrality*”, in Casadei, Th., and Pietropaoli, S. (eds.), *Diritto e tecnologie informatiche. Questioni di informatica giuridica, prospettive istituzionali e sfide sociali*, 2nd ed., Milan, Kluwer, 2024, 3-15. Cf. also Pietrangelo, M., “Cittadinanza digitale e diritto all’uso delle tecnologie”, in Cammarota, G., and Zuddas, P. (eds.), *Amministrazione elettronica. Caratteri, finalità, limiti*, Turin, Giappichelli, 2020, 15 ss.

The norms on digital citizenship in Italy find their constitutional basis not only in Article 97 of the Constitution, but also in the fundamental principles and interpretive guidelines related to personal development. As has been noted, “[d]igital citizenship is ultimately expressed in a set of rights that stem not only from the right to use technologies but also from principles of transparency, participation, and collaboration, such as the right to ‘simple and integrated’ online services (Article 7) and the right to electronic democratic participation (Article 9), which refers to the use of information technologies at various stages of the democratic process, in order to ensure and promote participation in the public sphere, engagement in decision-making processes, and citizen oversight. Individual freedom in the digital dimension is thus articulated not only in an individual sense but also in a social and public dimension related to the democratic process. The digital rights of citizens are accompanied by the corresponding duty on the part of institutions to make them effective, as they are called upon to activate the necessary tools to bring about concrete digital citizenship and are also held accountable in the event of non-compliance with the provisions” (Faini, F., “L’amministrazione pubblica nella società tecnologica e i diritti digitali”, in Casadei, Th., and Pietropaoli, S. [eds.], *Diritto e tecnologie informatiche. Questioni di informatica giuridica, prospettive istituzionali e sfide sociali*, cit., 121).

In a now extensive literature on these aspects, see also: Fuggetta, A., *Cittadini ai tempi di Internet: per una cittadinanza consapevole nell’era digitale*, Milan, Franco Angeli, 2018; Faini, F., “Tecnologie informatiche, pubblica amministrazione e cittadinanza digitale”, in Cassano, G., and Previti, S. (eds.), *Il diritto di Internet nell’era digitale*, Milan, Giuffrè Francis Lefebvre, 2020, 1103-1116; Pascuzzi, G., *La cittadinanza digitale: competenze, diritti e regole per vivere in rete*, Bologna, Il Mulino, 2021; Costantino, F., “La c.d. cittadinanza digitale”, *Diritto pubblico*, 2023, n.º 1, 143-178.

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