

Impact of the Convergence of the media and Contemporary Legal framework

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Abstract

'The right to freedom of speech and expression' in the modern era is not confined to the print or verbal means of communication but extends to a synchronous and simultaneous dissemination of information and more specifically content across the world through the distinct means of internet communication which had converted into the domains of telecommunication and television. The alarming speed at which content goes viral without any form of censorship is a challenge that the world faces. This article discusses the impact of media convergence and the various legal issues, including copyright, privacy, and free speech. As new technologies emerge and the lines between different forms of media blur, it is essential for policymakers and legal experts to adapt to these changes and adopt a framework that ensures that laws protect individuals and promote the public interest. The article highlights the need for an expansion of copyright protections for digital media and the adaptation of laws to remain relevant in the digital age. It also discusses the need for privacy laws to regulate the use of personal information and protect sensitive data from being accessed by unauthorized bodies. In addition, the article addresses the challenges posed by the expansion of censorship and the need to strengthen laws protecting free speech by extending protections to the online environment, ensuring private companies are held accountable for their actions, and providing adequate protections for whistleblowers, journalists, and victims of online abuse. This article emphasizes on the importance of policy makers and legal experts adapting to media convergence and working to ensure that laws remain relevant, effective, and in the best interests of the public.

Keywords: Media convergence, Copyright laws, Privacy laws, Free speech laws, Digital media, Personal information, Censorship, Freedom of expression, Online environment, Whistleblowers, Journalists, Online abuse, Legal challenges, Public interest, Policy adaptation

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Introduction

Media convergence refers to the integration of various forms of media, such as print, audio, video, and digital, into a single platform or device (Latzer, 2013). This convergence is made possible by advances in technology that allow for the creation, distribution, and consumption of media content in new and innovative ways. Media convergence has led to the emergence of new media formats and business models, such as online streaming, social media, and mobile applications. It has also blurred the lines between different types of media, as traditional media companies have diversified into digital media and vice versa. Ultimately, media convergence has transformed the media landscape, providing audiences with more options for accessing and interacting with media content.

Media convergence can also refer to the merging of previously separate industries, such as telecommunications, computing, and entertainment, into a single industry that provides a range of services and products. This has resulted in the creation of new opportunities for businesses and consumers alike, as well as new challenges for traditional media companies that must adapt to the changing landscape.

Another aspect of media convergence is the ability of users to participate in the creation and distribution of media content (Latzer, 2013). With the rise of social media platforms and user-generated content, individuals can now create and share their own media content with a global audience (Alexander, 2008). This has led to a democratization of media production and distribution, as well as a shift in power from traditional media gatekeepers to individual users.

Overview of Contemporary Laws

Contemporary laws refer to the body of laws and regulations that are currently in force and enforceable in a particular jurisdiction. These laws reflect the current social, economic, and political realities of the society and aim at providing a defined framework in order to maintain, resolve disputes, and protect individual rights.

In most countries, contemporary laws are divided into different categories, such as criminal law, civil law, family law, and administrative law (Pound, 1924). Criminal law deals with offenses against the state and provides for the punishment of individuals who commit such offenses. Civil law, on the contrary, deals with interpersonal disputes such as contract disputes or personal injury claims. Family

law deals with issues such as divorce, child custody or marriage, while administrative law regulates the actions of government agencies and officials.

Contemporary laws are created through a variety of processes, depending on the particular jurisdiction. In democratic countries, laws are typically created by elected representatives in the legislative branch of government (Pound, 1924). The process usually includes public debate and consultation, with input from various stakeholders and experts. Once a law is passed, it may be subject to review by the judiciary, which interprets and applies the law in individual cases.

One of the challenges of contemporary laws is to keep pace with rapid social, technological, and economic changes. As society evolves, new legal issues arise that may not have been contemplated by existing laws. For this reason, laws are constantly being revised and updated to reflect new realities and address emerging challenges.

In addition to the traditional categories of law, contemporary laws also address a range of issues related to emerging technologies and new forms of communication. For example, laws related to data privacy and cybersecurity have become increasingly important in recent years as more people rely on digital tools to store and share sensitive information.

Another important area of contemporary laws is environmental law, which deals with issues related to the protection and preservation of the natural environment. Environmental laws regulate the use of natural resources, as well as the discharge of pollutants and other harmful substances into the environment. These laws have become increasingly important as societies around the world grapple with the impacts of climate change and other environmental challenges.

Contemporary laws also play an important role in protecting the rights of marginalized and vulnerable populations. For example, laws related to discrimination and hate speech aim to prevent the mistreatment of individuals based on their race, gender, sexual orientation, or other characteristics. Similarly, laws related to immigration and refugee status provide a framework for ensuring that individuals fleeing persecution or seeking a better life are treated fairly and with dignity.

Media Convergence and Copyright Laws-Definition of Copyright Laws

Media convergence and copyright laws are closely intertwined, as copyright laws are designed to protect the rights of creators and owners of media content in the digital age (Lemley, 1996). Copyright law is a legal framework that grants the creators of original works exclusive rights to control how their works are used, distributed, and reproduced (Lemley, 1996). As stated by Lemley (1996), these rights are intended to incentivize creativity and innovation by ensuring that creators can benefit financially from their creations.

Copyright laws protect a wide range of creative works, including literary works, artistic works, musical compositions, films, and computer software (Vaidhyanathan, 2001). The rights granted to copyright holders include the exclusive right to reproduce the work, distribute copies of the work, perform the work publicly, and create derivative works based on the original work (Vaidhyanathan, 2001). These rights are granted automatically to the creator of a work, without the need for registration or other formalities.

Copyright laws also include limitations and exceptions that allow for the use of copyrighted works in certain circumstances, such as fair use, which allows for limited use of copyrighted material for purposes such as criticism, commentary, news reporting, teaching, scholarship, or research (Lemley, 1996).

In the context of media convergence, copyright laws have become increasingly important as the ease with which producing and distributing digital versions can be created has made it easier to infringe on the rights of copyright holders. Copyright laws have been amended and updated to address these challenges, including the Digital Millennium Copyright Act (DMCA) in the United States, which provides a framework for addressing copyright infringement on the internet.

Copyright laws also provide a mechanism for resolving disputes between copyright holders and those accused of infringing on their rights. In many cases, disputes are resolved through litigation, with the copyright holder seeking damages for infringement and the accused party arguing that their use of the copyrighted material is covered by fair use or other exceptions.

In addition to the legal framework provided by copyright laws, digital technologies have also created new ways for creators and owners of media content to protect their works. Digital rights management (DRM) technologies, for example, allow copyright holders to control how their works are accessed and used, by encrypting and protecting digital files from unauthorized copying or distribution.

However, DRM technologies have also been controversial, as they can limit the ability of users to access and use copyrighted material in legitimate ways, such as making a backup copy of a purchased digital file. Some have argued that DRM technologies can actually be counterproductive, by driving users to seek out illegal sources of copyrighted material that are not subject to such restrictions.

Impact of Convergence on Copyright Laws-Expansion of Copyright Protection

Media convergence has had a significant impact on copyright laws, as it has expanded the scope of protected works and increased the ease of infringement. The boost in use of digital media has made it easier than ever for individuals to reproduce, distribute, and modify copyrighted material, creating new challenges for the legal framework that governs copyright protection.

As a result, copyright laws have been expanded to include new types of works and to provide additional protections for copyright holders. For example, the Digital Millennium Copyright Act (DMCA) in the United States includes provisions for protecting digital works such as software and music, and for addressing the issue of online copyright infringement.

Another way in which copyright laws have expanded is by providing additional protections for copyrighted works beyond their traditional scope. For example, some countries have extended copyright protection to include non-traditional works such as databases, website content, and video games. In some cases, copyright laws have also been used to protect the "look and feel" of a product, such as the distinctive design of a smartphone or the packaging of a consumer product.

In addition to these expansions of copyright protection, media convergence has also led to increased enforcement of copyright laws. Governments and industry groups have implemented measures to combat piracy and online copyright infringement,

such as takedown notices, digital rights management technologies, and legal action against infringers.

However, these efforts have been controversial, as some argue that they have restricted individuals' access to use copyrighted material in legitimate ways. Others argue that the enforcement of copyright laws has been insufficient, and that many instances of infringement continue to go unpunished.

One of the biggest challenges posed by media convergence is the issue of jurisdictional boundaries. With the internet allowing for the instant dissemination of media content across national borders, it has become difficult for governments to enforce copyright laws in a consistent and effective manner.

This has led to calls for greater international cooperation and coordination on copyright issues. International treaties such as the Berne Convention and the WIPO Copyright Treaty have attempted to establish a framework for copyright protection that is recognized across national borders (Sheinblatt, 1998).

However, there is still significant variation in the way that copyright laws are enforced around the world. Some countries have more stringent copyright laws than others, and there is often disagreement over what constitutes fair use or other exceptions to copyright protection.

Another challenge posed by media convergence is the issue of orphan works. Orphan works are copyrighted works whose copyright holder cannot be identified or located, often because the work was created many years ago or because the copyright holder has gone out of business.

The proliferation of digital media has made it easier for individuals to discover and make use of orphan works, but this has created legal uncertainty around the use of such works (Vaidhyathan, 2001). In response, some countries have implemented legal frameworks for the use of orphan works, while others have called for greater efforts to identify and locate copyright holders.

Adapting Copyright Laws to New Media

Media convergence has forced copyright laws to adapt to new forms of media, which has presented new challenges for lawmakers and legal scholars. Traditional copyright laws were developed in the context of print media, which has led to gaps in the legal framework when it comes to protecting digital works such as software, video games, and online content.

To address these challenges, copyright laws have been amended to include new forms of media and provide greater protections for digital works (Malik & Aslam, 2024). For example, the Copyright Act in the United States was amended in 1998 to extend copyright protection to digital works and to prohibit the circumvention of digital rights management technologies.

In addition, legal scholars have developed new theories and frameworks for understanding copyright in the context of digital media. For example, the doctrine of fair use has been interpreted more broadly to account for the unique characteristics of digital media, such as the ease of reproduction and distribution. Another important development in the adaptation of copyright laws to new media has been the rise of open source and creative commons licensing. These licensing frameworks allow creators to retain some of their copyright protections while making their works available for others to use, modify, and distribute under certain conditions.

Expansion of Fair Use

Media convergence has also had a significant impact on the concept of fair use in copyright laws. Fair use is a legal doctrine that allows individuals to make use of copyrighted material for purposes such as criticism, commentary, news reporting, teaching, scholarship, and research without obtaining permission from the copyright holder (Malik & Aslam, 2024).

In the context of media convergence, fair use has been expanded to include new forms of media and new ways of using copyrighted material. For example, the use of copyrighted material in memes and other forms of social media content has been recognized as falling under the fair use doctrine in certain circumstances.

Similarly, the use of copyrighted material in fan fiction, fan art, and other forms of fan culture has been the subject of debate and legal action in recent years. While some copyright holders have sought to restrict the use of their works in fan culture, others have recognized the promotional and cultural value of fan works and have embraced them as a form of free advertising.

In addition, the rise of digital media has made it easier than ever for individuals to create and distribute their own works, leading to new questions about fair use in the context of remix culture. Remix culture refers to the practice of taking existing media content and repurposing it in new and creative ways.

While the legality of remix culture is still the subject of debate, some legal scholars have argued that the fair use doctrine provides a legal framework for allowing individuals to engage in remix culture without infringing on copyright holders' rights.

Media Convergence and Privacy Laws- What are Privacy Laws

Privacy laws refer to a set of legal regulations and protections designed to safeguard individuals' right to privacy. These laws typically aim to restrict the collection, use, and disclosure of personal information, including sensitive information such as medical records, financial information, and other private details (Duraismami, 2017). Privacy laws may take different forms in different jurisdictions, but they generally provide individuals with certain rights and protections related to their personal information. For example, privacy laws may require organizations to obtain individuals' consent before collecting their personal information or to provide individuals with access to their own personal information upon request.

Privacy laws may also set out guidelines for how organizations can store and protect personal information to ensure that it is not misused, stolen, or compromised in any way. In some cases, privacy laws may also provide individuals with the right to sue organizations that violate their privacy rights.

In the context of media convergence, privacy laws are particularly important given the increasing amount of personal information that is being shared online and across different forms of media. As individuals' personal information becomes more

widely accessible, there is a greater need for legal protections to ensure that this information is not used inappropriately or for nefarious purposes.

Impact of Convergence on Privacy Laws

The rise of media convergence has profoundly reshaped the landscape of privacy law. It has not only created complex challenges for current legal structures but has also opened avenues for enhanced privacy protection in our increasingly digital world.

One of the main challenges posed by media convergence is the abundance of personal data that is being shared across different forms of media, from social media and mobile apps to wearable devices and smart home technology. Consequently, individuals face greater difficulty in managing the collection and application of their personal data, sparking novel anxieties regarding its utilization and dissemination. In response, privacy laws have had to adapt to the changing landscape of media convergence, with new regulations being put in place to address the collection and use of personal information in digital contexts. For example, the European Union's General Data Protection Regulation (GDPR) has been designed to provide individuals with greater control over their personal data, with new requirements for obtaining consent, providing access to personal data, and reporting data breaches (Hoofnagle et al., 2019).

Similarly, in the United States, reliable and new privacy legislation to address the challenges posed by media convergence and the growing need for privacy protections in the digital age are underway. These efforts have focused on creating new regulations for the collection and use of personal information, as well as for the protection of sensitive information such as health and financial data.

At the same time, media convergence has also presented new opportunities for protecting individuals' privacy through technological solutions such as encryption and blockchain. These technologies can help to secure personal information and ensure that it is only accessible to authorized parties, while also providing greater transparency and accountability in the use of personal data.

Regulating Use of Personal Information

Media convergence has had a significant impact on the regulation of personal information, with privacy laws being updated and expanded to reflect the new challenges and opportunities presented by digital media.

One of the key issues with media convergence and personal information is the vast amount of data that is now being collected and shared across different platforms and devices. This data can include everything from online search histories and social media posts to medical records and financial information, and can be used for a wide range of purposes, from marketing and advertising to research and development.

To address these concerns, privacy laws have been updated to include new regulations on the use of personal information, including requirements for consent, transparency, and accountability. For example, the European Union's General Data Protection Regulation (GDPR) requires organizations to obtain explicit consent from individuals before collecting their personal data, and to provide clear and concise information about how this data will be used (Hoofnagle et al., 2019).

Similarly, in the United States, privacy laws such as the California Consumer Privacy Act (CCPA) and the Virginia Consumer Data Protection Act (CDPA) have been introduced to regulate the collection, use, and sharing of personal information by businesses and organizations operating in those states. These laws give individuals greater control over their personal data and require organizations to be more transparent about their data practices (Hoofnagle et al., 2019).

In addition to these legal regulations, media convergence has also given rise to new technologies and tools that can help individuals protect their personal information. For example, virtual private networks (VPNs) and ad blockers can be used to block third-party trackers and protect online privacy, while encrypted messaging apps and services can help to secure personal communications and protect against eavesdropping and surveillance.

Changes to Data Collection Practices

Media convergence has led to significant changes in data collection practices, particularly with regard to the collection of personal information by businesses and

organizations. As more and more individuals use digital media platforms and devices, businesses are able to collect an increasing amount of data about their customers and users, which can be used for multiple purposes, that include marketing, advertising, and research.

To address the concerns raised by these changes, there have been a number of new laws and regulations introduced to regulate data collection practices. One of the most significant of these is the General Data Protection Regulation (GDPR), which was introduced by the European Union in 2018 (Hoofnagle et al., 2019). This law requires businesses and organizations to obtain explicit consent from individuals before collecting their personal data, and to be transparent about how this data will be used.

Similarly, in the United States, there have been a number of new laws introduced at both the federal and state level to regulate data collection practices. For example, the California Consumer Privacy Act (CCPA) requires businesses to disclose the types of personal information they collect and sell, and to give individuals the right to opt-out of the sale of their personal information (Fakeyede et al., 2023).

In addition to these legal changes, media convergence has also led to the development of new tools and technologies to help individuals protect their data. For example, virtual private networks (VPNs) can be used to encrypt and anonymize online activity, while ad blockers can be used to prevent third-party trackers from collecting data about online behavior.

Protecting Sensitive Data from Unauthorized Access

Protecting sensitive data from unauthorized access is critical in today's digital age, as cyber threats and data breaches continue to be a major concern for individuals and organizations alike. There are several strategies that can be used to protect sensitive data from unauthorized access, including:

Strong Passwords: Using strong passwords is essential to protecting sensitive data from unauthorized access. Passwords should be complex and difficult to guess, and should be changed regularly to reduce the risk of data breaches.

Encryption: Encryption can be used to protect sensitive data by scrambling it so that it cannot be read by unauthorized users. There are a variety of encryption technologies available, including end-to-end encryption, which ensures that only the sender and recipient of a message can read it.

Two-Factor Authentication: Two-factor authentication adds an extra layer of security by requiring users to provide two forms of authentication to access sensitive data. This can include a password and a biometric identifier, such as a fingerprint.

Data Access Controls: Data access controls can be used to limit access to sensitive data to authorized users only. This can include role-based access controls, which ensure that only users with specific permissions can access sensitive data.

Employee Training: Employee training is essential to protecting sensitive data from unauthorized access. Employees should be trained on best practices for data security, including how to create strong passwords, how to recognize phishing scams, and how to report suspicious activity.

Regular Audits: Regular audits of data security practices can help to identify potential vulnerabilities and ensure that data is being protected from unauthorized access.

Media Convergence and Free Speech Laws

❖ Definition of Free Speech Laws

Free speech laws, also known as free speech protections, are legal protections that guarantee individuals the right to express their opinions and ideas without fear of censorship, retaliation, or other forms of government interference. In many countries, including the United States, free speech is protected by constitutional amendments, such as the First Amendment to the U.S. Constitution, which prohibits Congress from making laws that abridge the freedom of speech.

Free speech laws are based on the principle that individuals have a fundamental right to express their opinions and ideas, even if those opinions are unpopular or controversial. This right is seen as essential to the functioning of a democratic society, as it allows individuals to freely engage in public discourse, criticize the government, and hold those in power accountable.

While fundamental, free speech protections are not without limits. Laws typically carve out exceptions for certain categories of expression. For instance, speech that provokes violence, is considered obscene, or involves libel or defamation often falls outside the scope of free speech safeguards. Additionally, there are limits on the right to free speech in certain public settings, such as schools and government buildings, where the government has the right to regulate speech in the interest of maintaining order and protecting the rights of others.

❖ **Expansion of Censorship**

Media convergence has had a significant impact on free speech laws, particularly in the context of online speech. Increasing use of social media platforms and other digital communication technologies in the current era has led to new challenges regarding free speech, as these platforms are often used to disseminate controversial or offensive speech that may be subject to censorship or regulation.

One of the ways in which media convergence has expanded censorship is through the increased power of private companies to regulate speech. Many social media platforms and other online services have terms of service agreements that allow them to remove or restrict content that they deem to be offensive, harmful, or otherwise in violation of their policies. While these companies are not bound by the First Amendment, which applies only to government censorship, they have become a powerful force in shaping the online speech environment.

Another way in which media convergence has expanded censorship is through the increased use of algorithms to moderate online content. These algorithms, which are often designed to identify and remove offensive or harmful content, can sometimes be overbroad in their application, leading to the inadvertent removal of content that is protected by free speech laws.

Additionally, media convergence has led to an increase in the use of copyright and trademark laws to suppress speech. For example, content creators may use copyright claims to have videos or other content removed from online platforms, even if the use of the content would otherwise be protected by fair use or other free speech protections.

Media Convergence and Free Speech Laws- Impact of Censorship on Freedom of Expression

Censorship, whether imposed by governments or private companies, can significantly affect the freedom of expression. When speech is censored, individuals are prevented from expressing their opinions and ideas, and the public is deprived of the opportunity to hear a diversity of perspectives.

Censorship can also have a deterrent effect on free speech, as individuals may be hesitant to express themselves for fear of retribution or censorship. This can lead to a "chilling effect" where individuals self-censor their speech, even when that speech would otherwise be protected by free speech laws.

Moreover, censorship can harm democratic societies by limiting the ability of individuals to criticize the government and hold those in power accountable. In many countries, freedom of expression is a fundamental right and is considered to be an essential component for democratic societies to function effectively. When this right is curtailed, the ability of citizens to participate in the democratic process is also limited.

However, it is important to note that censorship can also be necessary in certain circumstances, such as to protect individuals from harm or to prevent the spread of hate speech or misinformation. The challenge for policymakers and free speech advocates is to strike the right balance between protecting freedom of expression and regulating speech that is harmful or offensive.

Strengthening Laws to Protect Free Speech

Media convergence has highlighted the need for policymakers to strengthen laws protecting free speech. As the online environment becomes increasingly important for the dissemination of information and ideas, it is crucial that these protections are extended to digital communication technologies.

One way to strengthen laws protecting free speech is to ensure that they apply equally to the online environment. In many countries, free speech laws have been developed in the context of traditional media such as newspapers, television, and radio. However, these laws may not always apply in the same way to online platforms, which have different characteristics and pose unique challenges.

Another way to strengthen laws protecting free speech is to ensure that they take into account the power of private companies to regulate speech. As discussed earlier, many social media platforms and other online services have terms of service agreements that allow them to remove or restrict content that they deem to be offensive or harmful. While these companies are not bound by the First Amendment, it is important to ensure that they are held accountable for their actions and that their policies do not unduly restrict free speech.

In addition, policymakers can strengthen laws protecting free speech by ensuring that they provide adequate protections for whistleblowers, journalists, and other individuals who play a critical role in exposing wrongdoing and holding those in power accountable. These protections can include shield laws that protect the confidentiality of sources and provide immunity from prosecution for journalists who report on sensitive or controversial issues.

Finally, policymakers can strengthen laws protecting free speech by ensuring that they provide adequate protections for individuals who are subjected to harassment or other forms of online abuse. These protections can include criminal penalties for individuals who engage in such behavior, as well as measures to ensure that victims have access to support and resources to help them cope with the effects of online harassment.

Conclusion

In conclusion, media convergence has had a significant impact on a range of legal issues, including copyright, privacy, and free speech. As new technologies emerge and the lines between different forms of media blur, it is important for policymakers and legal experts to adapt to these changes and ensure that laws are in place to protect individuals and promote the public interest.

With regard to copyright laws, media convergence has necessitated an expansion of protections for digital media and adaptations to ensure that laws remain relevant and effective in the digital age. Similarly, privacy laws have been impacted by media convergence, with policymakers working to regulate the use of personal information and protect sensitive data from unauthorized access.

Finally, media convergence has also had an impact on free speech laws, with the expansion of censorship raising concerns about the impact on freedom of expression. However, policymakers can work to strengthen laws protecting free speech by extending protections to the online environment, ensuring that private companies are held accountable for their actions, and providing adequate protections for whistleblowers, journalists, and victims of online abuse.

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