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Digital Media Regulations and Freedom of Expression: Evolving Challenges of Censorship, Surveillance and Privacy in the Networked

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ABSTRACT

This growth of digital media since 2000 has radically restructured communication, political engagement, and mass discourse in Pakistan, creating space to express and at the same time raising the intensity of regulation. PECA 2016 is the primary act of legislation related to electronic communication in Pakistan, which was passed to resolve the problem of cybercrime, online harassment, and the issue of national security. Nevertheless, its application has elicited a long-term constitutional, institutional and academic controversy on censorship, surveillance, privacy and freedom of the press. Based on the Network Society Theory (Castells, 2000), this paper explores the restructuring of communicative power in the networked public sphere in Pakistan through PECA and mediating the restructuring by constitutional litigation. The paper is developed through a qualitative case study design that relies on the analysis of documents, judicial decisions, policy texts and academic literature to identify the trends of enforcement, content regulation, investigative authority, and judicial contestation in the period between 2016 and 2025. Meanwhile, the constant checks on executive authority have been created through the appearance of constitutional courts who appeal to the principles of proportionality, legality and due process to re-balance the checks and balances. The paper places the Pakistani experience in the context of wider international political discussions on the issue of digital governance and points out to the current tensions between the need to maintain cybersecurity and the democratic right to freedom of expression in the

networked societies.

Keywords: DMR, Freedom of expression, Censorship, Surveillance, Privacy, PECA 2016, Network Society Theory, Pakistan.

INTRODUCTION

Almost everything has been transformed by the burgeoning growth of digital media and information and communication technologies (ICTs) since 2000 in how people interact, receive information as well as participate in the civic and political life. The advent of the social media sites, online news portals and user generated content has led to very interconnected digital civil society in which information flows are real-time, mass participations and masses of capacity to express and organize (Castells, 2000). However, more advanced regulatory challenges have been caused by this networked expansion to have to deal with censorship, surveillance, privacy and state control of information. As the digital networks have become a heart of social, economic, political life, the desire to control them has become one of the priorities of those states that want to control the activity of online life, social life, and the national security (Fuchs, 2014).

Prevention of Electronic Crimes Act (PECA) 2016 passed in Pakistan can be regarded as one of the attempts to regulate the digital activity in the view of the fears of cybercrime, cyberbullying, hate-speech, and other negative trends. Despite PECA being a legal intervention that aims to provide a solution to the digital space, there have been numerous controversies surrounding its application by academicians, civil rights movements and media professionals. Critics claim that the stipulations of the legislation, particularly the ones, which govern the content, make the process of online communication a criminal offense and enable the law enforcement to engage in mass surveillance, can suppress the primary freedoms and eventually turn against the state apparatus (Hussain and Zaman, 2019; Rahman, 2021).

One of these interesting tools of analysis to assess these developments is Network Society Theory (Castells, 2000). Castells asserts that the contemporary societies are becoming organized along the networks of information and communication and power in which digital technologies mediate social relations, determine political mobilization and change relations of control. The power within a network society is not exercised on the grounds of the hierarchical institutions but on the grounds of being able to control the information flows, the way of manufacture, access and control of information are of the center of both the freedom and the control within the digital era (Castells, 2000; Van Dijk, 2012). This school of thought highlights the ambivalent nature of the digital networks: on the one hand, they may enable the decentralized expression and mass participation; on the other hand, they may lead to the situation when the states and corporations will monitor, filter, and regulate the communication on the mass level.

Application of the Network Society Theory to the case in Pakistan in digital terms will result in discovering how challenging it can be to establish how regulatory frameworks, networked communication, and individual rights interact. PECA has

been used in different situations such as cyber harassment and objectionable postings to politically sensitive posts and opposing voices on-line. Some also mention how the imprecise wording of several PECA provisions such as the one regarding offensive content, hate speech, and unauthorized access leaves the law enforcement with a wide discretion, which can lead to arbitrary enforcement and self censorship (Ali, 2021; Zaidi, 2020). The case of this bigger paradox is that legislation, which is intended to assist digital users to avoid injury, is employed against free speech to curtail free speech and civil rights.

In addition to this, the regulatory experience of Pakistan must be put into the framework of the international debates on the regulation of the digital world. The various states of the world have attempted various approaches of policy in order to find a balance between the right to freedom of expression and misinformation, extremism content, and information security on the internet. One such regulation is the General Data Protection Regulation (GDPR) of the European Union (that is concerned with privacy rights and data protection), but other (stricter) systems of content control and surveillance have been implemented in some other states, such as China and India (MacKinnon, 2012; Kaye, 2019). It is in these comparative frames that one can highlight the overall nature of issues concerning the control over networked information space although, as a matter of fact, specific legal architectures and the political cultures tend to define outcomes in certain situations.

In this paper, we will focus on the period of 2000-2025 to capture the change of the Pakistani digital environment - the first use of the internet and the growing popularity of social media to the adoption of PECA and the additional changes to the regulations. The research design utilized is a qualitative case study design, which is founded on the interpretation of legal documents, governmental reports, media reports and scholarly literature to establish the impacts of networked society online regulations on censorship, surveillance and privacy in Pakistan. This research paper investigates the role of PECA in reshaping communicative power in the networked society of Pakistan and the role of constitutional litigation in meditating the reshaping.

Altogether, the introduction of PECA 2016 reveals the dilemma between the freedom of expression and safety on the Internet in the age of the Internet. This paper is informed by the Network Society Theory and the assumption that the digital media controls of Pakistan can be placed within the broader theoretical and global context to illustrate that the digital networks provide empowerment and discipline of the expression and that the regulatory intervention continues to define the emerging frontiers of the public talk in the networked world.

Background

The world has transformed radically with the advent of 2000s considering the communication, social interaction and political participation in the wake of the swift development of digitized media and information and communication technologies (ICTs) (Castells, 2000). The digital media, including social media, online news media and information generated by the user has also helped to increase civic engagement whereby the subsequent outcome is that information can be spread instantly and citizens can express their views and mobilize (Van Dijk, 2012). This has been

accompanied by the emergence of issues of cybercrime, harassment on the internet, misinformation and national security threat on the Pakistani territory.

The Pakistani government, as a means of curbing these problems, has formulated the Prevention of electronic crimes act (PECA) 2016 as a regulator. Although PECA will reduce cybercrimes, make internet responsible, and secure the digital space, its extensive possibilities have led to the problem of state overreach, surveillance, and limitation of the freedom of expression (Hussain and Zaman, 2019; Rahman, 2021). Opponents also believe that these definitions especially the definition of offensive material and hate speech gives too much power to the police and may be applied against the voices of opposition (Ali, 2021; Zaidi, 2020).

In this regard, Network Society Theory is a critical approach, in which it is possible to understand the way of digital regulation. According to Castells, (2000), the control over the flows of information and not the hierarchy of authority is the power of the networked societies and the centre of the freedom and control is the control and access to the digital information. This theoretical framework presents PECA as a part of a bigger debate on the intersectionality of regulation practices and user-controllability, censorship and surveillance in the fast-changing digital environment in Pakistan.

Statement of the Problem

Since the year 2000, communication, civic life, and information availability have been completely overhauled due to the increased rapid change in digital media in Pakistan. The digital networks have also become a thorny issue in terms of censorship, surveillance, privacy and the domination of states as much as they have given the world untapped possibilities as far as the freedom of expression is involved (Castells, 2000; Van Dijk, 2012). The introduction of the Prevention of Electronic Crimes Act (PECA) 2016 is the governmental attempt to control the Internet environment and fight cybercrime and ensure national security. Nonetheless, PECA application has been the subject of a lot of controversy as it seems to limit the fundamental rights of citizens and giving excessive powers to the state.

Some provisions of PECA, especially those that relate to the issues of offensive content give the law enforcers a wide range of discretionary powers. This has brought up the question of random enforcement, the drowning of opposing voices, and self-censorship of the users of digital media (Ali, 2021; Zaidi, 2020). Moreover, overrestricting the freedom of citizens to actively participate in the digital public space that limits the participation of democratic citizenship and pluralistic exchange of ideas is excessively high (Hussain & Zaman, 2019).

The issue, however, is in the quandary of the cybersecurity and the Internet liberties. Although PECA is trying to develop a safe and responsible cyberspace, its application poses a threat to freedom of speech, the right of privacy and poses discrimination on accessing information. This paper aims at critically observing the mediating role of regulatory frameworks such as PECA in ensuring the relationship between the state, digital users/digital information networks with greater connotation of governance, civil liberties and digital agency in Pakistan.

Research Objectives

The study seeks to experiment the effect PECA 2016 has on the freedom of opinion, online participation, and user control of opinion in Pakistan.

To examine the role of the provisions of PECA 2016 in empowering the state authorities, and how it is affecting the practice of digital surveillance and censorship. The reason why the research was done was to investigate the experience and perception of the users of privacy, self censorship and information control within the Pakistani networked digital space.

Research Questions

What are the impacts of PECA 2016 adoption on the freedom of expression, online participation and autonomy in Pakistan?

How can PECA 2016 provisions allow the state authorities to control, spy and restrict digital contents?

What are the opinions of the users in the controlled online space in Pakistan on their privacy, self-censorship and the ability to control information through the digital means?

Significance of the Study

The value of the research is that it assists in summing up to the overall picture of the digital media regulation, freedom of expression and user autonomy in Pakistan. The study illuminates the relationships between the state regulation and the operation of the information flow and the impact of the law on the Internet behavior, censorship, and privacy as a consequence of the Prevention of Electronic Crimes Act (PECA) 2016 in the theory of Network Society (Castells, 2000). The theoretical approach gives us a comprehensive view of the digital power formations and the manner in which information is governed and this is very significant to scholars, policymakers and other actors in the civil society.

In practice, the investigation will open the eyes of the policymakers to the unforeseen consequences of PECA such as the ability to go too far, be arbitrary, and self-censure among the users (Ali, 2021; Zaidi, 2020). It provides the understanding of the way to create balanced policies that would ensure the national security and the fundamental digital rights by identifying the discrepancy between the intent and the outcome of the regulations in the social setting.

In addition, the research contributes to the existing academic literature on the problem of digital governance in the Global South, where the situation shifts underrepresented in the world literature (Hussain and Zaman, 2019). It also highlights the general enlightenment on the regulation intervention in networked societies as it suggests the opposition between security and privacy and freedom of expression that can be used to compare digital regulation in the world (MacKinnon, 2012; Kaye, 2019).

After all, the study helps in bridging the gap between theory and practice, as it will help design the policies that are to be implemented even later and allow the digital citizens manage the obstacles of the regulated online world.

Scope of the Study

The article being analyzed reports the processing of the digital media in Pakistan with a certain attention given to the influence of the Prevention of Electronic

Crimes Act (PECA) 2016 on the freedom of expression, privacy, and the involvement in the internet activity. The period will be between 2000 and 2025 that will entail the history of digital networks since the introduction of internet and social media to the realization of PECA and other history of regulation. The specified paper is dedicated to the specific case of Pakistan in relation to the suppression of the flow of information, surveillance of the activity in the Internet, and censorship based on the PECA provisions (Castells, 2000; Van Dijk, 2012).

It can just know more about the regulatory environment and its implication on the society by only accessing publicly available legal reports, governmental reports and media analysis and literature produced by scholars. Although the research article is centered on the case of Pakistan, which puts the concrete situation into a wider context of networked societies, cybersecurity, and civil liberties, it still recognizes that digital regulation pertains to the entire planet (Hussain and Zaman, 2019; Rahman, 2021). The studies are directly related to the censorship, surveillance, privacy and self censorship and it is convenient to understand how the policies impact the actions of the users and in what manner they can impact the discussion within the internet.

Limitations of the Study

This paper has a few weaknesses in the scope and methodology. To begin with, the study has a Pakistani context due to the fact that it is related to Prevention of Electronic Crimes Act (PECA) 2016 and its application in Pakistan. The outcome can be better exportable to the other digital regulation procedures in other parts of the world, however it cannot be extended to other nations where the law, politics and technology environment differ (Castells, 2000; Van Dijk, 2012).

Second, the investigation will be based on the secondary data such as legal texts, governmental reports, media reviews and literature. Such sources can be valuable to study about regulatory frameworks and discourse of the population, however, they do not represent the experience of all users of digital media, especially the marginalized population and less internet-connected people (Hussain and Zaman, 2019).

Third, the research methodology used is largely qualitative case study that is depth-based and not a breadth based one. Nevertheless, within the framework of the given approach, no statistical and quantitative data of PECA influence become evident, and it does not give a chance to identify the scope and rate of censorship, surveillance, or invasion of privacy (Rahman, 2021).

Lastly, digital media and regulatory environment is unstable that is time constraining. The alterations in the findings can be changed either by new amendments, interpretation of law or by new technologies that have come up and changed its relevance or applicability over time. Despite these deficiencies, the research gives a tight and theoretically-based examination of the effect of PECA on the digital rights and user freedom in Pakistan.

LITERATURE REVIEW

The Networked Society and the Information Flows.

The conceptual framework of the thinking of digital regulation in a networked

era is Network Society Theory (Castells, 2000). Castells assumes that the introduction of information and communication technologies (ICTs) alters social structures, in which information flows are the most important axis of economic, political as well as cultural power. The territory control is not what gives power in the network society but rather is the control of information and hence the communication is decentralized and it is more likely to be surveilled (Castells, 2000).

In the main, Van Dijk (2012) emphasizes networks as not only defining communication, but also creating power imbalances that inject the difference of access and algorithm mediation. Another claim put forth by Fuchs (2014) is that the agendas of corporations are reproduced through the digital networks, the agendas of which are being intersected with the state regulation to create a discourse of state. These background views are the ones that underline the inadequacy of controlling a networked environment beyond structures of power, access, and control.

The Digital Age of Tolerance of Speech.

The original enthusiasm over the democratizing potentials of the internet organised the digital spaces as naturally emancipating (Shirky, 2011; Rheingold, 2000). The scholars hold that online spaces would decentralize voices and expand the public spaces (Papacharissi, 2010). Online communication is more inclusive but it reproduces inequalities based on the socioeconomic status, educational background, and possession of digital devices (Graham, 2011).

Moreover, there are structural and political limitations of the freedom of expression on the internet. The digital speech as Price and Verhulst (2015) note comes into conflict with legal regimes that are highly diverse in various states, and they typically reflect divergent thoughts on the notion of the order in the state, security, and morality. Without a proper legal protection, MacKinnon (2012) warns that digital regulation will be censorship in disguise under the governance veil. Recent studies are more indicative of the notion that freedom of expression is not only relevant to platform opportunities, but also privacy, data protection and autonomy when performing online activities (Kaye, 2019). All these studies point to the fact that the conceptualization of the digital rights to speech is a complicated matter in a global, networked world.

Censorship, Surveillance and Regulatory Structures.

The fact remains that the process of the state regulation of the digital media is continually prolonged under the pretext of the national security, social order or the struggle against misinformation (Deibert, 2013). This has been compounded by the 21st century particularly after populism and authoritarian style of governance took root across the globe (Bradshaw and Howard, 2018).

Other forms which digital censorship has taken include content takedown, web blocking and filtering platforms. To take an example, the Great Firewall in China can be viewed as the illustration of the other extreme of systematic digital censorship (King, Pan, and Roberts, 2017).

Surveillance is another concern that has emerged to be a significant issue of regulation of the digital. Foucault conceived panopticism has been widely applied to the digital space where one is threatened because of the possibility to observe (Lyon,

2014). Zuboff (2019) introduces the idea of a surveillance capitalism, where the relationships of big business and the government use the personal data in prophetic actions, and that makes it even harder to separate the ethical governance and the predatory surveillance.

Policies in the world have varying amounts of control and protection of rights. One such policy is the General Data Protection Regulation (GDPR) of the EU that is centered on the rights and privacy of data (Kuner et al., 2019). In comparison, other states such as India have been enacting internet mediator laws that enable broad enforcement powers and place in question unreasonable censorship (Ganguly & Kapur, 2021). These comparative perspectives demonstrate that the digital governance has a controversial terrain.

Digital Regulation and PECA 2016 of Pakistan.

The need to maintain cybersecurity and civil liberty poses one of the conflicts, which can be observed in the literature about the topic of the digital governance in Pakistan that exists nationwide. The control of cybercrime before PECA was taken care of by the fragmented provisions contained in different sections of laws leading to a law gap (Qadir et al., 2014). PECA 2016 was anticipated to reform the law regarding the process of handling online crime, such as financial fraud, hate speech, cyber harassment, and unauthorized access.

Yet, PECA and its ambiguity and discretion in wielding censorship has become a very tangible subject matter as far as censorship and free speech are concerned (Ali, 2021). It possesses multiple cases of PECA used against journalists, bloggers, and other activists, which implies that the antiterrorism and antihate speech can be used to stop the opposition (Hussain and Zaman, 2019; Rahman, 2021). According to Zaidi (2020), the uncertainty surrounding the definition of the offensive or unlawful contents permits the authorities to filter the contents prior to the use, and this may result in the self-censorship in people using the Internet.

Besides that, PECA also offers surveillance capabilities, such as an excessive degree of authority of law enforcement agencies to intercept information, which is quite problematic, concerning privacy. Human rights analysts suspect that there is no sufficient procedural protection and control on such actions and they allow intrusion surveillance which infringes the basic rights (Digital Rights Foundation, 2018).

According to the global literature, the issues that are involved in control of networked media are global. Kaye (2019) believes that the governments have even more to withhold the online speech, citing the misinformation and extremism, digital harms, among other reasons. On the same note MacKinnon (2012) and Deibert et al. (2012) record the actions of repressive governments that use security justifications to justify any kind of digital censorship. These trends are all manifested in the PECA practice in Pakistan, where the shape of networks is utilized in order to develop expression and control.

But with the recent trends that ensure liberty of expression has been advanced by the advocacy networks and normative documents like the UN Human Rights Council resolution on freedom of expression on the internet (2012) and reports by successive UN Special Rapporteur on freedom of opinion and expression, then it can

be seen that freedom of expression is to be extended to the Internet (UNHRC, 2012). These normative standards are binding in the comparison of the international laws such as PECA to the international standards.

Loopholes and Future Research Directions.

However, there are certain gaps even though an enormous quantity of literature has been provided. First, the Network Society Theory is not systematically aroused in most of the studies and it is not accompanied with empirical research on laws of such countries like PECA. Despite the fact that conceptual works depict the ways in which networks define the relations of power, the study, which is going to correlate such structures with certain regulatory outcomes in Pakistan, is required. Second, it remains that in many instances, the literature that still exists is also dedicated to the personal instances of censorship or surveillance and not to longitudinal studies, which may be tapped to explain how the regulations change over time. Lastly, the concept of digital governance has not explored in detail the impacts of same phenomenon to the common people and specifically the sidelined individuals in their enjoyment of their freedom of expression and privacy.

CONCLUSION

As has been proposed in the literature on digital media regulation, censorship, surveillance and privacy, there is a new paradigm: original optimism with respect to the freedom of the Internet had been reposed to a stage of a critical discourse of regulatory power and technological domination. Network Society Theory has equipped us with a powerful tool to monitor the way digital networks are transforming the power, participation and governance. A typical example of the hardships of digital environment regulation in this sense is the PECA 2016 legislation of Pakistan, which in this case, the good intentions of the cybersecurity purposes are in opposition to the dangers of the freedom of speech and privacy.

The research gap between the theory and the practical research in this review is also pointed by the fact that the gap between the experience of the national regulations and the wider picture of the global trends and standards needs more research.

Theoretical Framework

The theoretical framework that is used in this research paper to define the digital media regulation and the impact of such regulations on the freedom of expression, privacy, and surveillance is the concept Network Society Theory (Castells, 2000). The Network Society Theory explains that information and communication technologies (ICTs) have changed the organization of social, economic and political frameworks as well as changed the power base of the hierarchical institutions to the networks that are decentralized. Networks in this paradigm are not the communication gadgets that are neutral but they are also the places where power, control and influence are exercised. According to Castells (2000), the central bases of social and political power are rooted in the regulation of the information flows and that the regulation of the digital networks is amongst the primary points of analysis.

The theory will see the mediating effect of legislation by the state or, to be

more precise, the Prevention of Electronic Crimes Act (PECA) 2016 within the network setting and its effects on access, control of content and digital surveilling. It is the contradiction of the networks that is brought out in the environment where democratization of the communication can take place, and at the same time, the networks can be manipulated, observed and censored. Fuchs (2014) and Van Dijk (2012) build on this viewpoint by saying that technological infrastructural convergence, institutional power and social inequalities assist in the establishment of digital participation.

The Network Society Theory makes it possible to discuss the freedom of speech and censorship in the online environment, surveillance, the right to privacy in a single entity and PECA to be placed in perspective and the current affairs in the larger world of digital governance. This framework can present a wholesome foundation by projecting the interaction between technological systems and power imbalance to facilitate and at the same time restrain civil liberties of the evolving networked world by controlling through the digital.

Research Gap

Even though there is growing academic study concerning the digital media, freedom of expression, internet control, the question of national level digital regulating, surveillance and freedom of expression remains gaping in intersecting networked societies. The accessible literature is inclined to focus on Western democracies or the world tendencies in general and does not examine the circumstances in South Asia, particularly in Pakistan (Fuchs, 2014; Castells, 2000). Despite research work done about PECA (Prevention of Electronic Crimes Act 2016) either in its legal context or in its context to the cybersecurity, there is very little empirical and theoretical research work that could investigate the socio-political impact of PECA on the online expression, privacy, and civil liberties.

Most of the literature has been either technical concerns or normative discourse about the digital rights and few studies have critically related regulatory framework and processes of the structures of network societies. Castells (2000) in his Network Society Theory points to the manner in which networks change the patterns of power and modes of communication, yet not many studies followed this method to comprehend how the enforcement model of PECA and the surveillance culture influenced the digital participation, self-censorship, and the flows of information in Pakistan.

Besides, there are no studies considering a qualitative, process, approach to monitor the utilization of PECA, the trends of its implementation, and the subsequent outcome on the freedom of expression over the long-term (2016-2025). Most of the studies are descriptive and they fail to examine causal variables that are able to relate state regulatory powers, digital infrastructure and citizen activities in the digitized environments.

The gaps that will be addressed by the present research will be achieved through the application of Network Society Theory to qualitative methods, which will comprise document analysis, thematic analysis and process tracing. It is not concerned with PECA as a legal instrument, but as an instrument that is in action in the context

of more extensive networked systems of power, that allow a more nuanced definition of censorship, surveillance, and privacy in the evolving digital landscape in Pakistan.

METHODOLOGY

The following paper employs the qualitative research approach to examine the evolving censorship, surveillance, and privacy problem in the networked world through the research case study on the Pakistan Prevention of Electronic Crimes Act (PECA) 2016. Given the socio-technical and political ambiguity of the digital regulation, the qualitative approach is appropriate to grasp the interplay between law and digital networks and freedom of expression, which cannot be adequately quantified (Creswell, 2014).

The research is founded on the examination of the primary and secondary sources documents. The most crucial sources include the PECA law, the official governmental reports, the debate in the parliament, the judicial interpretations, as well as the notification about the digital governance. The secondary sources will consist of scholarly journal articles, books, evaluations of policies, and news on censorship, surveillance, privacy, and freedom of expression in both Pakistan and other regions of the world (Castells, 2000; Fuchs, 2014).

Thematic analysis will identify any common trends and key themes like legal restrictions, enforcement procedures, surveillance procedures, censoring the internet and their influence on digital civil liberties (Braun and Clarke, 2006). Case-based incidents in PECA are also discussed in the paper so that one can have a feel of the manipulation of digital infrastructures and networked communication platforms. Process tracing is also utilized more so, which is required in order to recreate the chain of regulatory interventions, policy actions, and judicial reactions, and which might help in the identification of causality mechanisms between PECA provisions and restrictions of freedom of expression and privacy (George and Bennett, 2005).

Altogether, the methodology assists in examining the digital media regulation in detail, historically and societally, and putting PECA into the perspective of the broader global and networked tendencies and underlining the problem of power, control mechanisms, and the influence of network governance on society.

Research Design

The suggested research design is qualitative because it will explore the complex interaction between digital media regulation, the state power and the freedom of speech in Pakistan on the example of Prevention of electronic crimes Act (PECA) 2016. With the social-technical and political complexity of digital governance, qualitative study method is appropriate to investigate the interaction between the law and networked communication, censorship, surveillance and privacy dimensions which are difficult to measure in any meaningful sense (Creswell, 2014).

The research is grounded on the evaluation of the documents of primary and secondary sources. The secondary sources will consist of scholarly articles, policy reviews, news articles, and books that discuss censorship, internet surveillance, internet privacy, and digital civil liberties in Pakistan and the world at large (Castells, 2000; Fuchs, 2014). This combination is what makes the full fulfillment of the legal

frameworks as well as the social consequences of the digital regulation possible.

Thematic analysis is applied also to define the general tendencies and the important themes, such as the legal ambiguities, enforcement practice, surveillance strategies and restrictions to digital freedoms (Braun and Clarke, 2006). Process tracing is also used to develop the list of regulatory interventions, policy actions and judicial reactions so as to learn about the cause-effect possibilities between PECA propositions and their effects on freedom of speech and privacy (George and Bennett, 2005). This framework will enable a comparative, historical and social analysis of PECA within the context of the global digital governance.

Research Sample

The qualitative case study design will be employed in this paper wherein the unit of analysis will be the Prevention of Electronic Crimes Act (PECA) 2016. The sample does not involve human subjects but rather involves documents and textual materials that point out the regulatory, legal, and social factors of governance of the digital media in Pakistan. The PECA law and parliamentary discussions, official government reports, the judicial interpretation, and government-related notifications related to the digital governance is primarily the case. Such documents provide personal account of the wishes, quantity and extent of the law and their execution.

The secondary ones complement the primary sources, as well as include scholarly journal articles, books, policy reviews, and news media reports on censorship, surveillance, online harassment, and privacy and the freedom of expression in Pakistan and beyond (Castells, 2000; Fuchs, 2014). It is a purposive sampling approach that ensures that the sample will bring an extensive variety of opinions and perceptions about the effects of PECA on the networked digital space. Based on such a set of selected documents, the research discovers the key tendencies, topics, and causal mechanisms of digital regulation and offers quite an ambiguous image of how PECA can influence digital liberties and user autonomy.

Data Collection Methods

The qualitative data collection method in the paper is document-based to explore the impacts of Prevention of Electronic Crimes Act (PECA) 2016 on freedom of expression and privacy, global digital governance in Pakistan. The sources of data will be separated into primary and secondary in order to make sure to have the full picture of the legal framework and implications it has on society.

The primary sources are the text of PECA 2016 as a whole, parliamentary proceedings and procedures and government notification and decision or judicial interpretation of PECA. These sources provide first hand information concerning the provisions of the law, the intent of the law and the enforcement practices and therefore, the study can proceed along the pathways through which PECA is affecting digital media and user autonomy.

These books, as well as research articles, books, policy reviews, and news in the press on censorship, surveillance in Pakistan and the rest of the world will all be used as secondary sources (Castells, 2000; Fuchs, 2014). These are some of the sources which make PECA be placed in a wider theoretical and comparative background, and provides critical reflections on the practical and social ramifications of the law.

The study applies thematic analysis to establish the general patterns, the fundamental themes and trends, such as censorship practices, restriction of enforcement, surveillance and self-censorship (Braun and Clarke, 2006). In addition, process tracing is also employed to retract back to the chronological sequence of regulatory actions, the policy actions and the court response and hence, it can be checked that causal relations exist between PECA credentials and restriction of digital liberties (George and Bennett, 2005). This will give a comprehensive, methodological, and evidence-based discourse on the problem of digital media regulation in Pakistan.

Research Instruments

In this research, the research methodology will be document analysis whereby, documents on law, government reports, parliamentary debates, judicial decisions, school articles, policy reviews and press coverage are the documents to be analyzed. The tools that examine in a systematic manner the patterns, themes, and causal relationships between PECA 2016 and digital freedoms are the process tracing and thematic analysis (Braun and Clarke, 2006; George and Bennett, 2005).

Analysis

The use of the Network Society Theory in the regulation of the digital media in Pakistan and more specifically the Prevention of Electronic Crimes Act (PECA) 2016 has revealed that the regulation has complex relationships between the power of the state, technological infrastructure, and freedom of expression in Pakistan. According to Castells (2000), information flows are turning out to be the most important structure of power and social relations in the networked societies. According to this theoretical approach, PECA is of importance in the perception as a regulatory tool not only directed towards cybercrime but to the redefinition of the digital networks of communication and mediation of access, visibility, and control to the internet discourse.

Government and Legal Surveillance Development.

PECA has taken the form of legislation to criminalize cybercrimes that also contain cyberterrorism, online harassment, and hacking. Despite the fact that the law was supposed to protect the citizens and institutions, the act has been employed by the government to suppress the opinions of dissent, political criticism, and online activism (Khan and Ali, 2021). Other clauses in the section on objectionable content and offensive material give the authorities broad leeway in regards to surveillance, banning, or deletion of the data found online, and are often not procedurally safeguarded. The Network Society Theory emphasizes on the way such activities concentrate power at the state-owned nodes of the network and how it practically reconfigures the flows of information and how surveillance is transcended to the digital realm (Castells, 2000).

The network asymmetries have been augmented by the monopolization of surveillance and control processes where the government agencies, telecoms, and social media networks become the gatekeepers to access, reach and visibility. The fact that citizens do not understand the legal interpretations, and the fact that it contributes to the context of restricted digital expression, support self-censorship (Rashid, 2022). In the discussion, it has been revealed that even though PECA will

address authentic cybersecurity challenges, its generalized prescriptions have created structural constraints to freedom of expression in the networked society.

Impression on the Freedom of Expression.

The introduction of PECA reveals a contradiction between the values of a networked society in which individuals are allowed the freedom to express ideas and the desire of the state to dominate. Reports of reported cases 20162025 Analytics A report of reported cases of 20162025 show that bloggers, journalists and social media users have frequently been the subject of either an investigation or a takedown notice due to the subject matter of their posts, which are perceived to be politically sensitive, critical of the government or otherwise controversial. In fact, to give an example, it is possible to refer to a number of blocking websites and suspension of social media accounts, which indicates that the system of regulation is more biased toward the state discourses and suppresses the opposition (Ahmed and Rehman, 2020).

The Network Society Theory suggests that citizens can be involved in the discussion on the global level in digitally connected societies due to the non-hierarchical and decentralized flow of information. PECA, on its part, violates this value, offering a range of control points of different hierarchies where the state can sieve, censor or punish digital speech. The interventions do not only restrict the freedom of people but also the network connectivity, reducing the possibilities of the marginalized or critical actors to intervene in the digital debate in any substantial manner.

Issues of Data security and monitoring.

PECA also gives the ability to intercept, access or monitor electronic communications and this is very interesting concerning the question of privacy. According to Network Society Theory, the control over the information flows is equivalent to the power of network structures (Castells, 2000). PECA monitoring systems make the state agencies center of attention so that they could track the activities of users, communications and affiliations. These issues are worsened by lack of specifications to protect data storage, retention or accessibility by third parties.

According to empirical research of reports in the news and court judgments, individuals have been surveyed not only because of crime committed, but also because individuals were suspected of political opposition or criticism (Khan, 2023). Such actions erode the digital network trust in this way leading to self-censorship and chilling of free speech. The asymmetric power response in the digital space is networked through citizens modifying the nature of their communication, not speaking about political sensitive topics, or transferring to an encrypted or offshore space. This shows how Castells indicates, that power in network societies is founded in the capacity to regulate flows, visibility as well as access.

Moderation and Censorship.

The PECA regulations on content regulation are similar to the corporate content moderation implemented by social media and are a multi-layered censorship ecosystem. Platforms are under pressure of keeping pace with the laws of the country, and therefore, they can delete or block content before it is required by the law. It is discussed that there is a tendency to consider legitimate expression as an offensive one

due to automated filters and flagging systems, and complaints procedures are not transparent and slow (Rehman and Saeed, 2021).

The combination of the state power and corporate intermediaries in this form has created the nodes of control that disrupt the flows of information that is decentralized particularly to the dissenting voices in the networked society perspective. The distribution, re-distribution or amplification of information becomes conditional and the ethos of participation of the networked public sphere is subverted. PECA is thus a power of regulation and a legal framework that is creating the architecture of online networks in a manner that reinforces a state-fitting narrative.

The research is discovering how the networked society has devoted resistance to regulatory and surveillance forces. It is also evident that the users are turning to anonymizing devices, VPNs, communication applications that are encrypted, and decentralized networks to circumvent the restrictions to retain their privacy. Digital activism also reacts to the pressures of regulation and this manifests the fact that networks can be fluid and resilient as Castells (2000) explains that, networks are able to re-co-ordinate themselves to survive the pressure. However, these changes are not equally spread, which puts more privileged population groups, such as those who are more tech-savvy, in a better position against other less fortunate groups of people that are more subjected to censorship and surveillance.

In the Network Society Theory, the regulatory power of digital communication is not exercised through executive or administrative processes. One of such countervailing nodes is the judiciary. Although PECA concentrates regulatory power in the hands of executive agencies and digital intermediaries, constitutional litigation creates a place of institutional conflict in which the regulation of flow of information is subject to court review. Judicial review, then, does not act simply as a procedure of rite of passage indeed, it is rather a structure, a mechanism by which the asymmetries of networks can be regulated. The challenge to PECA in constitutional courts provides empirical evidence on the way digital governance is negotiated in the constitutional framework of Pakistan and the way the principles of proportionality, lawfulness, and due process alter the framework of communicative power distribution in the networked public space.

The Constitutional Constraints of Networked Governance of PECA through Judicial Contestation.

Since its passage into law in 2016, the Prevention of Electronic Crimes Act (PECA) of Pakistan has been a key nexus of constitutional disputes in relation to digital speech and press freedom. Articles 19 and 19-A of the Constitution of the Islamic Republic of Pakistan, 1973, have been recurrently invoked by journalists, the media associations, and the civil society organizations to dispute the provisions they believe empower it to disproportionately limit online expression. The case of PECA litigation is an example of the larger conflict between the state control of digital space and constitutional rights of speech in a democratic society.

Limitations of Article 19.

Article 19 allows reasonable restrictions in the name of particular state goals, such as domestic peace, decency, morality and integrity of Pakistan. The petitioners

have claimed that PECA uses language which is beyond the limits of the constitution by not specifically defining important terms. Such terms like, harm, false information, and integrity of the state have been described as indeterminate thus increasing executive discretion in its enforcement.

The legal basis of such arguments in petitions in the Islamabad High Court challenging amendments to PECA is that criminal restrictions which lack any definition of the terms of prohibition would be unconstitutional in its mandate that restrictions on speech be patterned and focused.

The Proportionality and Criminal Defamation.

PECA section 20 criminalizing online defamation is a feature which has received some judicial attention. When the libel has been transformed into a criminal offense with jail time punishment, petitioners have argued that it has been unconstitutionally problematic as it has been long viewed as a civil matter. They say that sanctions against criminals are excessive in comparison of reputational injury and that they provide a chilling effect on investigative reporting and political commentary.

In *Pakistan Press Foundation v. Federation of Pakistan*, the Islamabad High Court, questioned the compatibility of criminalization of defamation under Section 20 to Articles 19 and 19-A.

Investigative Authority, Due Process and Press Freedom.

Another cause of constitutional objection is the jurisdiction of the Federal Investigation Agency (FIA), later the National Cyber Crimes Investigation Agency (NCCIA) to conduct these investigations under PECA. It has been contended by the journalists that the authority to give notices, open up investigation and arrest people, especially in cases connected with speech, needs strong procedural protection to avoid misuse.

In *Rana Muhammad Arshad v. The Islamabad High Court, Federation of Pakistan*, reviewed the issuance of the undated PECA notification to a journalist and pointed out that irregularities in the procedure of investigation against speech violations may jeopardize the position of Article 19 requirements.

Uncertainty and the Principle of Legality.

The petitioners have always referred to the constitutional concept of legality and claimed that criminal laws should offer any nontrophic behavior. They are vague or over broad and this, as they argue, gives too much discretionary power to the enforcement agencies and therefore defeats legal certainty.

Critiques of PECA terminology have therefore constructed the Act as one that may not be compatible with the rule-of-law standards. Other pending cases in the Islamabad High Court have sought declaratory relief on the basis that undefined terms like false information have no objective legal standards and as such may be employed subjectively.

Content and Administrative Prerogation Blocking.

PECA section 37, which gives regulatory bodies the power to block or remove content on the internet has also been a matter of judicial scrutiny. In *Bolo Bhi v. Federation of Pakistan*, petitioners appealed to the limits of administrative discretion placed in the hands of the Pakistan Telecommunication Authority (PTA), claiming

that content-blocking software did not have any clear standards and substantial judicial accountability.

The Islamabad High Court stressed that the control over the digital expression should be exercised within the constitutionally limited scope. Even though the Court acknowledged the legitimate involvement of the state in the regulation of harmful material, it emphasized that these regulations had to comply with due process and proportionality.

Chilling Effect and Selective Enforcement.

Besides the doctrinal justification, the petitioners have also gained the attention of the judiciary on the enforcement patterns that are disproportionately used against journalists who are challenging state institutions. Even though the idea of selective enforcement is not theoretically straightforward to establish in constitutional litigation, the courts have been urged to consider the systemic impacts of recurrent investigations and prosecutions under PECA to media environment.

This line of reasoning makes PECA not a statutory instrument, but a part of a bigger system of regulation that influences the freedom of journalism. The concept of the chilling effect, but not documented in Pakistani constitutional text, has been applied in judicial rulings to more and more speech cases.

The Democratic Deliberation and the legislative Process.

Finally, the amendment procedure itself has been prone to petitions which have criticized the procedure itself saying that rushing the implementation without a meaningful consult with the stakeholders in media was a means of going against a democratic process. Even though the judiciary has never been generous in regard to deliberating on the legislative procedure, it has been argued by petitioners that where basic rights are involved, flaws in the process may infringe on the constitutionality.

CONCLUSION

The PECA legal wrangling may be regarded as a sort of an initiative phase of the constitutional intervention of Pakistan in the context of control of the online speech. The tension between the justifiable state interests in cybersecurity and the order versus the latent undertakings to press freedom and democracy have been questioned in the courts. The new jurisprudence suggests a gradual transformation where the laws of proportionality and legality are applied in the judiciary review of the legislation that entails speech. Whether such a course of action may assist in developing a stable constitutional doctrine of the digital expression remains unclear, which can only be answered after the additional adjudication.

In this respect, constitutional adjudication serves as a corrective node of the network society, and has the possibility of redressing the equilibrium of executive authority of the digital streams of information and of reinstating the normative obligations to the speech and accountability of democracy.

Trends and Policies (2000 2025).

The trend of the creation of the digital regulatory space in Pakistan over the past two-and-a-half decades evidences that legislative regulation (PECA), the capacity to monitor technologies, and regulation associated with the platform converge more. The desire to prevent cybercrime initially, the PECA expansion to the area of greater

speech control and surveillance is an illustration of active contradiction of ideals of the networked society and control of the state. The discussion brings out the fact that interaction between the legal systems, technological structures, and user accommodations mediate the freedom of expression.

Being a form of control tool, PECA proves to operate in the logic of networked societies, as the analysis demonstrates. Its characteristics create unbalanced power dynamics, control over information circulation and flow, and surveillance as well as inhibiting digital expression. These dynamics can also be considered in terms of Network Society Theory that proves that the socio-political power may be transformed into the control over the digital nodes. Despite PECA being receptive to the authentic security concerns of cybersecurity, the broad discretionary control has led to overreach, the chilling effect of the freedom of expression, and the privacy invasion.

The paper indicates that regulation, like PECA, in networked societies cannot be evaluated legally or technically, but must be mindful as re-organizing network structures, patterns of participation and power between the state, corporate actors and citizens. The opposition and coping mechanisms of users are indicative of the tension between the regulation that accompanies the state and the decentralized and adaptable character of the digital networks and this war continues to run on in the quest to balance security, privacy, and freedom of expression in the networked era.

Analysis

PECA (2016) analysis and project implementation of the project between 2000 and 2025 have provided us with some important trends regarding control over the digital media, freedom of expression, and state surveillance in Pakistan. To begin with, the findings indicate that PECA has introduced material structural asymmetries in the digital communication networks. The vast procedures of the law particularly those which address offensive content and objectionable information offer the authorities of the state the authority to become the centres of limiting the transfer of information. Such focus has led to selective surveillance, takedown notifications, and content deletion that in disproportionate sums covers journalists, bloggers, and political commentators and diminishes those voices that oppose (Ahmed and Rehman, 2020).

Second, the paper finds out about a direct chilling effect on the freedom of speech. The ambiguity regarding the limit of the provisions of PECA results in self-censorship and fear of the penalty. It has been reported in the litigation and press that politically hot content, criticism of state authorities, and discussions of religiously tense questions are particularly vulnerable to takedown or even inquiry. This confirms the possibility of indirectly influencing the discourse of the population by digital regulation to alter the behavior of the users, rather than penalizing the violators after the fact (Rashid, 2022).

Third, PECA has enhanced the level of surveillance and data monitoring at the state level posing a privacy issue. The government is legally required to intercept electronic communications, access user information, and spy on internet activity, and does not always have any procedural protection. This has made the people have the perception that their online interactions are being monitored all the time which

continues the asymmetric power dynamics envisaged by the Network Society Theory (Castells, 2000).

Fourth, PECA has encouraged the tendency to preemptively filter social media content by companies pressurized by the law to satisfy PECA, leading to a multi-layered censorship ecosystem. This is caused by the fact that automated filtering and takedown processes tend to be inaccurate in filtering content and that the process of complaining and appeals are slow and opaque (Rehman and Saeed, 2021).

Finally, the research concludes that the digital users are adaptive to each other in spite of the regulatory pressures. In order to be censorship-free and not to be spied on, people end up turning to VPNs, encrypted messaging services and decentralized networks. These transformations point to flexibility and resiliency of the networked societies yet there is an imbalance in access to these resources, as more resources are distributed to the techno-literate and resource-seeking populations of people.

Overall, the findings show that PECA is not solely a legal instrument that assists in the fight against cybercrime, but also regulatory one that alters the flows of information and the relationships of power, along with the existence of actors in the digital networks of Pakistan. The case of the law enforcement indicates the incompatibility of the principle of the state power, individual rights, and the concept of the networked society and the need of the regulatory equilibrium to ensure the safety and the digital rights.

CONCLUSION

As the paper unveils, the digital media regulation in Pakistan, particularly the enactment of the Prevention of Electronic Crimes Act (PECA) 2016 has put the limitation of the freedom of expression, privacy, and involvement in the networked society in numerous new perspectives. According to the Network Society Theory (Castells, 2000), the paper identifies that network digital networks are not only technological platforms, but also social, political and economic places of power. Some of the examples of how a legal tool can transform control within such a network to make the state-digital intermediaries-citizen dynamic even more asymmetric include PECA, with its centralization of regulatory authority and growing capabilities of state surveillance.

Such findings confirm that PECA has induced a chilling effect on the digital speech because of its broad and quite sweeping provisions. The users experience self-censorship as they are afraid of potential legal actions in politically sensitive and socially offensive regions. It indicates that regulation in the digital environment does not simply occur by the direct application of the law but also has a direct effect on the actions of users and the flow of information, as well as the boundaries of the discussion by individuals. Moreover, the implementation mechanisms of the law are also contributing to structural inequalities as the structures give the authorities and big institutions a disproportionate capability to scan, filter, and exclude content and leave the average users with limited choices (Ahmed and Rehman, 2020; Rashid, 2022).

PECA also affects the privacy and surveillance and this is also highlighted in the study. The realization of the state power to monitor the communications and

access by the user data has posed the issue of the digital insecurity and the absence of the procedural protection has put the proportionality, accountability and due process in question. Moreover, state and corporate content modulation through censorship have contributed to the development of multi-layered censorship environment that constrains the freedom of speech further through the automated takedown and priori filtering of content. Such results show how hard it is to draw a boundary between the law, corporate activities, and network structures and this illustrates the most important idea of Network Society Theory: power is central to the organization of information flows (Castells, 2000).

Nevertheless, digital users, such as VPN usage, encrypted messaging services, and other alternative networks, demonstrate adaptive behaviors, which means that the Pakistani digital world is strong. Nonetheless, there is not even distribution of the digital access even in access to these technologies and social-economic and literacy-based inequality in digital access.

To sum up, PECA can be considered a dual weapon of combating cybercrime and state in determining the networked society on the aspects of use, expression and privacy. The article throws light on the heinous necessity to possess the controlled administrative frameworks that will safeguard security without infringing basic digital liberties. Applying PECA to the context of the larger debates concerning the problem of networked power, surveillance and freedom of expression, the given study can lead to the realization of the connection between the state power and its law and digital networks to form the modern socio-political conditions. As a measure to develop an open, safe, and participatory online ecosystem, policy changes in the future should be able to balance the goals of regulation with the principles of transparency, proportionality, and inclusiveness.

RECOMMENDATIONS

According to the results of this research, it can be offered some recommendations that can be made to the stakeholders of digital governance, scholars, and policy-makers. To start with, it is advisable to reevaluate the legal provisions such as PECA in a way that the obligation to pursue cybersecurity is complemented by the free expression. The definition of digital offences lacks specificity, and thus the definition needs to be defined in order to ensure that the definition is not expansive and subjective. Second, it should have open supervision and accountability structures in place with third party content takedown review organs, formal redress and appeal procedures which would create a trust between the citizens and the regulation agencies.

Third, they should pay attention to the digital literacy campaigns and social education to teach the users about their rights, privacy, and safety on the Internet, and responsible use of the Internet. These measures will be in a position to make them less vulnerable to misinformation, improve the culture of privacy and enable the citizens to utilize the digital networks without risking their exposure to threat.

Fourth, socio-economic digital divide should also be taken into account in the context of the regulatory reforms. The policymakers are supposed to advocate equal

access to encryption, VPN services and other secure channel of information exchange so that the poor groups would not suffer as a result of surveillance and censorship.

Fifth, digital governance and its effect on the freedom of expression, privacy and networked power systems are to be investigated interdisciplinarily as the political science, information technology, and media studies. A review of the digital media regulation in other countries may offer the best practice in the juggling between the security and the rights.

And lastly, governments, civil societies, the academia and the private sector through humanitarian institutions might promote multi-stakeholder governance through which it will promote participation in policy-making and will not disrupt the national security and safety of people. All these are meant to help in enhancing safe, inclusive and open digital realm in Pakistan in tandem to regulatory practices and democratic values as well as network society principle (Castells, 2000).

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