

RADAR REGLAB

Feed to Courts

The Brazilian Judiciary and Digital Influencers

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About Reglab

We are a **private research centre specialising in the media and technology sector**, assisting companies, associations, and policymakers in making strategic decisions based on data and evidence.

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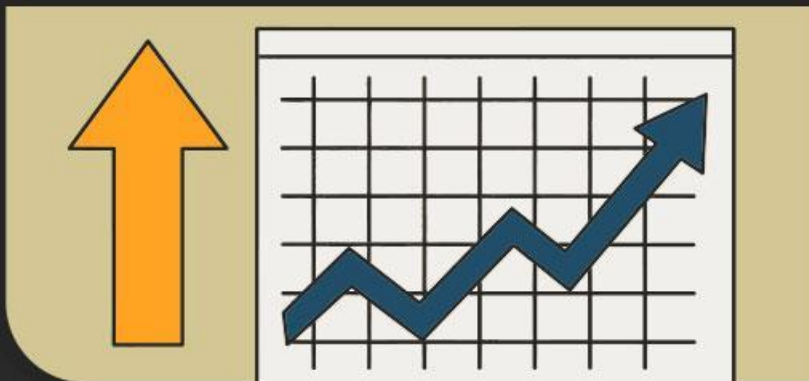
About Radar Series

Reglab's **Radar** series presents **visual reports that combine qualitative and quantitative data**, offering a contextualised overview of specific phenomena. Radar seeks to synthesise complex information in an accessible manner, facilitating the comprehension of emerging trends and policy issues through the use of visual aids and graphic design.



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Engage.hub is the **applied research unit of Reglab**, investigating the social, economic, and regulatory impacts of **influencer marketing and digital content creation**. Our objective is to inform the market and enhance public policy through robust **data and evidence**.



acknowledgements

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Inside the sample: 35 courts, 22 states and all five regions of Brazil

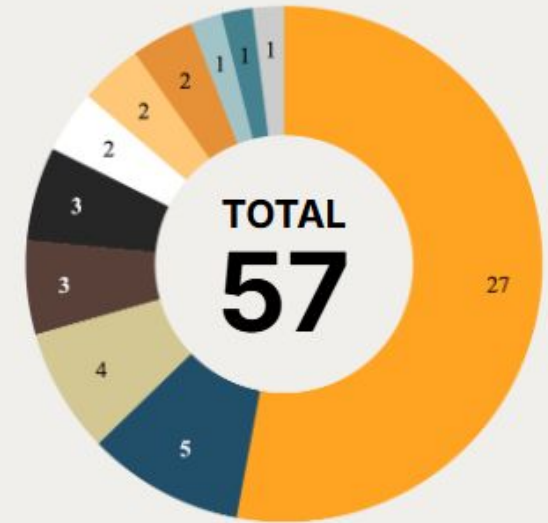
The sample encompasses 35 courts distributed across all five regions of the country, comprising 15 State Courts, 13 Regional Electoral Courts, two Regional Labour Courts, two Regional Federal Courts, and three superior courts, including the Supreme Federal Court (STF) and the Superior Electoral Court (TSE). This diversity is a deliberate methodological choice. The selection prioritised federative representation over sheer volume, thereby preventing the concentration of decisions in high-volume courts, such as the São Paulo State Court (TJ-SP), from overshadowing regional interpretations. The result serves as a starting point for understanding how different courts have addressed issues involving digital influencers.

Professional in civil proceedings, defendant in criminal proceedings, service provider in electoral proceedings

The research analysed 93 appellate judgments from proceedings initiated between 2016 and 2025, distributed across four jurisdictions: civil, criminal, electoral, and labor. The findings reveal that the Judiciary lacks a settled conception of the digital influencer. Depending on the branch of law and their role in the proceedings, courts alternate between recognising them as professionals or treating them as vectors of social risk. In civil proceedings, for instance, which account for 61% of the analysed cases, the influencer predominantly appears as a claimant seeking redress due to a platform suspending or restricting their account. In this context, they are recognised as professionals engaged in legitimate economic activity and generating income.

Half of the electoral cases involve candidates for local councillor or mayor

Half of the electoral cases in the sample involve municipal elections for the offices of local councillor and mayor. The majority of these disputes concern the alleged engagement of influencers for electoral campaigning. Within the analysed sample, the distinction between freedom of expression and an electoral offence lies in the commercial transaction. When an influencer is remunerated to post, they cease to be a supporter and become a service provider.



- Account restriction
- Limits on freedom of expression in the digital environment
- Misleading advertising
- Hacked account
- Unauthorized use of third-party image
- Online defamation
- Right to honor and image of the influencer
- Civil liability of journalists
- Product advertising
- Irregular advertising
- Contract termination

table of contents

Interactive Table of Contents

1.	Introduction	7
2.	Sample data	8
3.	Results	12
4.	Analysis and comments	28
5.	Conclusion and directions	31
6.	Methodology annex	36

Brazil is the country with the highest number of digital influencers worldwide. There are 3.8 million content creators—accounting for almost 16% of all influencers on the planet. To contextualise the magnitude of this phenomenon: **there are more professionals working in influence in Brazil than doctors, lawyers, or engineers with active professional registrations.** This is not merely a curious statistic, but rather the **reflection of a profound transformation in society.**

This influence extends beyond social media. In previous Engage.hub studies—*Feed to Plenary* and *Feed to the Planalto*—we analysed how the Legislative and Executive branches have perceived this phenomenon. The findings indicate that, within the National Congress and Public Administration, the figure of the influencer oscillates between two poles: on the one hand, as legitimate professionals and drivers of the digital economy; on the other, as potential social and cultural risks requiring more stringent regulatory control.

Available at: [Influencer Marketing Benchmark Report \(2025\)](#).

The third study in the series shifts its focus to the Judiciary. Rather than bills of law or public policies, we observe how Brazilian courts have interpreted, categorised, and adjudicated concrete disputes involving digital influencers. To this end, we analysed a **sample of 93 appellate judgments** across **civil, criminal, electoral, and labor jurisdictions.**

It is important to emphasise that **this is neither a jurimetrics study nor a statistical survey of case law.** Our objective is not to quantify the volume of decisions or established jurisprudential precedents. Rather, we aim to understand the arguments, rationales, and language employed by judges to contextualise this new digital reality.

The focus, therefore, is to identify patterns within these judicial perspectives and comprehend how the courts perceive the influencer's role in society. By mapping these understandings, we seek to inform the public debate and provide evidence to assist companies, platforms, creators, and policymakers in navigating the current institutional landscape with greater clarity.

who are Brazil's digital influencers?

Contrary to the popular image of people in their twenties, the majority of creators are in their thirties. Cisgender women largely dominate the sector, and ethnic diversity is also reflected in the numbers. In terms of engagement, nano-influencers (1K–10K followers) generate more than twice the interaction of larger profiles, and Brazil has the highest global rate of purchases based on influencer recommendations.

It is a market of **22 billion reais**, which has grown about **12%** in the last year.

36% between 30-39 years old,
and 21% between 16-24
years old

74.7% are cisgender women

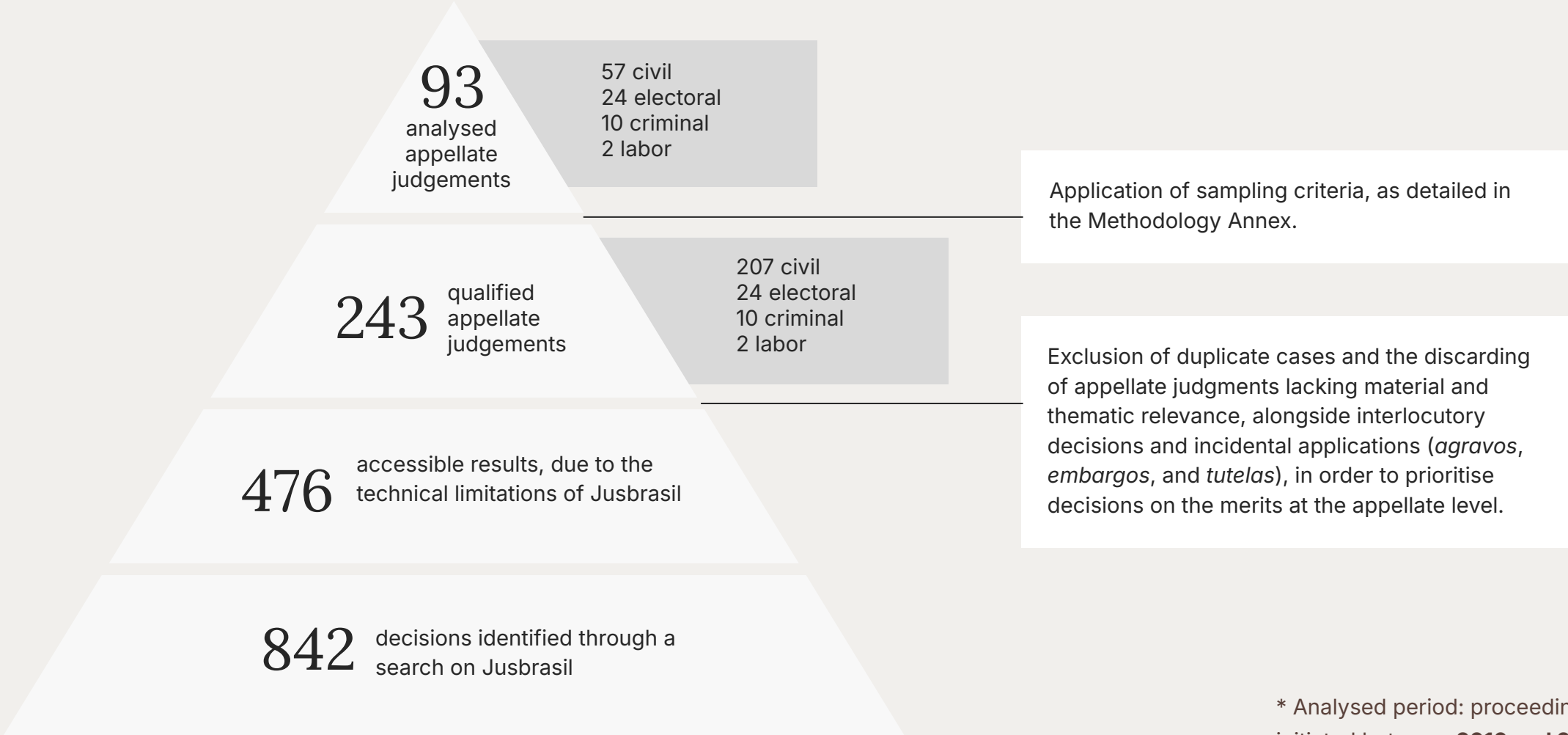
49% are white, 31% brown and
16% black

3.2% engagement rate of nano-
influencers

73% buy based on influencer
recommendations

scope of research

sample data

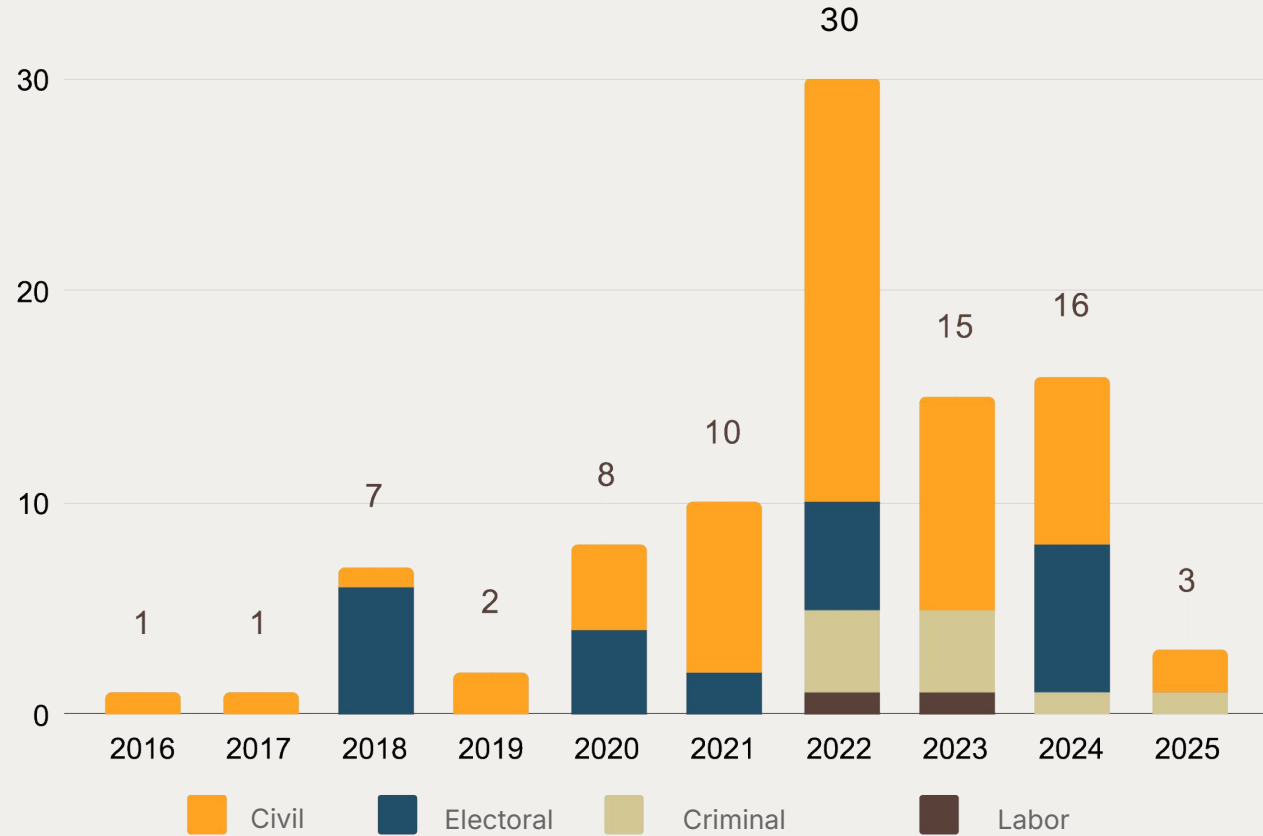


* Analysed period: proceedings initiated between **2016 and 2025**

Methodological note: This is an exploratory, rather than jurisprudential, study. The findings reflect the analysed sample and are not generalisable.

year of initiation of the proceedings in the analysed sample

In the **93 appellate judgments analysed**, proceedings were initiated sporadically until 2020. From that year onwards, the concentration of cases increased, **with 65% of the proceedings in the sample commencing between 2022 and 2024.**



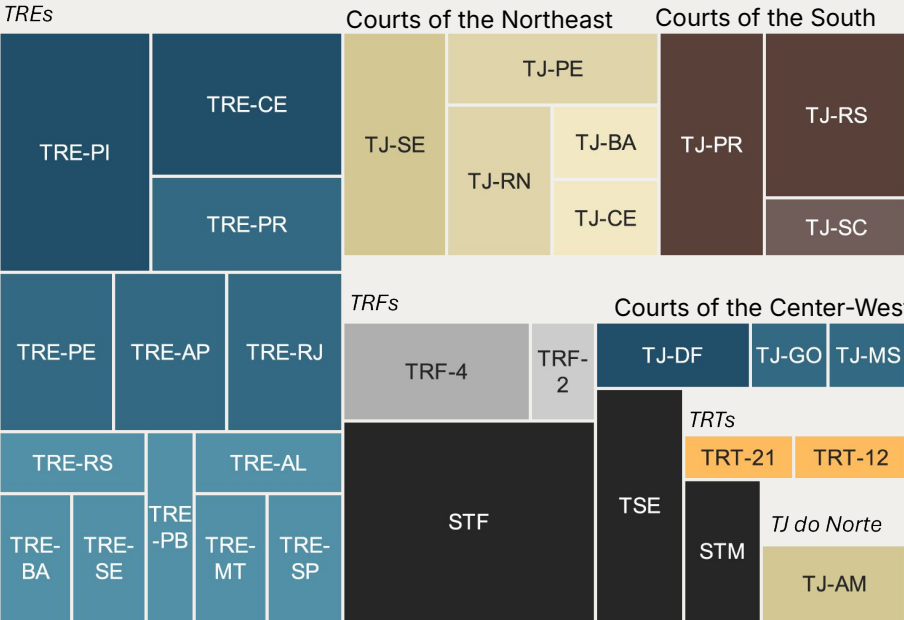
distribution of the sample by court

The TJ-SP accounts for the majority of the cases in the sample, which reflects its structural position within the Brazilian judicial system: according to the *Justiça em Números 2025* report by the National Council of Justice (CNJ), it is the largest state court in the country, with a caseload four times greater than that of the second largest, the TJ-MG. This concentration also reflects the prominence of the state of São Paulo as a commercial hub for influencer activity in Brazil (Youpix, 2025), generating proportionally more legal disputes.

While this concentration is consistent with the observed institutional and economic realities, the sample does not seek to replicate the national distribution of litigation in proportional terms. This is a deliberate methodological choice: the selection encompasses decisions from courts of varying sizes, distributed across the five macro-regions, prioritising federative and institutional diversity over sheer volumetric representation.

Distribution of cases by court

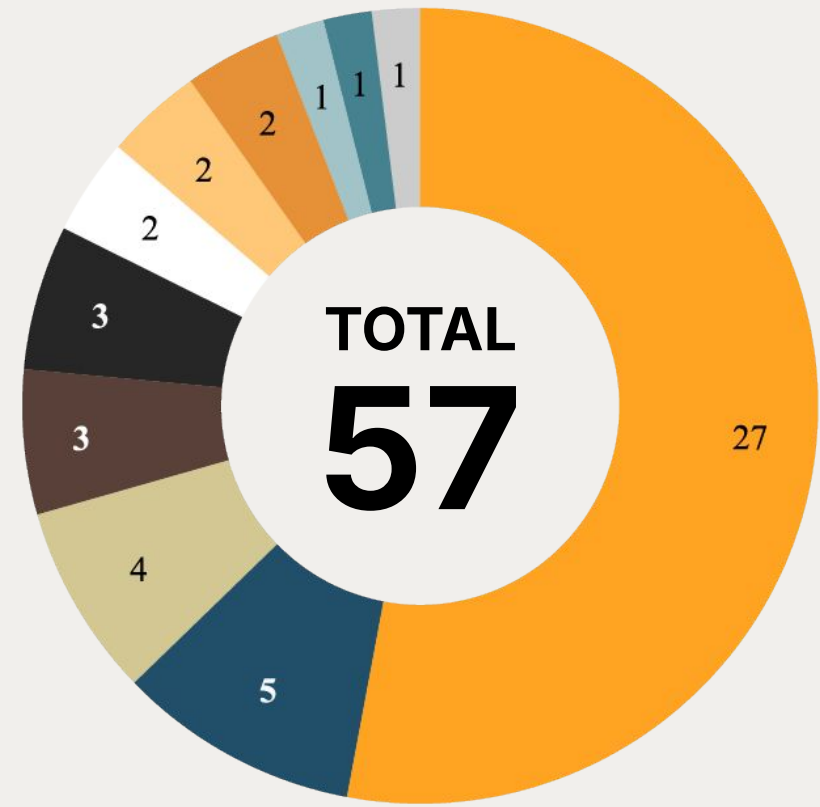
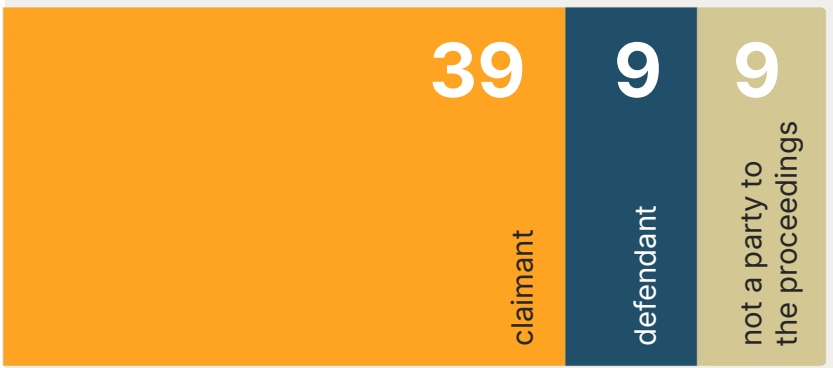
Courts of the Southeast



civil cases were identified in 18 Brazilian courts, with influencers acting as claimants in over half of the legal proceedings

In the civil cases analysed, **digital influencers appear as claimants in the majority of proceedings.** The disputes predominantly centre on conflicts with platforms, involving the **restriction or suspension of accounts and the limitation of functionalities on social media.**

Participation of influencers in the proceedings

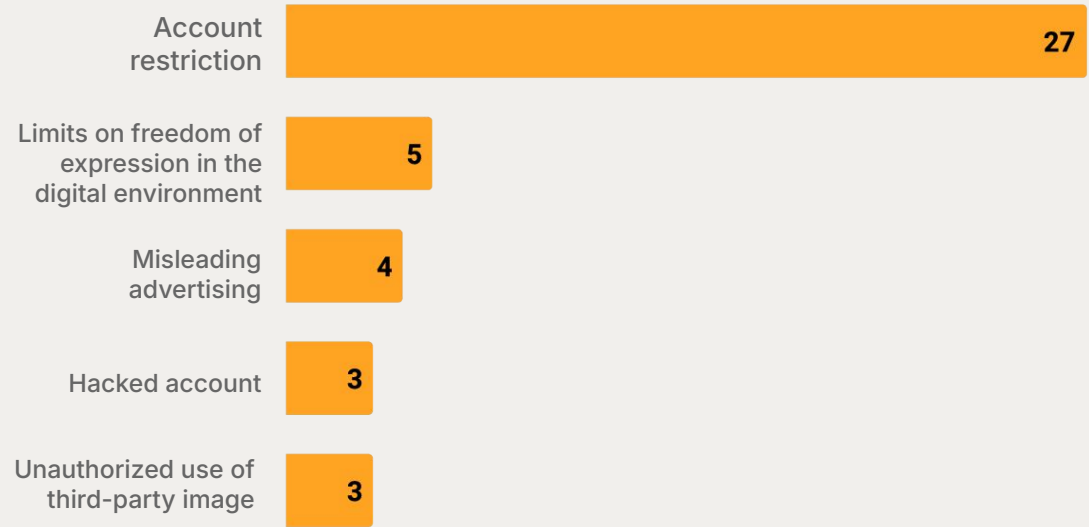


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the influencer appears far more frequently as a user in conflict with platforms than as an agent responsible for advertising or content

Digital influencers act primarily as claimants in legal actions related to the restriction or suspension of their profiles on digital platforms. These cases generally involve claims for redress arising from the blocking of accounts or the limitation of functionalities associated with their professional activity, such as monetisation or live streaming. To a lesser extent, influencers feature in controversies linked to the circulation of content on social networks, such as digital defamation, the improper disclosure of information, or the use of their profiles to perpetrate scams.

Top 5 civil themes in cases involving influencers

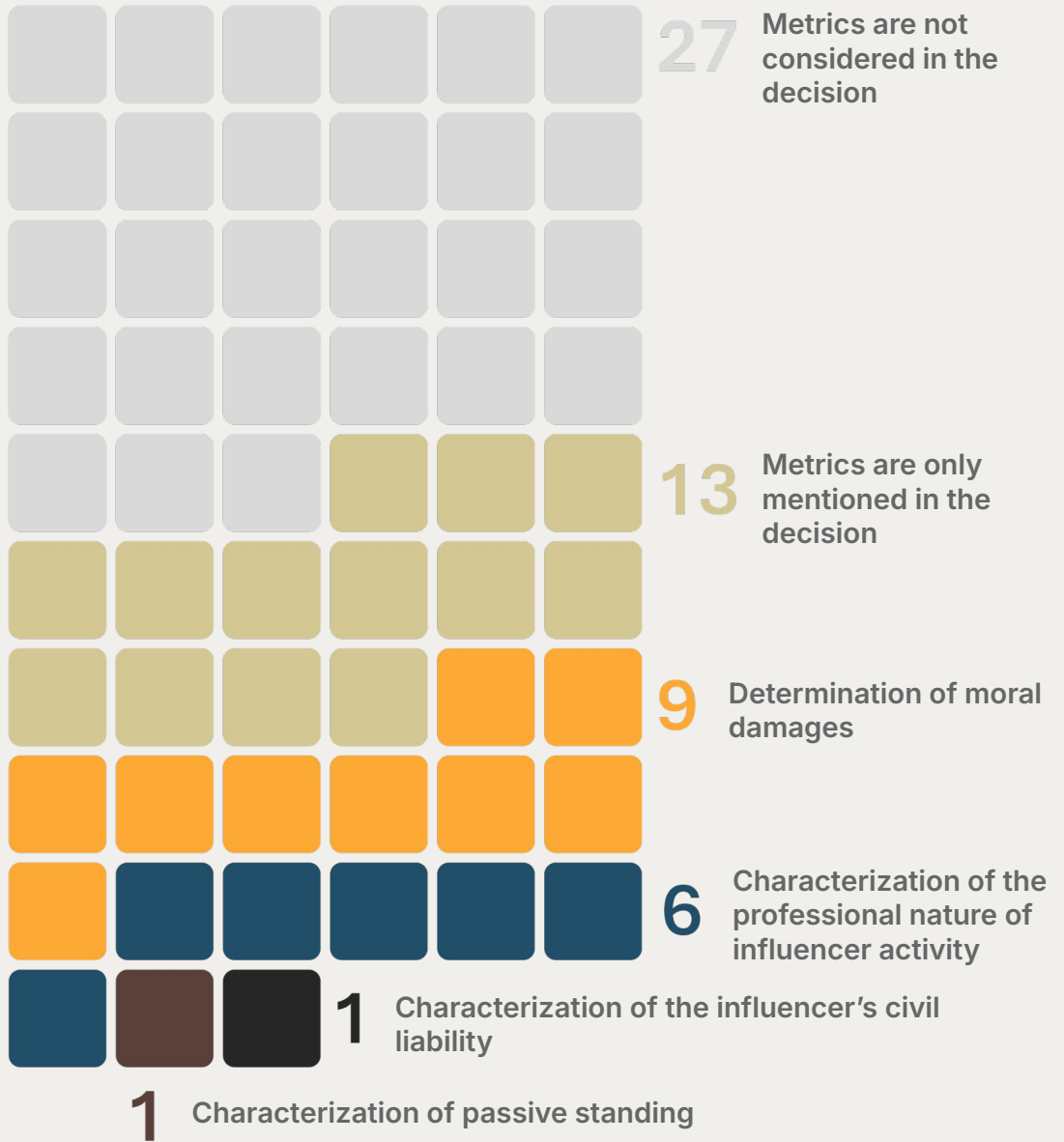


metrics appear in a significant portion of the cases, but have limited use in judicial decisions

In the analysed civil appellate judgments, the metric regarding the influencers' number of followers appears in over half of the cases (52.6%). Even so, its application in the decisions is generally limited.

In the majority of the appellate judgments, this metric is mentioned merely as a contextual element, without a direct impact on the outcome of the case. When utilised more substantively, it tends to support the assessment of moral damages or the characterisation of the influencer's professional activity.

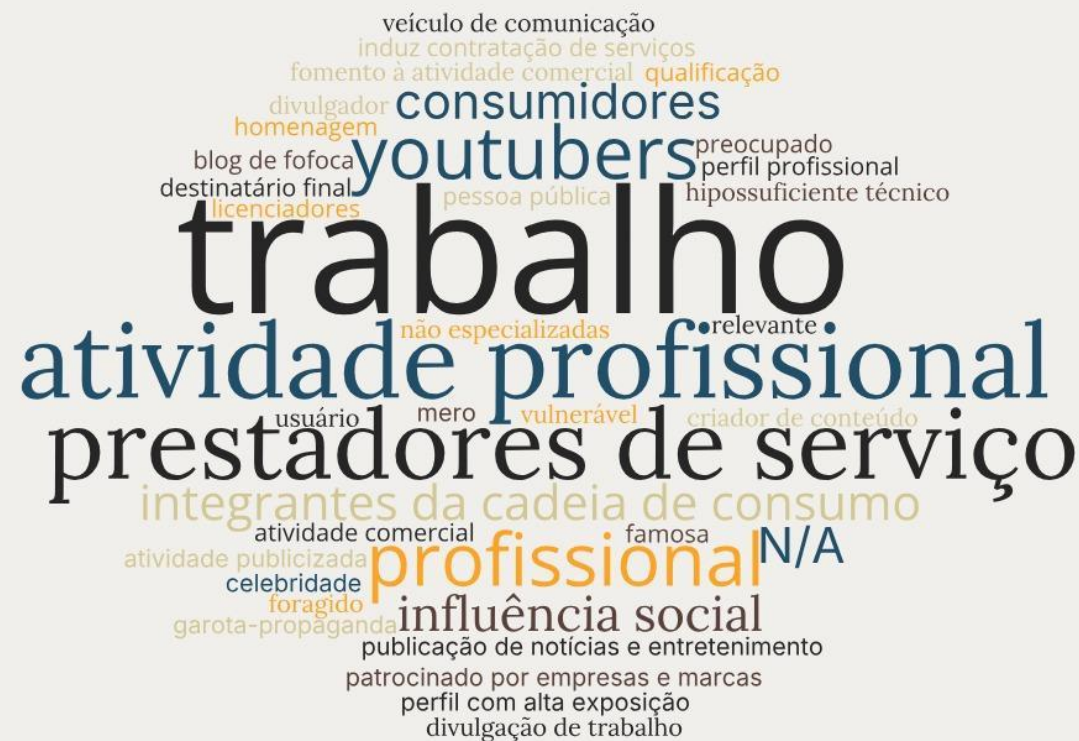
The use of metrics as a central element for establishing liability or procedural standing was less frequent within the sample.



influencers are described primarily using terms associated with work and professional activity

The terms used by the courts to characterise digital influencers centre on expressions associated with work, professional activity, and the provision of services. Formulations such as "professional activity", "work", "professional", and "service provider" appear frequently, indicating that judges tend to **attribute a professional or economic character to the influencer's activities**.

This framing **does not necessarily imply the institutional recognition of digital influence as a profession**. Rather, it suggests that the courts describe this activity as a **form of work, a means of promoting services, or a source of income** associated with the use of high-exposure social media profiles for commercial advertising and communication activities.



*The word cloud illustrates the orbital terms used by the courts that relate directly with digital influencers within the appellate judgements analysed. Its most prominent terms are: "work", "professional activity", "service providers", "youtubers", "consumers" and "professional".

courts perceive the influencer as part of the digital production chain

The activity of the influencer is frequently described in direct relation to the platform

Terms such as "Instagram," "platform," "functionalities," and "account" appear prominently, suggesting that the influencer's activity, in the decisions, is constructed in interaction with the platform.

Reputation, image, and credibility appear as elements associated with the activity

The presence of "image" and "credibility" indicates that the courts associate the activity of influencers with a reputational logic, in which these elements play a significant role.



*The word cloud illustrates the orbital terms used by the courts that characterize the digital influencer activity within the appellate judgements analysed. Its most prominent terms are: "platform", "followers", "Instagram", "social networks", "image", "professional activity", "professional profile", and "risk".

courts perceive the influencer as part of the digital production chain

Influencers are described as part of a digital production chain

The centrality of terms such as "platform," "followers," "profile," "posts," and "professional" indicates that courts tend to describe influencers based on their economic activity on social networks. The language aligns more closely with a logic of work and content production than with merely personal activity.

There are references to monetization, but they do not structure the entire description of the activity

Terms such as "earnings," "partnerships," and "sales" appear, but are less prominent than "platform" and "followers," suggesting that while the economic dimension is present, the judicial description appears more focused on the dynamics of the activity than on its contractual or financial structure.



*The word cloud illustrates the orbital terms used by the courts that relate directly with digital influencers within the appellate judgements analysed. Its most prominent terms are: "platform", "followers", "Instagram", "social networks", "image", "professional activity", "professional profile", and "risk".

the main themes of the analyzed criminal cases are the acts of January 8, 2023, and the staging of crimes by influencers

The three appellate judgments linked to the 2023 anti-democratic acts were published by the STF and decided in favor of accepting the charges against the mentioned influencers. The second most relevant theme in the criminal cases analyzed concerns instances where influencers committed crimes, such as robbery and larceny, and when denounced, claimed it was merely a prank or a simulation for the production of media content, as seen in excerpts such as:

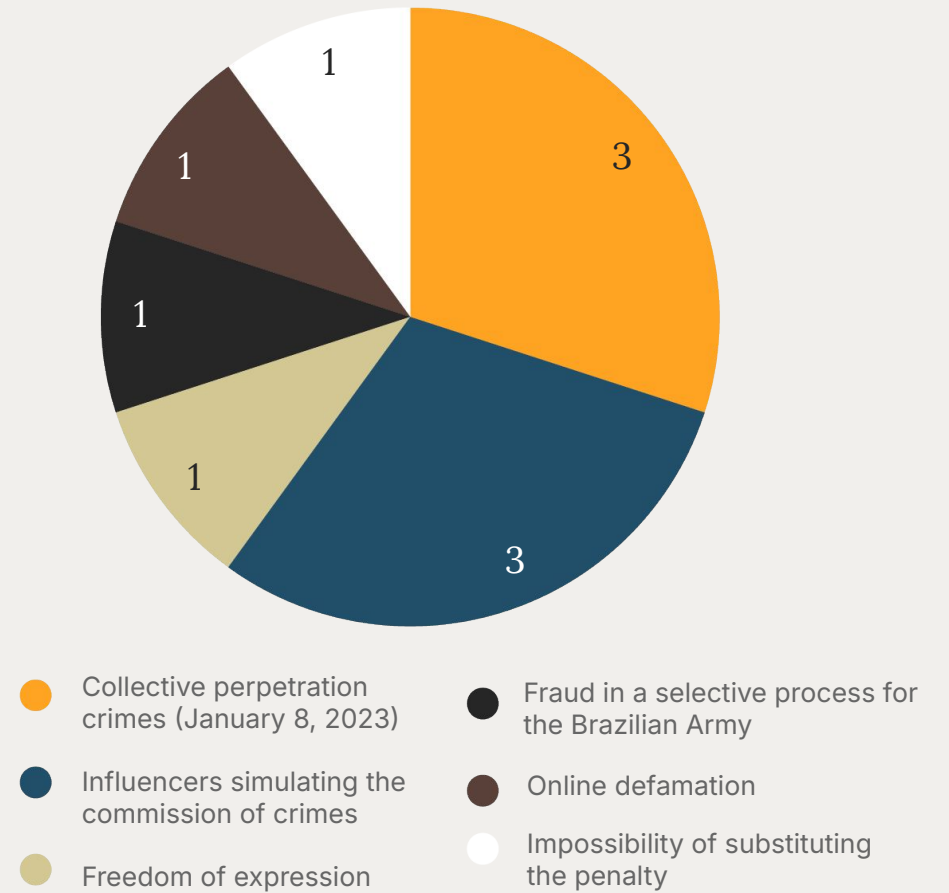
"Alleged 'prank' that does not remove the typicality of the conduct, nor the intent, especially in light of the victim's testimony, who, being frightened, handed over the cell phone and was furthermore repeatedly asked for the access password."

TJ-SP — Criminal Appeal 1511220-76.2024.8.26.0228

"When interrogated, the defendant confirmed the victim's narrative, stating that he is a comedian influencer on the TikTok app and that he was only playing a prank."

TJ-RJ — Criminal Appeal 0954315-42.2023.8.19.0001

Most frequent themes in criminal cases

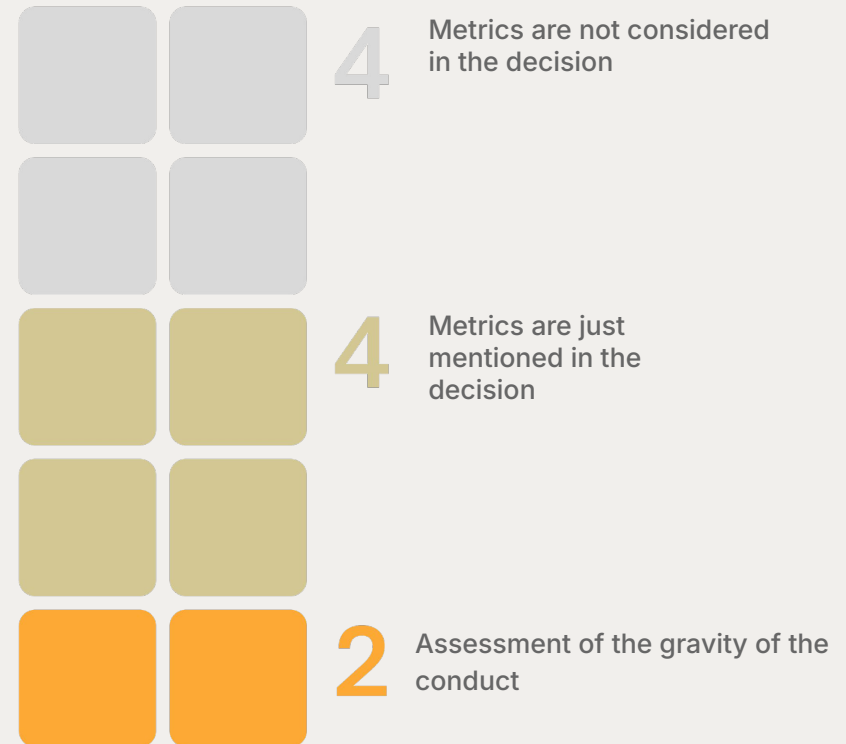


when mentioned, influencer metrics are mostly used to describe the facts of criminal cases

In general, digital influencer metrics are not considered central variables in criminal cases. In 80% of the proceedings, metrics are either not cited or are merely mentioned in the case without being used as a basis for the ruling. Only a minority of cases present metrics as part of the argumentation, serving the purpose of assessing the severity of the conduct.

"[the large number of followers on a social network] makes the conduct more repugnant, since, as a digital influencer, they should practice good and not encourage violence."

TJ-SP — Criminal Appeal 1511220-76.2024.8.26.0228



characterization of influencers by judges

Influencer as a social agent of impact (and risk)

Terms such as “reference for followers,” “teaches people,” “famous,” “instigators,” and “incitement,” indicate that the courts demonstrate recognition of the role of digital influencers as **role models for their followers**, that is, as actors with the capacity to shape behaviors and perceptions. However, this recognition does not appear to legitimize the activity, but rather to **qualify the potential impact of the analyzed conduct**.

In practice, the position of influence is mobilized as an element that amplifies the gravity of the action, especially in cases involving **incitement**, in which the influencer is interpreted as a possible **vector for the dissemination of illicit behaviors on a collective scale**.

Recognition of professional activity

Just as in civil cases, the status of an influencer is recognized as a **professional activity**. However, in criminal cases, it appears primarily as an element that qualifies the analysis of the conduct, being mobilized to measure the reach and potential for harm, or even the degree of culpability of the conduct.



*The word cloud illustrates the most recurring terms used by the courts to characterise digital influencers within the appellate judgements analysed. Its most prominent terms are: “professional activity”, “incitement to antidemocratic acts”, “reference to followers”.

for criminal justice, reach and culpability go hand in hand

A word cloud of Portuguese terms related to digital influencers in criminal justice. The most prominent terms are 'seguidores' (followers) in large blue font, 'redes sociais' (social networks) in blue, 'Festa da Selma' (Selma's Party) in orange, 'atos antidemocráticos' (antidemocratic acts) in dark grey, 'vídeo coletivo' (collective video) in brown, 'convocação' (convocation) in dark grey, 'imagem' (image) in dark grey, and 'vítima' (victim) in light green.

imagem
redes sociais
Festa da Selma
seguidores
atos antidemocráticos
vídeo coletivo
convocação
vítima

the number of followers indicates relevance in the public arena and impacts the culpability of the influencer's conduct

With a higher number of mentions, "followers" is the most prominent term in the criminal appellate judgments. When mentioned, the influencer's reach tends to express their public relevance and serves as an element for the moral contextualization of the conduct in question, making it "more repugnant" or highlighting its harmful potential.

*The word cloud illustrates the orbital terms used by the courts that relate directly with digital influencers within the appellate judgements analysed. Its most prominent terms are: "followers", "social networks", "Selma's Party", "antidemocratic acts", "collective video".

Case No. 0001362-33.2022.5.12.0058 (SC) - TRT 21st Region rejects a direct association between digital influence activity on social networks and economic capacity for the purposes of granting free legal aid

Case context

The claimant filed a labor lawsuit requesting, among other points, the granting of free legal aid. The opposing party contested the request, alleging a lack of economic vulnerability and using, as evidence, the Instagram profile of the claimant's spouse, a digital influencer whose posts supposedly indicated a high standard of living.

Court decision

The court rejected the direct association between social media exposure and the plaintiff's economic capacity, upholding the granting of free legal aid. The judges dismissed the inference that the appearance of wealth on social networks necessarily reflects an actual financial situation.

How was the activity of digital influencer described

The Regional Labor Court of the 21st Region rejected the opposing party's argument and upheld the granting of free legal justice. The judges refused the direct inference that "Instagram flaunting = actual wealth," recognizing that content published by digital influencers can involve commercial partnerships, advertising, curation, filters, and staging, elements that dissociate the appearance displayed on social networks from the actual economic situation of the individual or their family.

Case No. 0000819-94.2023.5.21.0009 (RN) - TRT 12th Region upholds dismissal for cause of influencer who posted content while on medical leave

Case context

Walter Miguel, a digital influencer, was terminated for cause by the company Simas after continuing to publish content on social media during periods when he was on medical leave. He filed a lawsuit seeking the annulment of the dismissal, overtime pay, and compensation for moral damages.

Court decision

The Regional Labor Court of the 12th Region upheld the dismissal and denied all claims. For the judges, the posts made during the leave of absence were sufficient evidence of a breach of trust with the employer.

How was the activity of digital influencer described

The court treated the publications as concrete evidence that Walter was fit to work. Producing and posting content was seen as an activity that requires physical and mental effort, which is incompatible with a leave of absence for health reasons.

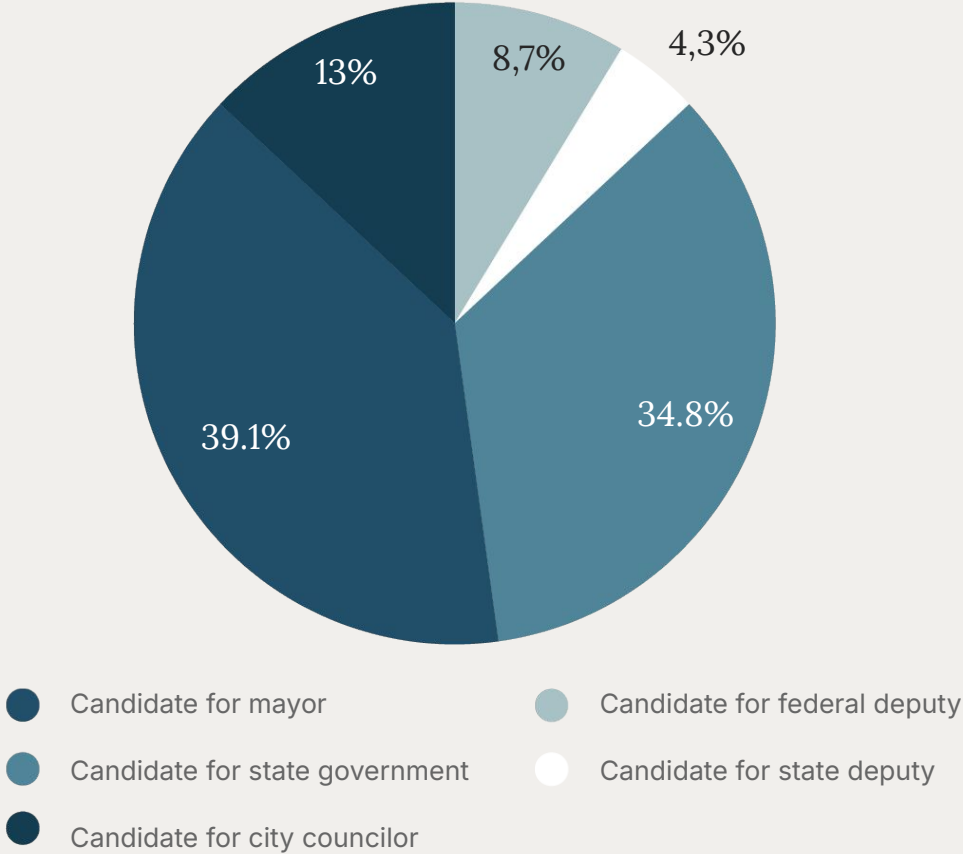
the proceedings primarily concern municipal and state-level candidacies

The number of electoral cases was distributed relatively evenly over time. They were:

6 in 2018
6 in 2020
5 in 2022
7 in 2024

The numbers also show that the candidacies of the individuals involved in the electoral cases were largely distributed across municipal and state levels, with 50% involving candidates for city council or mayor.

Candidacies involved in electoral cases



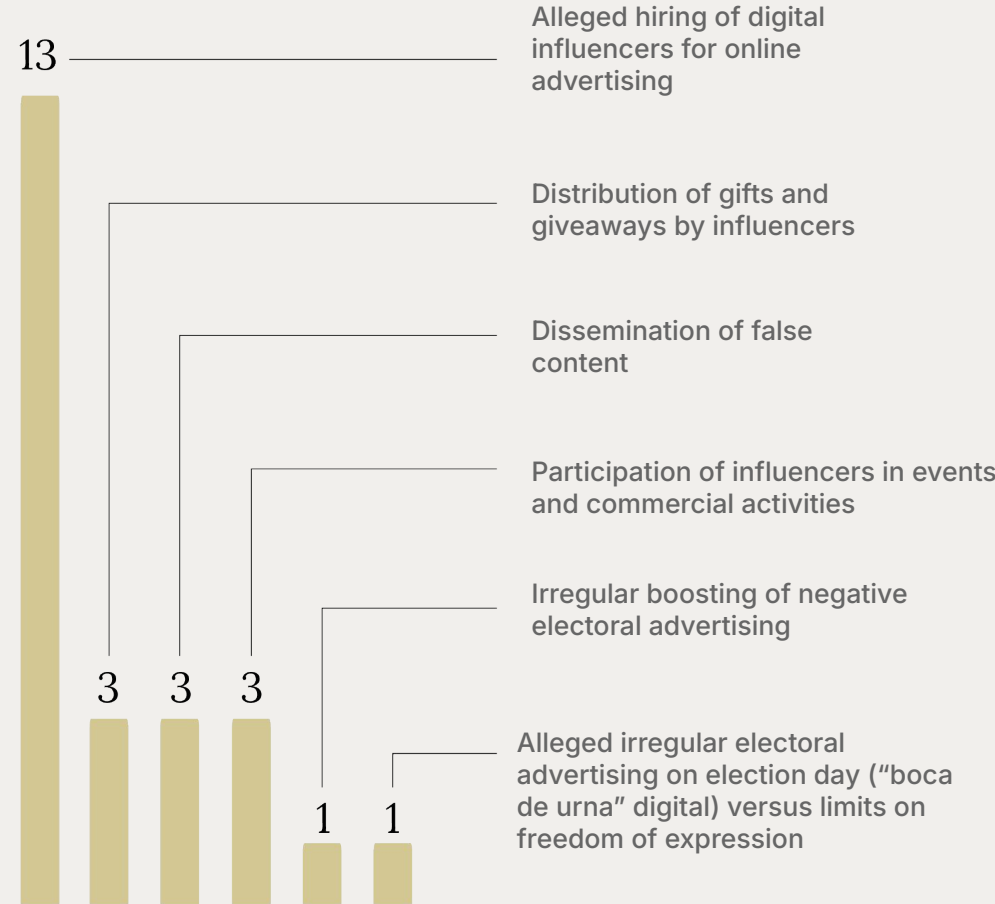
electoral appellate judgments address various aspects of propaganda by influencers

results | electoral matters

The distribution of themes indicates a strong concentration of controversies regarding the **alleged hiring of influencers for electoral propaganda**, which accounts for the majority of the analyzed appellate judgments. This data suggests that, in the electoral context, the Judiciary's main point of focus is not the content itself, but the underlying economic structure of the dissemination, especially when it involves payment, boosting, or intermediation.

Other themes, such as giveaways, false content, participation in events, and negative campaigning, appear more sporadically, indicating that they function as **variations of the same central issue**: the limits of influencers' actions when integrated into campaign strategies.

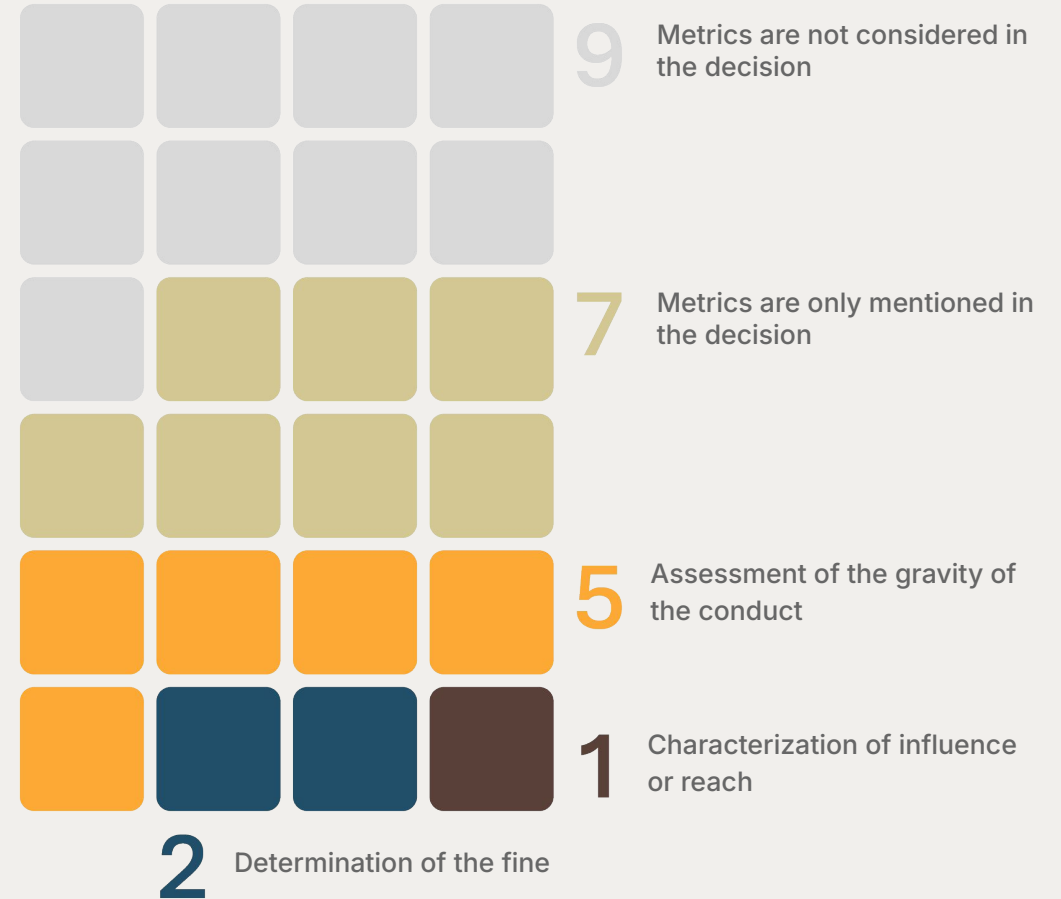
themes of the electoral appellate judgements



metrics do not define the case, but they weigh on its severity

Just as in civil and criminal cases, influencer metrics do not play a central role in electoral decisions. In most of the analyzed appellate judgments, these data are either absent or appear only descriptively, without a direct impact on the case's outcome.

When utilized, however, metrics serve specific functions. The most frequent use is in **assessing the gravity of the conduct**, especially to measure the reach of the message and its potential impact on the electoral process. To a lesser extent, they also appear in the **determination of fines** or in characterizing the influencer's overall reach.



Institutional ambivalence: the influencer as "work/economic activity" versus "social risk/unlawful act"

This section analyses the research data through the lenses of the author and co-authors of this work.

Throughout the sample, the figure of the influencer appears at times framed as a professional activity associated with income (especially in civil and electoral law), and at other times as a subject associated with deviant conduct, criminalization, or liability (especially in criminal law, but also in civil cases involving scams/defamation).

Unlike the patterns identified in research regarding the Legislative and Executive branches, the Judiciary does not seem to operate with stable categories of "influencer," but rather alternates lenses (labor, consumption, advertising, crime) depending on the branch of law, the type of controversy, and the "role" of the influencer in the specific case.

This suggests that "professionalization" is pragmatically recognized (to address income, damages, services, or contracts), but does not imply a homogeneous institutional legitimacy, as the same profession can be viewed as a vector of risk or threat depending on the context.

metrics as contextual elements, with specific uses according to the nature of the legal proceedings

This section analyses the research data through the lenses of the author and co-authors of this work.

Influence metrics (followers, likes, views) appear, in the majority of the analysed cases, as elements for contextualizing the controversy, helping the courts to situate the influencer's profile, their reach, and the environment in which the dispute occurs.

In some cases, however, a more instrumental use of these metrics is observed. In electoral law, they are mobilized to assess the reach of the message and measure the gravity of the conduct. In civil law, they may appear to substantiate the extent of the damage, especially in cases involving reputation or economic activity.

In criminal law, when present, they tend to be used to qualify the gravity of the conduct and the potential for harm, albeit in a less systematic manner.

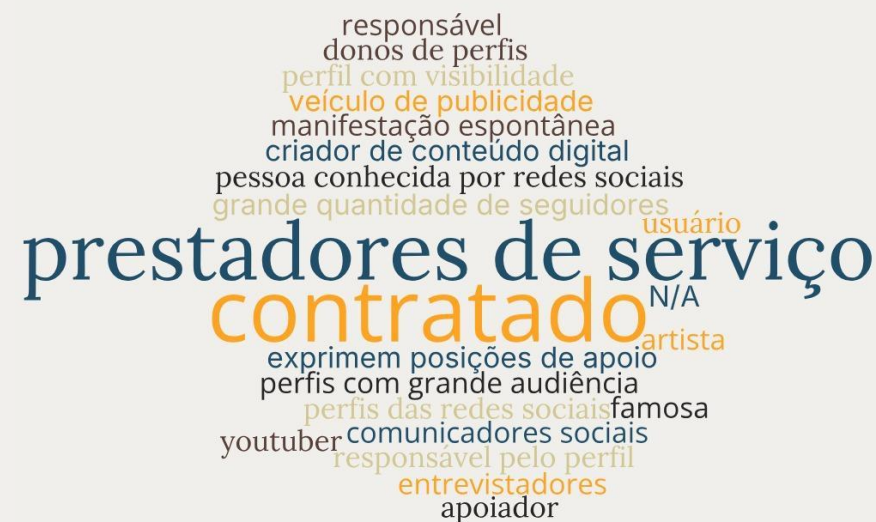
This pattern suggests that, although relevant, metrics still operate in a heterogeneous and non-standardized way, leaving room for discussions about what they can actually demonstrate and the risks of using them as a direct correlation for damage, gravity of conduct, or economic capacity.

between opinion and propaganda: the economic link as the central criterion in electoral decisions

This section analyses the research data through the lenses of the author and co-authors of this work.

In the electoral sample, proof of payment or a contractual link emerges as the central element for establishing irregular electoral propaganda on the internet. In the absence of robust evidence of remuneration, the courts tended to categorise the influencer's actions as spontaneous expression, protected by freedom of speech.

The finding converges with the electoral regulations in force during the analysed periods: since 2021, the TSE has prohibited the paid hiring of influencers for electoral propaganda (Res. No. 23,671/2021); in 2024, Resolution No. 23,732 deepened this prohibition by making it explicit that any economic advantage, and not just cash payment, constitutes an irregularity.



*The word cloud illustrates the most recurring terms used by the courts to characterise digital influencers within the appellate judgements analysed. Its most prominent terms are: "service providers", "contracted", "social communicators", "content creator", "user", "profile with visibility", "large number of followers", and "youtuber".

/ What do we aim to answer with this study?

We investigated how the Brazilian Judiciary interprets and frames the activity of digital influencers. Through the analysis of **93 appellate judgments**, we sought to understand patterns of liability, the use of digital metrics, and the characterisation attributed to these professionals in the Civil, Criminal, Labour, and Electoral spheres.

More than just mapping cases, the objective was to understand how the Judiciary is, in practice, constructing the concept of "digital influence" within a context still marked by the absence of consolidated legal categories.

/ What did we find?

The results reveal a **fragmented professionalisation**, in which the legal framing of the influencer fluctuates according to the nature of the litigation:

- **Civil Sphere:** The influencer appears predominantly as a user in conflict with platforms.
- **Electoral Sphere:** They are framed as an advertising service provider, with liability contingent on elements such as remuneration and the degree of autonomy.
- **Criminal Sphere:** Influencer's actions are mobilized as a factor for amplifying harm, influencing the gravity of the conduct.

It was also observed that **reach metrics**, such as follower counts and engagement, can shift from being merely contextual data to being mobilised as relevant criteria in assessing conduct and quantifying damages.

/ And why does this matter?

This study shows that, in the absence of specific regulation, the Judiciary has dealt with the influence economy in a **reactive and contextual** manner, adjusting traditional legal categories to concrete cases. In this scenario, understanding these patterns is fundamental for informing the design of public policies, guiding the structuring of advertising contracts, and supporting self-regulation strategies.

Three studies, three branches of government, one common question: how does the Brazilian State perceive digital influencers?

What the *Feed* series reveals, by placing the Legislative, Executive, and Judiciary branches side by side, is not a coherent vision, but a mosaic of distinct framings that reflect the still incipient stage of the Brazilian institutional response to this phenomenon.

- / In the **Legislative** branch, a reactive logic prevails. Normative production is heavily influenced by high-profile media events, leading to fragmented responses with vague definitions and a focus on content control. In this context, influencers are frequently constructed as potential agents of harm, associated with fraud, consumer inducement, or social risks, even if they are recognized, in the abstract, as legitimate actors. The result is a regulatory field in formation, marked by low conceptual density and little attention to the economic dimension of the activity.
- / In the **Executive** branch, ambivalence takes a different form. Influencers are widely mobilised as tools for public communication, functioning as operational extensions of state campaigns. This instrumental use, however, does not translate into institutional recognition: there is an absence of specific public policies, regulatory frameworks, or governance mechanisms geared towards the sector. At the same time, when they appear in enforcement or regulatory actions, they are predominantly framed through the lens of risk and liability. Thus, the State utilises these actors but rarely recognises them as subjects of rights or as a structural part of the economy.

Three studies, three branches of government, one common question: how does the Brazilian State perceive digital influencers?

- / In the **Judiciary**, the pattern is not one of omission or reactivity, but of casuistic adaptation. In the absence of consolidated legal categories, the courts frame influencers through the lenses available within each branch of the Law. The activity is recognised as work and a source of income in civil and electoral disputes, but it can also be associated with the amplification of damages or the commission of illicit acts, particularly in the criminal sphere. This fluctuation reveals a fragmented professionalisation: legal recognition exists, but it is not accompanied by uniform institutional legitimacy.

Taken together, the three branches converge on a central point: the absence of a strategic and coordinated approach to the influence economy. The Brazilian State responds to the phenomenon rather than anticipating it, regulates its effects rather than understanding its dynamics, and mobilises its actors rather than integrating them institutionally. As a result, an ambivalent framework is consolidated, in which influencers are simultaneously useful, suspicious, and economically relevant, yet not yet fully recognised as a structural part of public policy and the legal system.

directions for future studies

Based on the results and discussions of this work, as well as its methodological limitations, we highlight the following directions for future studies that can continue to refine this research:

Expanding search terms

This study utilised the term "digital influencer" as the primary search entry. Incorporating complementary vocabulary, such as *youtuber*, *tiktoker*, *streamer*, and *content creator*, would allow for the mapping of decisions that address the same activity under different designations, broadening the research scope, especially in older cases or in regions with less consolidated terminology.

Longitudinal jurisprudential research

Conducting longitudinal jurisprudential research, through the structured and continuous collection of decisions over time, would allow for the mapping of patterns of convergence and divergence between courts.

This approach could help evaluate whether the Judiciary is moving towards the formation of more stable understandings regarding the activity of digital influencers.

Analysis of contractual disputes involving influencers

The low incidence of cases involving influencers as plaintiffs in typical market disputes, such as remuneration, contract termination, fines, and image rights, must be interpreted with caution, considering the limitations of the sample and the search criteria adopted in this study. Nonetheless, this relative absence raises relevant questions about how this sector operates. Future studies could deepen this agenda through targeted searches (e.g., “digital influencer” + “contract”, “termination”, “remuneration”), investigating whether:

- (i)** there is an under-representation of these disputes in the Judiciary;
- (ii)** conflicts of this nature are predominantly resolved outside of it; or
- (iii)** these controversies are framed without explicit reference to the activity of digital influence.



methodology annex

Methodology

General information

Reglab's research adheres to strict methodological standards to ensure objectivity and transparency. All data and findings are available for independent verification, reinforcing the credibility of our studies.

The collection and analysis took place from December 22nd, 2025 to February 6th, 2026, with double validation to reduce bias and the use of software to organise the results.

1. Data collection

2. Data analysis

3. Bias reduction procedures

4. Additional information

5. Ethical guidelines

Research Title

Feed to Courts: the Brazilian Judiciary and Digital Influencers

Research Question

How do Brazilian courts interpret, frame, and judge issues related to digital influence activity?

Methodological Summary

This study analyses how the Judiciary branch interprets, frames, and judges the economic activity of digital influencers based on the analysis of decisions from Brazilian courts. The methodology is **qualitative, deductive, and descriptive**, grounded in documentary research of civil, criminal, electoral, and labour appellate judgements collected from the JusBrasil platform.

The technical analysis applied **descriptive coding** based on predefined categories, mapping the object of the conflict, the procedural position, and the influencer's material link to the litigation. The investigation examines the conceptual framing of the activity by the judge, identifying the use of **reach metrics** (such as follower counts) to substantiate decisions.

1. Data collection

Data collection was conducted through **documentary research** on the **Jusbrasil** website, aiming to identify appellate judgements in which digital influencers appear as parties or where the issues discussed deal directly with activities related to them.

- **Research term:** "influenciador digital"
- **Initial sample:** 842 decisions identified

However, due to limitations of the JusBrasil search platform, it was only possible to access 476 results.

Collection period

22 to 31

December 2025

Total sample size

476

documents

Methodological caveat

Out of the 842 appellate judgements initially identified through the search on the Jusbrasil website, we only had access to the first 476 results due to a limitation of the tool: only the first 50 pages are accessible to users.

1.1 Sample refinement and qualification

Prioritisation of decisions on the merits

Following the initial phase of collecting and mapping the 476 documents, interlocutory decisions and incidental appeals (interlocutory appeals, motions for clarification, and injunctions) were removed to prioritise decisions on the merits in appellate courts.

After the refinement and qualification phase of the collected sample, we arrived at a database for analysis consisting of **264 documents**.

<p>Refinement period</p> <p>06 to 16*</p> <p>January 2026</p>	<p>Total sample size</p> <p>243</p> <p>documents</p>
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Thematic relevance

Thematic relevance criteria were also applied to ensure that the research database reflected issues central to the activity of digital influence within the Judiciary.

Exclusion of Duplicates: Removal of repeated cases to ensure quantitative accuracy.

Material Relevance Criterion: Discarding appellate judgements in which the figure of the influencer was merely peripheral to the litigation, with no direct connection to the core object of the dispute.

These measures sought to ensure a greater volume of textual material for analysis in each case.

*Between 16/03/2026 and 24/03/2026, a new phase of sample refinement was conducted. Of the 45 electoral appellate judgements initially collected, 21 were excluded because they dealt exclusively with procedural issues or did not meet the established material relevance.

1.2 Sampling and pre-analysis scope

After the refinement and qualification of the sample, we obtained a database of 243 appellate judgements, classified into 207 civil cases, 24 electoral, 10 criminal, and 2 labour cases.

To ensure the feasibility of the qualitative analysis without compromising national scope, the research defined a sample of 25% of the civil cases (drawn from a universe of 207 judgements), distributed across 15 Courts of Justice. The selection followed the criterion of typological diversity, prioritising the representation of Brazil's five macro-regions and balancing the decision volume of the courts with the need to capture pluralistic views from across the national territory. This methodological choice prevents the high concentration of decisions in high-volume courts, such as TJSP, TJPR, TJMG, TJRS, TJDF, TJRJ, and TJPE, from overshadowing other courts. For courts with lower numerical density, a macro-region grouping criterion was applied with adjustments to ensure a variety of federative contexts, guaranteeing analytical depth and transparency regarding the plurality of the Judiciary's views on influencer activity.

Thus, the final sample of civil cases from Courts of Justice consisted of 57 cases, as shown in the table on the following page.

Civil decisions adjudicated in superior courts (4), as well as electoral (24), criminal (10), and labour (2) cases, were analysed in their entirety. This methodological choice is justified by the smaller volume of appellate judgements in these spheres, which allows for and requires a full examination of the data to accurately capture the characterisation specifics of each jurisdiction.

1. Data collection

1.2 Sampling and pre-analysis scope

<p>Sampling period</p> <p>07 to 21</p> <p>January 2026</p>	<p>Total sample size</p> <p>93</p> <p>documents</p>
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Court	Number of appellate judgements analysed
STF	1
TRF-4	2
TRF-2	1
TJSP	28
TJPR	3
TJMG	3
TJRS	3
TJDF	2
TJRJ	2
TJPE	2
South (TJSC)	1
Northeast (TJBA, TJCE, TJRN e TJSE)	6
North (AM)	1
Central-West (MS e GO)	2

2. Data analysis

The analysis followed a qualitative and descriptive approach, focused exclusively on the text of the appellate judgements.

The analysis categories defined deductively were:

- / **Basic identification of the appellate judgement**
- / **Procedural position of the influencer**
- / **Subject matter of the appellate judgement**
- / **Relationship of the influencer to the appellate judgement**
- / **The Judiciary's view on digital influencer activity**
- / **Influencer metrics**
- / **Decision summary**
- / **Characterisation attributed to the influencer**
- / **Orbital terms**
- / **Categories related to the electoral context**

2. Data analysis

2.1 Basic identification of the appellate judgement

Year of commencement of the proceedings

Data obtained from the case number. For example: In the judgement “Civil Appeal: 1041952-64.2022.8.26.0100 São Paulo”, the commencement year considered was **2022**.

Court

Data provided by the Jusbrasil software database.

Nature of the action

Initial categorisation performed based on the headnotes (*ementas*) of the judgements, and subsequently confirmed or amended following the analysis of the full texts.

- **Civil**
- **Electoral**
- **Labour**
- **Criminal**

2.2 Procedural position of the influencer

The formal procedural position occupied by influencers in each analysed appellate judgement was categorised based on the following codes:

- **Claimant (*Autor*):** when the influencer was the one initiating the action;
- **Defendant (*Réu*):** when the influencer was being sued;
- **Not a party to the proceedings:** when influencers were merely mentioned in the decision without being a formal party to the litigation

2.3 Subject matter of the appellate judgement

Through an inductive approach, this category sought to identify the central object of the legal conflict in each judgement based on a detailed analysis. At the first level of free writing, the core of the judgement was described in a few words. At the second level of analysis, codes were developed to more directly describe the theme of the case. They were as follows:

- Workplace accident
- Moral harassment
- Hacked account
- PIS/COFINS crediting with marketing/advertising/publicity expenses and digital influencers
- Collective authorship crimes (08/01/23)
- Digital defamation
- Right to honour and image of digital influencers
- Dispute over corporate profits following rescission
- Distribution of giveaways and sweepstakes by influencers
- Dissemination of untruthful content
- Fraud in the selection process for the Brazilian Army
- Scam on a digital influencer's profile
- Impossibility of sentence substitution
- Irregular boosting of negative electoral propaganda
- Indemnification for investment in digital financial platforms
- Influencers simulating the commission of crimes
- Limits of freedom of expression in the digital environment

- Freedom of the press
- Influencer participation in events and commercial actions
- Deceptive advertising
- Advertising for undelivered products
- Irregular advertising
- Contractual termination
- Civil liability of journalists
- Account restriction
- Reversal of dismissal for cause
- Alleged hiring of digital influencers for internet advertising
- Alleged irregular electoral propaganda on election day (digital "boca de urna") vs. limits of freedom of expression
- Misuse of third-party images

Example: In the Small Claims Appeal: 1011794-42.2021.8.26.0009 from São Paulo, the theme was described by the level 1 coding as "influencer posts a prank video and is sued by the victim." Meanwhile, at level 2, the theme was coded as "misuse of third-party images."

2.4 Relationship of the influencer to the appellate judgement

This categorisation, carried out in two levels, the first being free writing and the second a classification based on codes developed inductively from the first, sought to qualify and clarify the material link between the influencer and the litigation, revealing their role in the facts of the case. The codes created at the second level were:

- Artist accused of "digital boca de urna"
- Seeking PIS/COFINS tax deduction
- Contracted: electoral advertising
- Contracted: negative advertising
- Contracted: institutional publicity
- Factual context of the published image
- Influencer spouse does not prevent the granting of free justice (justiça gratuita)
- Reporting of animal mistreatment
- Digital defamation
- Distributor of giveaways and money
- Disseminator of untruthful content
- Intent to defraud the EB (Brazilian Army) selection process
- Undue exposure of private content
- Oversight by a Professional Council
- Harassment via social media
- Indemnification for omission in the allergen table
- Digital influencer generates trust
- Influence as a business asset
- Part of the consumption chain
- Participant in a campaign event
- Profile used for carrying out scams
- Advertising for digital financial platforms
- Deceptive advertising
- Institutional publicity
- Redress for arbitrary profile restriction
- Responsible for the commission of crimes
- Community service and risks to the reputation of the convicted influencer
- Misuse of one's own image in a criminal investigation
- Full enjoyment of platform functionalities
- Vehicle for the coordination and propagation of a delinquent crowd
- Communication vehicle
- Veracity of disseminated content
- Victim of publications infringing on honour and image

An example of this coding is ELECTORAL APPEAL: REI 0600478-70.2024.6.06.0024 SOBRAL - CE, which, in this category, was initially coded as "Accusation that investigators used digital influencers with a significant number of followers to boost candidacies through supposedly prohibited hirings." Meanwhile, at level 2, it was coded as "Contracted: electoral advertising."

2.5 The Judiciary's view on digital influencer activity

This categorization, carried out in two levels, the first being free writing and the second a classification based on codes developed inductively from the first, sought to capture the judge's conceptual and evaluative framework regarding digital influencer activity, with the aim of revealing how the court understands and defines this activity. The codes created at the second level were:

- Suitability for the Target Audience
- Publicly known artist
- Activity involves professional risk
- Professional activity
- Commercial and advertising activity
- Activity focused on influencing voters
- Influencer's actions enhance the gravity of their conduct
- Author of criminal conduct
- Conduct is a lawful pre-campaign act
- Public trust
- Hiring of paid advertising
- Hiring of political advertising
- Dependence on public opinion
- Duty to do good (repugnance of the act given its reach)
- Dissemination of untruthful content
- Promotion of services
- Distortion of the perception of real economic capacity
- Exposure to public scrutiny
- Tool for scaling engagement

- Source of information
- Source of income
- Function similar to traditional press
- Great reach
- Influencer prompts reflection and demands solutions
- Digital influencer status is sufficient to generate moral damages
- Influencers as social communicators
- Influencers facilitate scams
- Freedom of expression must be ensured
- Spontaneous expression
- Mere proxies/labour
- Mere supporter
- Political militancy and dissemination of ideas
- Power of persuasion
- Profession is a reflection of the massification of networks
- Promotion and marketing service
- Paid negative advertising is prohibited
- Communication vehicle
- Violation of the ban on paid advertising

As an example of this coding, there is CIVIL APPEAL: 1176530-90.2024.8.26.0100 SÃO PAULO, which, in this category, was initially described by the excerpt: "Although the plaintiff uses her Instagram account for professional purposes as a digital influencer, it cannot be overlooked that, in relation to Facebook, she is manifestly vulnerable from a technical-probatory standpoint, attracting the application of the consumer defense microsystem." Meanwhile, at level 2, it was coded as "Professional activity."

2. Data analysis

2.6 Influencer metrics

Does the appellate judgement describe any metrics?

This binary category is based on the text of the analysed decision. The possible answers—**YES** or **NO**—aim to identify whether the court refers to quantitative indicators (number of followers, reach, downloads, views) within the body of the judgements.

Purpose of the use of metrics

In cases where the answer to the category "Does the appellate judgement describe any metrics?" was positive, the metric usage purpose category sought to capture the Judiciary's objective in mentioning influencer metrics, based on the following codes:

- Assessment of the gravity of the conduct
- Characterisation of the influencer's civil liability
- Characterisation of influence or reach
- Characterisation of standing to be sued (*legitimidade passiva*)
- Characterisation of the professional purpose of digital influence
- Setting of the fine
- Calculation of moral damages
- Metrics are merely mentioned in the decision

In cases where the judgement does not describe any metrics, the code "**Metrics are not considered in the decision**" was assigned.

2.7 Decision summary

This category provides a standardised synthesis of the case and its outcome, generated with the support of artificial intelligence tools (Gemini / NotebookLM) and validated by the team. Its objective is to identify, in general terms, the facts of the case and what the court ruled in the appellate judgement.

2. Data analysis

2.8 Characterisation attributed to the influencer

This code identifies the **descriptive terms** associated with the influencer in each appellate judgement, aiming to provide a **concise identification** of recurring **discursive patterns** and epithets used in judicial decisions. Due to the large number of terms used for this categorisation (66 in total), they have not been listed in this annex.

2.9 Orbital terms

This categorisation evaluates the **semantic field** surrounding the term “digital influencer” within the decisions to determine whether the Judiciary associates the influencer with areas such as **media/journalism, advertising/consumption, labour, and politics**, or if the term appears only peripherally. Given the vast number of different orbital terms used in the decisions, exceeding 99, they have not been listed in this annex.

2.10 Categories related to the electoral context

Election Cycle (Pleito)

This code sought to identify whether there were trends regarding the specific election years in which the facts of the cases occurred. Thus, the categorisation of the election cycles described in the appellate judgements resulted in the years 2018, 2020, 2022, and 2024.

Is the influencer also a candidate?

For this binary category, YES or NO answers were assigned based on an analysis of whether the influencer in the case was simultaneously a candidate in the election. The objective of this code was to understand the influencer's relationship with the electoral case and the extent to which the roles of influencer and candidate overlapped.

3. Bias reduction procedures

We recognize that all research, especially of a qualitative nature, is subject to inherent biases, and we sought, to the best of our ability, to exercise continuous reflexivity throughout the study, questioning the potential effects of our own perspectives or understandings on the data. Furthermore, we adopted a series of measures to mitigate subjectivity in the interpretation and analysis of the data:

Double validation in critical stages

For the data analysis stages, a cross-validation process was adopted. Two researchers reviewed the selection of entries and the coding of arguments.

Record-keeping and Transparency in the Coding Process

During the coding stage, we maintained detailed records of all file versions, preserving the history and allowing for a more systematic review.

Adoption of Predefined Criteria

The criteria for the classification in item 2.1 were established beforehand, based on theoretical frameworks. These criteria were shared among the researchers before the actual classification began and were adjusted only in cases where deductive classifications were notably insufficient.

4. Additional information

4.1 Other methodological limitations

Qualitative Sample and

Representativeness: The sample for this study is qualitative and not statistically representative. Its construction prioritized regional diversity and a variety of judicial perspectives rather than a proportional distribution of cases within the total universe of decisions. For this reason, the findings should not be generalized, nor do they represent settled case law; they should be interpreted as analytical indicators of judicial framing patterns.

Data Collection Constraints: Data collection was impacted by operational limitations of the JusBrasil platform, which restricts browsing to the first few pages of results. Consequently, approximately 43.5% of the initially identified sample could not be accessed. This limitation may introduce selection bias, as the uncollected decisions might possess characteristics distinct from those analyzed.

Scope of Analysis: The study focused on the analysis of appellate judgements. It did not include first-instance decisions or the evolution of legal interpretation in superior courts. Therefore, the results reflect patterns observed in specific collegiate decisions and do not constitute a broad or consolidated case law analysis.

4. Additional information

4.1 Other methodological limitations

Keyword Dependency: The identification of cases was conducted using the keyword “digital influencer” (influenciador digital).

This criterion may not capture decisions where the activity is present but described using other terms (such as “content creator,” “youtuber,” or “blogger”), which may result in the under-inclusion of relevant cases.

Subjectivity Inherent to Qualitative Coding: Despite the adoption of predefined criteria and cross-validation, the classification and interpretation of data involve the analytical judgment of the researchers, a characteristic inherent to qualitative research. While mitigation measures were adopted, they do not completely eliminate the subjectivity of the process.

Absence of temporal control of the sample:

The data collection did not incorporate a structured temporal timeframe as a methodological criterion. Cases were included based on their availability in the database, regardless of the year they originated.

Consequently, the sample may show a concentration in specific years.

4. Additional information

4.2 Protection of personal data

This research did not involve the direct processing of personal data. The documents analyzed consisted exclusively of appellate judgements publicly available on the Jusbrasil.com.br website. Although these decisions may contain personal data, the analysis was conducted at an aggregate and qualitative level, without the collection, systematization, or individualized use of this information, in line with responsible practices for the use of public data.

4.3 Use of software

SOFTWARE	USE IN RESEARCH
Suite MS Office	text editing, spreadsheets, and charts
Suite Adobe CC	layout design and finalization of charts and illustrations
Gemini e ChatGPT 5.3	brainstorming, systematization of information, data structuring, chart editing, organization of pre-textual elements, ABNT (Brazilian National Standards) review, image generation for layout, and compliance with the Reglab Writing Manual
Notion	text editing, data and file organization, and chart editing
Jusbrasil	search and collection of appellate judgments
Wordclouds	development of word clouds

5. Ethical guidelines

This research was funded by YouTube Brasil Ltda. To ensure the integrity of this work, **the authors developed, conducted, and analyzed the study independently**, without any contribution or interference from the company, which likewise did not influence or interfere with the interpretation of the results. The authors maintain full professional independence and sole responsibility for the content and conclusions of this work.

Respect for Privacy and Confidentiality

The data used are in the public domain and were obtained from accessible sources, without violating the privacy or confidentiality of any individual or institution.

Responsible Use of Public Data

Although the analyzed data are public, they were used in a responsible and ethical manner, for the exclusive purpose of independent research.

Methodological Transparency

The research methodology was detailed to ensure transparency and replicability, contributing to scientific integrity and allowing for the independent validation of the results.

Non-discrimination and Respect for Diversity

The research was conducted in a manner that respects diversity and avoids any form of discrimination.



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