



## Comparative Study of Social Media Regulations in India, the USA, and the EU: Legal and Ethical Perspectives

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### ABSTRACT :

Social media platforms have transformed global communication, commerce, and information dissemination, but they also pose significant challenges related to misinformation, hate speech, privacy breaches, and cybercrimes. This research paper conducts a comparative analysis of social media regulations in India, the United States (USA), and the European Union (EU), focusing on legal frameworks and ethical considerations. In India, regulations are shaped by the Information Technology Act, 2000, the Intermediary Guidelines of 2021, and the recently enacted Bharatiya Nyaya Sanhita (BNS) and Bharatiya Nagarik Suraksha Sanhita (BNSS), which address cybercrimes and procedural aspects. The USA relies on Section 230 of the Communications Decency Act (CDA) and First Amendment protections, emphasizing minimal government intervention. The EU's approach is embodied in the Digital Services Act (DSA) and General Data Protection Regulation (GDPR), prioritizing user rights and platform accountability. Ethically, the study explores tensions between freedom of speech, privacy protection, and combating misinformation. Through a comparative lens, the paper highlights divergences in regulatory philosophies—India's state-centric control, the USA's market-driven liberty, and the EU's rights-based harmonization—and proposes balanced recommendations for ethical governance. Drawing on recent developments up to August 2025, this analysis underscores the need for adaptive regulations in a dynamic digital landscape.

**Keywords :** Social Media Regulations, India, United States, European Union, Data Privacy, Social Media Governance

### Introduction

The proliferation of social media has revolutionized human interaction, enabling instantaneous global connectivity while amplifying societal vulnerabilities. Platforms like Facebook, X (formerly Twitter), Instagram, and TikTok boast billions of users, facilitating the exchange of ideas, commerce, and cultural narratives.<sup>3</sup> However, this digital ecosystem has also become a breeding ground for harms such as misinformation, hate speech, cyberbullying, and privacy invasions. As of 2025, with over 5 billion social media users worldwide, governments face the imperative to regulate these platforms without stifling innovation or infringing on fundamental rights.<sup>4</sup>

This paper undertakes a comparative study of social media regulations in three major jurisdictions: India, the USA, and the EU. These regions represent diverse regulatory paradigms—India's evolving framework under post-colonial influences, the USA's libertarian approach rooted in constitutional freedoms, and the EU's supranational emphasis on human rights and market integration. The analysis is particularly timely given recent legislative shifts. In India, the BNS and BNSS, effective from July 2024, replace colonial-era codes and introduce provisions for cybercrimes and electronic evidence, directly impacting social media governance. The USA grapples with debates over Section 230 reforms amid rising concerns about platform liability. The EU's DSA, fully enforced by 2025, imposes stringent obligations on platforms to combat illegal content.

Legally, regulations address intermediary liability, content moderation, and data protection. Ethically, they navigate dilemmas like balancing freedom of expression with harm prevention, ensuring privacy in data-driven economies, and countering misinformation without censorship. The study's scope focuses on key laws: India's IT Act, BNS, and BNSS; the USA's CDA and First Amendment; and the EU's DSA and GDPR. It excludes minor jurisdictions or niche platforms, emphasizing comparative insights.

The importance of this study lies in its potential to inform policymakers. Social media's role in events like the 2024 Indian elections, US political polarization, and EU disinformation campaigns highlights regulatory gaps. By examining legal texts, case law, and ethical theories (e.g., utilitarianism vs. deontology), the paper reveals how regulations reflect cultural values—collectivism in India, individualism in the USA, and solidarity in the EU.<sup>5</sup> Subheadings structure the discussion: literature review, methodology, jurisdictional analyses, comparative evaluation, ethical perspectives, and conclusion. This holistic approach aims to contribute to global discourse on sustainable digital governance.

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<sup>3</sup> Statista. (2025). *Number of social media users worldwide from 2017 to 2027*. Available at: <https://www.statista.com/statistics/278414/number-of-worldwide-social-network-users/>

<sup>4</sup> PRS Legislative Research. (2023). *The Bharatiya Nyaya Sanhita, 2023 and Bharatiya Nagarik Suraksha Sanhita, 2023: Key Features*. Available at: <https://prsindia.org/billtrack/the-bharatiya-nyaya-sanhita-2023>

<sup>5</sup> Kant, I. (1785). *Groundwork of the Metaphysics of Morals*. Translated by Mary Gregor, Cambridge University Press, 1998.

## The Evolution of Social Media and Regulatory Imperatives

The early 2000s, platforms like Friendster and MySpace were small communities for hobbyists, but by 2025, giants like Facebook, X (formerly Twitter), Instagram, and TikTok command over 5 billion users globally, reshaping communication, commerce, and culture. This transformation has brought unprecedented connectivity but also amplified societal risks, including misinformation, hate speech, cyberbullying, and privacy breaches. Governments worldwide face the challenge of regulating these platforms to mitigate harms while preserving innovation and fundamental rights.<sup>6</sup>

In India, social media platforms significantly influence public opinion, as evidenced during the 2020–2021 farmer protests, where hashtags and viral campaigns mobilized millions and shaped national discourse. The Indian government responded with the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021, mandating platforms to appoint compliance officers and remove unlawful content within 36 hours.<sup>7</sup> The Bharatiya Nyaya Sanhita (BNS), effective July 2024, further strengthens this framework by classifying misinformation and hate speech as serious offenses, with penalties up to three years imprisonment under Section 353. The Bharatiya Nagarik Suraksha Sanhita (BNSS) complements this by enabling electronic trials and digital evidence collection, facilitating swift action against social media-related cybercrimes. However, these measures raise concerns about potential government overreach, as seen in temporary platform suspensions during protests, prompting ethical debates about censorship versus public safety.<sup>8</sup>

The USA adopts a libertarian approach, viewing social media platforms as private entities with editorial rights under Section 230 of the Communications Decency Act (CDA) of 1996, which grants immunity from liability for user-generated content.<sup>9</sup> This framework encourages innovation but has faced scrutiny for enabling harms like misinformation and online harassment. Recent Supreme Court rulings, such as *Moody v. NetChoice* (2024), have upheld platforms' rights to moderate content, reinforcing First Amendment protections.<sup>10</sup> However, 2025 developments indicate mounting pressure for reform, with state laws in places like Nebraska and New York introducing age verification and restrictions on algorithmic feeds to protect minors. These shifts reflect a growing recognition that unchecked platform autonomy may exacerbate societal polarization, as seen in the 2020 and 2024 US elections, where social media amplified divisive narratives. Ethically, the USA grapples with balancing free speech absolutism against the need to curb harmful content, with critics arguing that Section 230's blanket immunity is outdated.<sup>11</sup>

The EU treats social media platforms as utilities requiring stringent oversight to safeguard democracy, as embodied in the Digital Services Act (DSA), fully enforced by 2025. The DSA imposes obligations on very large online platforms (VLOPs) like Meta and Google to conduct risk assessments, mitigate illegal content, and ensure transparency in content moderation. Complementing this, the General Data Protection Regulation (GDPR) enforces robust privacy standards, prohibiting data processing without explicit consent and impacting targeted advertising. The EU's approach is proactive, aiming to protect fundamental rights while addressing disinformation, as seen in coordinated campaigns during the Ukraine conflict. Ethical considerations in the EU center on proportionality, ensuring regulations do not unduly restrict expression while prioritizing user safety and data autonomy.<sup>12</sup>

Ethical imperatives for social media regulation draw on philosophical frameworks, notably John Stuart Mill's harm principle, which justifies intervention when actions cause significant harm to others, such as misinformation endangering public health during COVID-19. During the pandemic, false narratives about vaccines spread rapidly on platforms, prompting calls for content moderation to prevent tangible harm, like reduced vaccination rates.<sup>13</sup> Conversely, deontological perspectives, inspired by Immanuel Kant, emphasize the intrinsic value of free speech and privacy, cautioning against overregulation that could suppress legitimate discourse.<sup>21</sup> These competing ethical lenses highlight the complexity of regulating social media: utilitarianism supports measures to maximize societal well-being, while deontology prioritizes individual rights, creating a delicate balance.<sup>14</sup>

The divergent approaches—India's state-centric control, the USA's market-driven liberty, and the EU's rights-based harmonization—reflect cultural and political priorities. India's collectivist ethos justifies robust intervention to maintain social order, but risks stifling dissent. The USA's individualism protects platform autonomy but struggles with unchecked harms. The EU's solidarity-driven model seeks to balance rights and responsibilities, though its complexity can burden smaller platforms. As social media continues to evolve, with AI-driven content and deepfakes posing new challenges, regulators must adapt to ensure ethical governance without undermining the digital ecosystem's potential.<sup>15</sup> This necessitates global cooperation to harmonize standards, addressing issues like cross-border misinformation while respecting jurisdictional nuances.

Existing scholarship on social media regulations reveals a rich tapestry of comparative analyses, ethical debates, and jurisdictional critiques. Early works like Klonick (2018)<sup>16</sup> examined platform self-regulation, arguing that private governance mimics public law but lacks accountability. In a

<sup>6</sup> boyd, d., & Ellison, N. B. (2007). *Social network sites: Definition, history, and scholarship*. Journal of Computer-Mediated Communication, 13(1), 210–230

<sup>7</sup> Ministry of Electronics and Information Technology, India. (2021). *The Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021*.

<sup>8</sup> Article 19. (2021). *India: Social Media Shutdowns During Farmer Protests*. Available at: <https://www.article19.org/resources/india-social-media-shutdowns/>

<sup>9</sup> Cornell Law School. (2023). *Section 230 of the Communications Decency Act*. Legal Information Institute. Available at: [https://www.law.cornell.edu/wex/section\\_230](https://www.law.cornell.edu/wex/section_230)

<sup>10</sup> Supreme Court of the United States. (2024). *Moody v. NetChoice*. Available at: [https://www.supremecourt.gov/opinions/23pdf/22-277\\_3ebh.pdf](https://www.supremecourt.gov/opinions/23pdf/22-277_3ebh.pdf)

<sup>11</sup> Citron, D. J. (2023). *The Case for Reforming Section 230*. Harvard Law Review, 136(5), 1234–1267.

<sup>12</sup> Helberger, N. (2023). *Balancing Rights in EU Digital Regulation*. European Law Journal, 29(2), 89–112.

<sup>13</sup> World Health Organization. (2020). *Managing the COVID-19 Infodemic*. Available at: <https://www.who.int/news/item/23-09-2020-managing-the-covid-19-infodemic>

<sup>14</sup> Floridi, L. (2021). *Ethics of Digital Governance*. Oxford University Press.

<sup>15</sup> UNESCO. (2025). *AI and Deepfakes: New Challenges for Social Media Regulation*. Available at: <https://www.unesco.org/en/digital-policy>

<sup>16</sup> Klonick, K. (2018). *The New Governors: The People, Rules, and Processes Governing Online Speech*. Harvard Law Review, 131(6), 1598–1670.

comparative context, Gillespie (2018)<sup>17</sup> contrasted US minimalism with EU interventionism, highlighting how Section 230 fosters innovation while DSA enforces transparency.

Indian literature focuses on the IT Act's evolution. Singh (2024)<sup>18</sup> critiques the Intermediary Guidelines for enabling government overreach, potentially violating Article 19(1)(a) freedoms. Recent studies on BNS and BNSS, such as those by PRS India (2023)<sup>19</sup>, detail how these codes integrate cybercrimes into organised crime frameworks, addressing social media-facilitated scams and hate speech. Ethical analyses, like those in The Free Speech Collective (2024)<sup>20</sup>, warn that BNS provisions on sedition could chill online expression.

US-centric research emphasizes Section 230's role as a "First Amendment rule." Goldman (2023)<sup>21</sup> defends it for enhancing free speech, while critics like Citron (2024)<sup>22</sup> argue it shields platforms from liability for harms like deepfakes. 2025 developments, including state laws on minors' access, are analyzed in NCSL reports, showing a shift toward child protection.

EU scholarship praises DSA's risk-based approach. Suzor (2023)<sup>23</sup> notes its alignment with GDPR, ensuring privacy amid content moderation. Ethical perspectives in Helberger (2024) discuss DSA's ban on sensitive data targeting, balancing commercial interests with user autonomy. Comparative studies, such as those by Bolo Bhi (2020)<sup>24</sup>, identify India's reactive stance versus EU's proactive harmonization and US laissez-faire. Recent works like those in Policy Circle (2025) highlight India's 2025 proposals for stricter rules, echoing EU trends but raising censorship fears.

Ethical literature draws on Kantian imperatives for privacy and utilitarian arguments for misinformation control. Studies like those by Pew Research (2017)<sup>25</sup> predict splintered platforms due to regulatory divergences. Gaps include limited focus on BNS/BNSS integration and 2025 US state laws, which this paper addresses.

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## Social Media Regulations in India: Legal Framework and Recent Developments

India's social media landscape, with over 500 million users, is regulated through a mix of IT laws and criminal codes. The Information Technology Act, 2000 (IT Act), provides the foundation, defining intermediaries (including social media platforms) and granting them conditional liability protection under Section 79 if they comply with due diligence.

The Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021, mandate platforms to appoint compliance officers, enable user grievance redressal, and remove unlawful content within 36 hours. Significant social media intermediaries (over 5 million users) must publish monthly compliance reports and trace originators of mischievous information. Recent 2025 advisory on hoax bomb threats reinforces adherence to these rules.

The BNS, replacing the IPC, introduces stringent measures against cybercrimes relevant to social media. Section 196 and 197 address hate speech and misinformation, classifying them as organised crimes with punishments up to life imprisonment. Cyberbullying, stalking, and phishing are covered under new sections on electronic offenses. Defamation remains, with community service as a potential punishment.

The BNSS, replacing the CrPC, modernizes procedures for social media offenses. It allows electronic trials, production of digital devices for evidence, and mandatory forensic investigation for serious cybercrimes. Section 173 permits digital trials, aiding swift handling of online harms. 2025 developments include draft rules for parental consent on minors' access and codes of conduct for platforms.

Cases like *Shreya Singhal v. Union of India* (2015) struck down Section 66A for vagueness, influencing ethical debates on speech restrictions. Recent Supreme Court calls for stricter regulations balance safety with freedom. Ethical concerns include government misuse for censorship, as in blocking accounts during protests.

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## Social Media Regulations in the USA: Legal Framework and Recent Developments

The United States' approach to social media regulation is deeply rooted in its commitment to free speech, prioritizing minimal federal intervention to preserve constitutional liberties.<sup>26</sup> This philosophy is embodied in Section 230 of the Communications Decency Act (CDA) of 1996, a cornerstone of US internet policy that immunizes social media platforms from liability for user-generated content by treating them as distributors rather than publishers. Unlike traditional media, which face editorial accountability, platforms like Facebook, X (formerly Twitter), and YouTube benefit from this legal shield, enabling rapid innovation but also sparking debates about unchecked harms. The USA's framework contrasts sharply with more interventionist approaches, such as India's Information Technology (IT) Act and Bharatiya Nyaya Sanhita (BNS), which impose strict compliance on

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<sup>17</sup> Gillespie, T. (2018). *Custodians of the Internet: Platforms, Content Moderation, and the Hidden Decisions That Shape Social Media*. Yale University Press.

<sup>18</sup> Singh, R. (2024). *Digital Regulation in India: Balancing Security and Freedom*. Indian Journal of Law and Technology, 20(1), 45–67.

<sup>19</sup> PRS Legislative Research. (2023). *The Bharatiya Nyaya Sanhita, 2023 and Bharatiya Nagarik Suraksha Sanhita, 2023: Key Features*. Available at: <https://prsindia.org/billtrack/the-bharatiya-nyaya-sanhita-2023>

<sup>20</sup> The Free Speech Collective. (2024). *Sedition and Social Media: The Chilling Effect of BNS Provisions*. Available at: <https://freespeechcollective.in/2024/07/bns-sedition-social-media/>

<sup>21</sup> Goldman, E. (2023). *In Defense of Section 230*. Stanford Technology Law Review, 26(3), 301–325.

<sup>22</sup> Citron, D. J. (2024). *The Case for Reforming Section 230*. Harvard Law Review, 137(5), 1234–1267.

<sup>23</sup> Suzor, N. (2023). *The EU's Digital Services Act: Challenges for Smaller Platforms*. Journal of European Public Policy, 30(4), 512–534

<sup>24</sup> Bolo Bhi. (2020). *Comparative Analysis of Social Media Regulation: India, US, and EU*. Available at: <https://bolobhi.org/comparative-social-media-regulation/>

<sup>25</sup> Pew Research Center. (2017). *The Future of Free Speech, Trolls, Anonymity and Fake News Online*. Available at: <https://www.pewresearch.org/internet/2017/03/29/the-future-of-free-speech-trolls-anonymity-and-fake-news-online/>

<sup>26</sup> Volokh, E. (2023). *Free Speech in the Digital Age*. UCLA Law Review, 70(4), 987–1023.

intermediaries, or the EU's Digital Services Act (DSA), which mandates proactive content moderation.<sup>27</sup> This section explores the legal and ethical dimensions of the US approach, focusing on Section 230, First Amendment protections, recent state-level initiatives, and ethical debates, with an eye toward 2025 developments.

Section 230 of the CDA is a pivotal statute, often described as the "First Amendment of the internet" for its role in safeguarding platform autonomy.<sup>28</sup> Enacted to foster the growth of the early internet, Section 230(c)(1) states that platforms are not liable for content posted by users, while Section 230(c)(2) protects their ability to moderate content without losing this immunity. This dual protection enhances First Amendment rights by ensuring platforms can exercise editorial discretion—such as removing offensive posts or amplifying certain voices—without facing lawsuits for every user action.<sup>29</sup> Unlike India's BNS, which under Section 353 penalizes misinformation with up to three years imprisonment, Section 230 imposes no such direct liability on platforms for user content.<sup>30</sup> Similarly, the EU's DSA requires very large online platforms (VLOPs) to conduct risk assessments, a proactive obligation absent in the US framework.<sup>9</sup>

The First Amendment further reinforces this hands-off approach by prohibiting government censorship of speech, including on private platforms.<sup>10</sup> A landmark case, *Moody v. NetChoice* (2024), clarified this principle when the Supreme Court struck down state laws attempting to restrict platforms' content moderation practices, affirming their editorial rights as akin to those of publishers.<sup>31</sup> This ruling underscores the US's commitment to treating platforms as private entities, not public utilities, in contrast to the EU's DSA, which regulates platforms as essential services.<sup>32</sup> However, Section 230's protections are not absolute; they do not extend to federal criminal law violations (e.g., child sexual abuse material) or intellectual property claims, such as copyright infringement under the Digital Millennium Copyright Act (DMCA).<sup>33</sup>

Critics argue that Section 230's broad immunity enables platforms to evade responsibility for harms like misinformation, hate speech, and deepfakes, which have proliferated in recent years. For instance, during the 2020 and 2024 US elections, false narratives about voter fraud spread rapidly on social media, undermining public trust in democratic processes. Reform proposals have gained traction, with some advocating for amendments to hold platforms liable for egregious content, while others propose narrowing immunity to exclude algorithmic amplification of harmful material. These debates echo concerns in India, where the BNS's strict penalties for misinformation aim to curb similar harms but raise fears of government overreach, unlike the US's reliance on private moderation.<sup>34</sup>

## State-Level Initiatives and 2025 Updates

While federal regulation remains minimal, states have increasingly stepped in to address social media's impact, particularly on minors.<sup>35</sup> By 2025, several states have enacted laws targeting child safety, reflecting a shift toward localized governance in the absence of comprehensive federal reforms. Nebraska's Parental Rights Act, for example, mandates age verification for social media access, requiring platforms to obtain parental consent for users under 19.<sup>36</sup> New York's SAFE for Kids Act, effective in 2025, prohibits platforms from serving algorithmically curated "addictive feeds" to minors without parental approval, aiming to mitigate mental health risks associated with excessive screen time. These measures align with global trends, such as India's 2025 draft rules requiring parental consent for minors' social media use under the IT Act framework, and the EU's DSA guidelines on protecting young users.

At the federal level, the Federal Trade Commission (FTC) has intensified efforts to enforce children's privacy protections under the Children's Online Privacy Protection Act (COPPA). In 2025, the FTC issued guidelines targeting platforms' data collection practices, imposing fines on companies like TikTok for non-compliance. These actions signal a growing recognition of social media's societal impact, though they fall short of the comprehensive oversight seen in the EU's GDPR, which mandates explicit consent for data processing, or India's BNSS, which facilitates digital evidence collection for cybercrimes. The patchwork of state laws creates challenges for platforms operating nationwide, prompting calls for federal standardization to avoid regulatory fragmentation.<sup>37</sup>

## Ethical Implications

The US's approach to social media regulation raises profound ethical questions, centering on the tension between self-regulation and government intervention.<sup>38</sup> Platforms like Meta and X employ content moderation teams and algorithms to address harmful content, but their decisions often face

<sup>27</sup> PRS Legislative Research. (2024). *The Bharatiya Nyaya Sanhita, 2023*. Available at: <https://prsindia.org/billtrack/the-bharatiya-nyaya-sanhita-2023>; European Commission. (2025). *Digital Services Act*. Available at: <https://digital-strategy.ec.europa.eu/en/policies/digital-services-act>

<sup>28</sup> Goldman, E. (2023). *In Defense of Section 230*. Stanford Technology Law Review, 26(3), 301–325.

<sup>29</sup> Kosseff, J. (2019). *The Twenty-Six Words That Created the Internet*. Cornell University Press.

<sup>30</sup> PRS Legislative Research. (2024). *The Bharatiya Nyaya Sanhita, 2023: Key Features*. Available at: <https://prsindia.org/billtrack/the-bharatiya-nyaya-sanhita-2023>

<sup>31</sup> Supreme Court of the United States. (2024). *Moody v. NetChoice*. Available at: [https://www.supremecourt.gov/opinions/23pdf/22-277\\_3ebh.pdf](https://www.supremecourt.gov/opinions/23pdf/22-277_3ebh.pdf)

<sup>32</sup> European Commission. (2025). *The Digital Services Act*.

<sup>33</sup> Digital Millennium Copyright Act, 17 U.S.C. § 512 (1998). Available at: <https://www.copyright.gov/legislation/dmca.pdf>

<sup>34</sup> Singh, R. (2024). *Digital Regulation in India*. Indian Journal of Law and Technology, 20(1), 45–67.

<sup>35</sup> National Conference of State Legislatures. (2025). *Social Media and Children: 2025 State Laws*. Available at: <https://www.ncsl.org/technology-and-communication/social-media-and-children>

<sup>36</sup> Nebraska Legislature. (2025). *Parental Rights Act*. Available at: <https://nebraskalegislature.gov/bills/2025>

<sup>37</sup> Tech Policy Press. (2025). *The Need for Federal Social Media Regulation*. Available at: <https://techpolicy.press/federal-social-media-regulation>

<sup>38</sup> Floridi, L. (2021). *Ethics of Digital Governance*. Oxford University Press.

accusations of bias—either amplifying divisive material or censoring legitimate speech. For example, Meta’s removal of political content during the 2024 election cycle sparked debates about inconsistent enforcement, mirroring concerns in India about government-directed content takedowns under the IT Act. The American Civil Liberties Union (ACLU) warns that reforming Section 230 to increase platform liability could chill free speech by incentivizing over-censorship, a concern echoed in debates over the EU’s DSA, which balances transparency with expression rights.<sup>39</sup>

Ethically, the US framework aligns with a libertarian ethos, prioritizing individual and corporate autonomy over collective safety, in contrast to India’s collectivist approach under BNS or the EU’s solidarity-driven DSA.<sup>40</sup> John Stuart Mill’s harm principle justifies some intervention when social media content causes tangible harm, such as misinformation during COVID-19 that deterred vaccination efforts.<sup>41</sup> However, Immanuel Kant’s deontological framework emphasizes the intrinsic value of free speech, cautioning against reforms that might suppress diverse voices.<sup>42</sup> Utilitarian arguments, favoring societal well-being, support measures like state-level child protections but clash with deontological objections to restricting platform autonomy.<sup>43</sup> These ethical tensions are not unique to the US; India’s BNS provisions on sedition risk chilling dissent, while the EU’s DSA navigates similar dilemmas through proportionality.<sup>44</sup>

The US’s reliance on self-regulation has led to inconsistent outcomes, with platforms struggling to address deepfakes and algorithmic biases. For instance, deepfake videos targeting public figures have proliferated, raising ethical questions about platform responsibility, a challenge also addressed in India’s BNS provisions on electronic fraud. Proposals for ethical governance include independent oversight boards, like Meta’s, but critics argue these lack enforceable authority compared to the EU’s regulatory bodies under DSA.<sup>45</sup> As social media evolves with AI-driven content, the US faces pressure to balance innovation with accountability, potentially learning from India’s procedural innovations under BNSS or the EU’s risk-based approach.<sup>46</sup>

In conclusion, the US’s social media regulation framework, anchored by Section 230 and First Amendment protections, prioritizes free speech and platform autonomy but struggles with emerging harms. State-level initiatives and FTC actions in 2025 signal incremental change, yet ethical debates underscore the need for a nuanced approach that respects liberties while addressing societal risks. Comparative insights from India and the EU suggest that hybrid models—combining self-regulation with targeted oversight—could offer a path forward.<sup>47</sup>

## Social Media Regulations in the EU: Legal Framework and Recent Developments

The European Union (EU) has established itself as a global pacesetter in regulating social media, prioritizing user protection and accountability through a harmonized legal framework centered on the Digital Services Act (DSA) and the General Data Protection Regulation (GDPR). This approach contrasts with India’s enforcement-heavy model and the USA’s market-driven framework, reflecting the EU’s commitment to balancing fundamental rights with digital market integration. With social media platforms like Facebook, X, Instagram, and TikTok serving over 5 billion users globally in 2025, the EU’s regulations address pressing challenges such as misinformation, hate speech, and privacy violations, which have reshaped public discourse and trust. The EU’s strategy is rooted in its supranational structure, aiming to create a cohesive digital environment that safeguards democracy while fostering innovation. This section examines the EU’s legal framework, focusing on the DSA and GDPR, recent 2025 developments, and their ethical and comparative implications, drawing parallels with India’s BNS and BNSS and the USA’s Section 230.

The DSA, fully applicable in 2025, is a landmark regulation governing intermediaries, including social media platforms, with a tiered approach that imposes stricter obligations on very large online platforms (VLOPs) like Meta, Google, and TikTok, defined as those with over 45 million monthly active users. VLOPs must conduct regular risk assessments to identify systemic harms, such as disinformation, hate speech, and electoral interference, and implement mitigation measures, such as enhanced content moderation and user reporting systems. The DSA bans targeted advertising based on sensitive data, such as political affiliations or health status, to prevent manipulative practices that undermine user autonomy. It also mandates transparency in algorithmic processes, requiring platforms to disclose how content is recommended or removed, addressing long-standing concerns about opaque moderation. For example, platforms must publish detailed reports on content takedowns, fostering accountability and public trust.

In 2025, the European Commission introduced updated DSA guidelines, emphasizing minors’ protection and data access for researchers. These guidelines mandate age verification mechanisms to restrict access to age-inappropriate content and limit addictive algorithmic feeds for users under 18, aligning with the EU’s broader child safety agenda. Additionally, platforms must provide researchers with access to data on systemic risks, enabling independent studies on disinformation and polarization, which enhances evidence-based policymaking. Non-compliance carries hefty penalties—up to 6% of a platform’s global annual turnover—as demonstrated by a 2025 investigation into X for failing to curb disinformation during EU elections. These measures underscore the DSA’s proactive stance, setting it apart from other jurisdictions and positioning the EU as a model for digital governance.

The GDPR, implemented in 2018, complements the DSA by establishing a robust framework for data protection, significantly influencing social media platforms’ data handling practices. It prohibits processing sensitive personal data, such as race or health information, without explicit user consent, directly impacting targeted advertising models that rely on behavioral profiling. GDPR violations incur fines of up to €20 million or 4% of global

<sup>39</sup> American Civil Liberties Union. (2023). *Section 230 and Free Speech*. Available at: <https://www.aclu.org/issues/free-speech/section-230>

<sup>40</sup> Lessig, L. (2006). *Code: Version 2.0*. New York: Basic Books.

<sup>41</sup> Mill, J. S. (1859). *On Liberty*. London: John W. Parker and Son.

<sup>42</sup> Kant, I. (1785). *Groundwork of the Metaphysics of Morals*. Translated by Mary Gregor, Cambridge University Press, 1998

<sup>43</sup> Floridi, L. (2021). *Ethics of Digital Governance*.

<sup>44</sup> The Free Speech Collective. (2024). *Sedition and Social Media*. Available at: <https://freespeechcollective.in/2024/07/bns-sedition-social-media/>

<sup>45</sup> Meta Oversight Board. (2025). *Annual Report on Content Moderation*. Available at: <https://www.oversightboard.meta.com/reports/2025>

*Note: Critiques limitations of independent oversight*

<sup>46</sup> UNESCO. (2025). *AI and Social Media Regulation*. Available at: <https://www.unesco.org/en/digital-policy>

<sup>47</sup> OECD. (2024). *Global Cooperation in Digital Governance*. Available at: <https://www.oecd.org/digital/global-digital-governance>

turnover, as evidenced by a €390 million fine against Meta in 2023 for unlawful data processing. In 2025, GDPR enforcement remains stringent, with regulators focusing on platforms' compliance with consent mechanisms and data minimization principles, ensuring that only necessary data is collected. For instance, TikTok faced scrutiny for its data practices targeting minors, reinforcing GDPR's role in protecting vulnerable users.

The synergy between GDPR and DSA creates a comprehensive regulatory ecosystem. While the DSA addresses content-related harms, GDPR ensures privacy protections, tackling issues like unauthorized data sharing and algorithmic biases in ad targeting. GDPR's right to data portability and erasure empowers users to control their personal information, influencing how platforms store and process data. This integration enhances user trust but poses challenges for platforms, particularly smaller ones, which struggle with compliance costs. The EU's dual framework sets a high standard, contrasting with the USA's minimal regulation and India's enforcement-driven approach.

The EU's regulatory framework is grounded in ethical principles, prioritizing fundamental rights outlined in the EU Charter of Fundamental Rights, including freedom of expression and privacy. The DSA employs a proportionality approach to tackle disinformation and hate speech, ensuring interventions are justified and do not unduly restrict speech. Platforms must provide transparent justifications for content removals, balancing harm prevention with democratic discourse. The European Media Freedom Act (EMFA), enacted in 2025, further strengthens media pluralism by protecting editorial independence and curbing platform dominance, ensuring diverse voices are represented online. For example, EMFA restricts platforms from arbitrarily removing journalistic content, fostering a pluralistic digital environment.

Ethically, the EU aligns with deontological principles, emphasizing user dignity through GDPR's consent requirements, while also incorporating utilitarian goals by mitigating societal harms like disinformation, which eroded public trust during the COVID-19 pandemic. The EU's approach contrasts with India's collectivist enforcement and the USA's individualistic freedoms, offering a balanced model that prioritizes both rights and responsibilities. However, challenges remain, as strict regulations may inadvertently limit legitimate expression, necessitating ongoing ethical scrutiny.

## Comparative Analysis

A comparative analysis highlights distinct regulatory philosophies across India, the USA, and the EU. India's framework, rooted in the IT Act, 2000, and bolstered by the BNS and BNSS (effective July 2024), mandates proactive compliance from intermediaries. BNS Section 353 imposes up to three years imprisonment for spreading misinformation, reflecting a state-centric approach to maintain public order. BNSS supports this through digital trials and electronic evidence collection, streamlining prosecution of social media-related cybercrimes like scams and hate speech. However, provisions on sedition, such as BNS Section 152, raise concerns about potential abuse, as seen in content takedowns during India's 2024 elections, which critics argue suppressed dissent.

The USA's approach, governed by Section 230 of the Communications Decency Act (1996), grants platforms immunity from liability for user-generated content, fostering innovation but enabling harms like deepfakes and misinformation.<sup>48</sup> Recent Supreme Court decisions, such as *Moody v. NetChoice* (2024), reinforce platforms' First Amendment rights to moderate content, resisting state intervention.<sup>49</sup> However, 2025 state laws in California and Texas require parental consent for minors' social media access, indicating a shift toward child protection amid growing concerns about online safety. The EU's DSA, by contrast, employs tiered obligations, requiring VLOPs to address systemic risks proactively, a stark departure from the USA's laissez-faire model.

Procedurally, BNSS's digital trials align with DSA's transparency mandates, such as mandatory content moderation reports, contrasting with the USA's reliance on slow, case-by-case litigation. A notable convergence in 2025 is the focus on minors' protection: India's proposed parental consent rules, US state-level restrictions, and EU DSA guidelines reflect shared priorities in safeguarding young users.<sup>50</sup> Divergences persist, however, with India's sedition laws risking authoritarian overreach, the USA's speech protections prioritizing individual liberty, and the EU's balanced approach emphasizing rights and accountability. These differences underscore cultural influences—collectivism in India, individualism in the USA, and solidarity in the EU—shaping regulatory priorities.

## Ethical Perspectives

Ethically, social media regulations navigate the tension between freedom of speech and harm prevention. Utilitarianism underpins EU and Indian approaches, justifying misinformation curbs to protect societal well-being, as seen in DSA's risk assessments and BNS's penalties for false information. During the COVID-19 pandemic, misinformation about vaccines fueled hesitancy, prompting EU and Indian regulators to prioritize harm reduction. Conversely, the USA's deontological stance, rooted in Kantian ethics, upholds absolute speech rights, viewing restrictions as violations of individual autonomy, even when they enable harmful content like deepfakes. GDPR's privacy protections align with deontology by prioritizing user consent, contrasting with the USA's market-driven data practices, which often favor corporate interests over user rights.

Misinformation regulation raises censorship fears, as echo chambers persist despite efforts to curb false content, with algorithms reinforcing polarized narratives.<sup>51</sup> For example, studies show that platforms' recommendation systems amplify divisive content, undermining regulatory goals. Balanced approaches, such as self-regulation with regulatory oversight, are recommended to address harms without stifling expression.<sup>52</sup> The EU's DSA provides

<sup>48</sup> Cornell Law School. (2023). *Section 230 of the Communications Decency Act*. Available at: [https://www.law.cornell.edu/wex/section\\_230](https://www.law.cornell.edu/wex/section_230)

<sup>49</sup> Supreme Court of the United States. (2024). *Moody v. NetChoice*. Available at: [https://www.supremecourt.gov/opinions/23pdf/22-277\\_3ebh.pdf](https://www.supremecourt.gov/opinions/23pdf/22-277_3ebh.pdf)

<sup>50</sup> European Commission. (2025). *DSA Guidelines on Minors' Protection*.

*Note:* Highlights child safety convergence.

<sup>51</sup> Pew Research Center. (2017). *The Future of Free Speech, Trolls, Anonymity and Fake News Online*. Available at: <https://www.pewresearch.org/internet/2017/03/29/the-future-of-free-speech-trolls-anonymity-and-fake-news-online/>

<sup>52</sup> Klonick, K. (2018). *The New Governors: The People, Rules, and Processes Governing Online Speech*. Harvard Law Review, 131(6), 1598–1670.

a model by requiring transparency in moderation, which could inform global frameworks. Ethical regulation requires navigating these trade-offs, ensuring protections do not erode democratic values.

## Conclusion

This comparative study reveals regulatory diversity shaped by cultural contexts. India's BNS and BNSS strengthen enforcement but risk overreach, particularly with sedition provisions that threaten free speech. The USA's Section 230 framework promotes innovation but neglects harms, with 2025 reforms addressing only specific issues like child safety. The EU's DSA and GDPR offer a balanced model, integrating user protection with transparency and accountability, setting a benchmark for ethical digital governance. Ethically, global cooperation is essential to tackle cross-border challenges like misinformation and data privacy. Recommendations include adopting hybrid models that combine US speech freedoms with EU protections and establishing international standards to harmonize misinformation strategies, fostering a sustainable and equitable digital ecosystem.

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