

Feed to Courts

The Brazilian Judiciary and Digital Influencers



The study examines how Brazilian courts have interpreted and adjudicated concrete cases involving digital influencers, based on an analysis of 93 appellate judgments across civil, criminal, electoral, and employment jurisdictions.

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

The Judiciary does not operate with a fixed categorisation of the “influencer”. Instead, it alternates between distinct analytical lenses, such as employment, consumer relations, advertising, or criminal offence, depending on the area of law and the influencer’s role in the specific case.

Metrics as contextual elements, with specific applications contingent on the nature of the proceedings

Metrics of influence (such as follower count, reach, and views) emerge in the majority of cases as contextual elements, exerting no direct impact on the final judgment.

Branch of Government	Perception of Influencers	Predominant Logic
Legislative	Views influencers primarily as a social risk requiring regulation. Although there is sporadic recognition of the role as a professional activity, this categorisation is fragmented, lacking conceptual depth and paying little attention to its economic dimension.	Reactive and fragmented: responds to crises and media events, with a focus on content control.
Executive	Treats influencers primarily as public communication tools, mobilized as operational extensions of state campaigns. However, this application does not translate into institutional recognition: there is a lack of structured public policies, regulatory frameworks, and integration of the sector into the governmental agenda.	Instrumental: mobilises them for communication strategies but lacks the institutional apparatus to regulate digital influencers.
Judiciary	Categorises influencers as economic and communicational actors based on pre-existing legal categories, acknowledging the activity but lacking uniformity. The absence of distinct categories leads to casuistic decisions and fragmented professionalisation, devoid of institutional consolidation.	Casuistic: adjudicates on a case-by-case basis, relying on the analytical lenses available within each branch of law.

Access the full study [here](#) to learn more!

