

Freedom of Expression and Democratic Governance in the Digital Era: An International Legal Perspective

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ABSTRACT

Freedom of expression is a fundamental democratic right that enables citizens to participate in public discourse, access information, and engage in governance processes. This study examines the relationship between freedom of expression and democratic governance in the digital era through a qualitative normative juridical and doctrinal analysis of the Universal Declaration of Human Rights (UDHR) and the International Covenant on Civil and Political Rights (ICCPR). The findings indicate that freedom of expression remains a cornerstone of democratic governance by strengthening accountability, political participation, civic engagement, and democratic legitimacy. The study further reveals that digital technologies have expanded opportunities for democratic participation while simultaneously creating challenges related to misinformation, platform governance, content moderation, and digital rights protection. The study concludes that the UDHR and the ICCPR continue to provide essential international legal standards for safeguarding democratic freedoms and guiding governance responses to emerging challenges in digital communication environments.

Keywords: *Digital Democracy, Freedom of Expression, Human Rights, International Law, Political Participation.*

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ARTICLE HISTORY

Received : January 25, 2024
Final Revised : March 20, 2024
Accepted : May 29, 2024
Published : June 30, 2024

1. | INTRODUCTION

Freedom of expression is widely recognized as one of the most fundamental principles of democratic governance because it enables individuals to communicate ideas, exchange information, participate in public debate, and contribute to political decision-making processes. Democratic societies depend upon the free flow of information and opinions to ensure accountability, transparency, and citizen participation. Without effective protection of freedom of expression, democratic institutions may struggle to maintain legitimacy, public trust, and meaningful civic engagement. Consequently, freedom of expression has become a cornerstone of modern democratic systems and international human rights law.

The relationship between freedom of expression and democratic governance has received considerable attention in legal and political scholarship. Democratic governance relies upon open public discourse because citizens must be able to discuss policies, criticize public authorities, and participate in collective decision-making without fear of unjustified restrictions. Bethke and Pinckney (2021) argue that democratic quality is strengthened when citizens possess opportunities to engage freely in public discourse and collective action. Similarly, Cingranelli et al. (2023) emphasize that effective implementation of human rights protections contributes significantly to democratic development and governance capacity. These findings suggest that freedom of expression functions as both a democratic right and a mechanism for improving governance outcomes.

International human rights law provides important legal foundations for protecting freedom of expression. One of the earliest and most influential international instruments is the Universal Declaration of Human Rights (UDHR), adopted by the United Nations General Assembly in 1948. Article 19 of the UDHR recognizes the right of every individual to hold opinions without interference and to seek, receive, and impart information and ideas through any media regardless of frontiers. The declaration establishes freedom of expression as a universal human right and links individual freedoms to broader principles of democratic governance and human dignity.

The importance of Article 19 of the UDHR continues to be emphasized in contemporary scholarship. Kaye and Tadjini (2023) argue that the provision remains one of the most influential international standards governing freedom of opinion and expression. Likewise, Skrzypczak (2020) emphasizes that Article 19 continues to provide an important normative foundation for protecting freedom of expression within rapidly changing political and technological environments. These findings indicate that the UDHR remains highly relevant to contemporary discussions concerning democracy, governance, and human rights protection.

The protection of freedom of expression was further strengthened through the adoption of the International Covenant on Civil and Political Rights (ICCPR). Article 19 of the ICCPR establishes legally binding obligations requiring states to respect and protect freedom of opinion and expression. In addition, Articles 21, 22, and 25 provide

protections for peaceful assembly, freedom of association, and participation in public affairs. Together, these provisions create a comprehensive framework supporting democratic participation and civic engagement. As a result, the ICCPR is widely regarded as one of the most important international legal instruments protecting democratic freedoms.

Recent scholarship highlights the continuing importance of the ICCPR in addressing contemporary governance challenges. Mozeleski (2023) demonstrates how limitations on media freedom can undermine democratic participation despite formal commitments to international human rights obligations. Similarly, Jasper et al. (2023) analyze the jurisprudence of the United Nations Human Rights Committee and emphasize the significance of Article 19 in protecting freedom of expression against excessive legal restrictions. These studies suggest that international legal protections remain essential for safeguarding democratic freedoms within diverse political contexts.

Freedom of expression is closely connected to democratic participation because citizens require opportunities to communicate opinions, advocate policy preferences, and engage in public discourse. Political participation extends beyond voting and includes public debate, civic engagement, advocacy activities, and communication through traditional and digital media. Warren (2021) argues that democratic governance depends upon associational freedoms that allow individuals to organize collectively and participate in public affairs. Similarly, Rasmussen and Reher (2019) demonstrate that civil society engagement contributes significantly to policy representation and democratic responsiveness. These findings indicate that freedom of expression and democratic participation operate as mutually reinforcing dimensions of democratic governance.

Civil society organizations also play an important role in protecting democratic freedoms and encouraging citizen engagement. Jessop (2020) argues that civil society functions as a critical intermediary between governments and citizens by facilitating participation, advocacy, and public deliberation. Likewise, Mavee (2022) emphasizes that civil society participation contributes to democratic governance by improving accountability, representation, and citizen involvement. These findings suggest that freedom of expression creates opportunities for civic engagement while civil society organizations provide mechanisms through which democratic participation can occur.

The emergence of digital technologies has transformed the ways in which freedom of expression is exercised and protected. Digital platforms have expanded opportunities for communication, political participation, and civic engagement by enabling individuals to exchange information across national boundaries and engage in public discourse more easily than ever before. Amin et al. (2023) argue that digital technologies have become important tools for democratic participation because they facilitate communication between citizens and public institutions. Similarly, Vaccari and Valeriani (2021) demonstrate that social media platforms have significantly

influenced political participation and democratic engagement in contemporary societies.

The growing influence of digital technologies has contributed to the development of digital democracy. Digital democracy refers to the use of digital technologies to support democratic participation, information exchange, civic engagement, and governance processes. Persily and Tucker (2020) argue that social media platforms have transformed democratic communication by creating new opportunities for political participation and public discourse. Likewise, Iosifidis and Nicoli (2020) emphasize that digital technologies have expanded democratic opportunities while simultaneously creating new governance challenges. These findings suggest that digital transformation has fundamentally altered the relationship between freedom of expression and democratic governance.

Despite these opportunities, digital environments have also generated significant concerns regarding misinformation, disinformation, online censorship, and platform governance. The rapid dissemination of information through digital networks can strengthen democratic participation but may also contribute to the spread of false or misleading content. Khan (2021) identifies disinformation as one of the most significant contemporary threats to freedom of expression because it undermines informed public discourse and democratic decision-making. Similarly, Frischlich and Humprecht (2021) argue that democratic resilience increasingly depends upon societies' ability to respond effectively to information-related challenges. These findings indicate that protecting democratic freedoms requires balancing freedom of expression with efforts to maintain information integrity.

Another challenge concerns the growing role of private digital platforms in regulating public discourse. Social media companies increasingly influence access to information, content moderation practices, and online participation opportunities. Gorwa and Ash (2020) argue that platform governance has become a critical issue for democratic transparency because private actors exercise significant influence over digital communication environments. Likewise, Griffin (2023) emphasizes the importance of democratic accountability in social media governance and highlights concerns regarding the concentration of communicative power within private platforms. These developments suggest that freedom of expression is increasingly affected by governance structures operating beyond traditional state institutions.

The emergence of digital rights has further expanded discussions regarding freedom of expression within international law. Shany (2023) argues that digital technologies have created new human rights challenges that require adaptation of existing legal frameworks. Similarly, Dror-Shpoliansky and Shany (2021) propose that digital environments have transformed the practical exercise of human rights, including freedom of expression and participation. These findings suggest that contemporary democratic governance requires renewed attention to the protection of rights within digital spaces.

Although extensive literature exists on freedom of expression, democratic governance, digital democracy, and human rights, many studies examine these themes independently rather than through an integrated international legal perspective. Furthermore, rapid technological developments continue to reshape the practical implementation of democratic freedoms in ways that require further scholarly attention. Consequently, there remains a need for research that examines freedom of expression, democratic governance, and digital transformation through the combined framework of the UDHR and the ICCPR.

In response to this gap, this study employs a qualitative normative juridical method to examine freedom of expression and democratic governance in the digital era. The analysis focuses on the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights as the principal international legal frameworks governing freedom of expression and democratic participation. This study addresses two research questions: (1) How effective are international human rights instruments, particularly the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights, in protecting freedom of expression and democratic governance in the digital era? and (2) Why is strengthening the implementation of these international legal frameworks increasingly urgent in addressing contemporary challenges to freedom of expression and democratic governance? By synthesizing contemporary literature on democratic governance, human rights, digital democracy, civil society, platform governance, and digital rights, this study seeks to provide a comprehensive understanding of how international legal standards continue to shape democratic freedoms in an increasingly digital world.

2. | LITERATURE REVIEW

Freedom of Expression and Democratic Governance

Freedom of expression is widely recognized as one of the most fundamental principles of democratic governance because it enables individuals to communicate ideas, exchange information, participate in public discourse, and contribute to public decision-making. Democratic systems rely upon open communication and unrestricted discussion of public affairs to ensure accountability, transparency, and citizen participation. As a result, freedom of expression has become a central element of democratic theory and governance practice. Without adequate protection of expressive freedoms, democratic institutions may struggle to maintain legitimacy, responsiveness, and public trust.

The relationship between freedom of expression and democratic governance is closely linked to democratic legitimacy. Democratic governance depends upon citizens' ability to access information, express opinions, and engage in political debate. Public discourse allows individuals to evaluate governmental actions, advocate policy preferences, and influence governance outcomes. Bethke and Pinckney (2021) argue

that democratic quality is strengthened when citizens possess opportunities to engage openly in public affairs and collective action. Similarly, Cingranelli et al. (2023). emphasize that the implementation of human rights protections contributes positively to democratic capacity and governance effectiveness. These findings suggest that freedom of expression functions as both a democratic right and a mechanism supporting governance quality.

Freedom of expression also contributes to democratic accountability. Governments operating within democratic systems are expected to justify policies, respond to public concerns, and remain subject to public scrutiny. Open communication enables citizens, journalists, researchers, and civil society organizations to monitor governmental performance and expose misconduct when necessary. Public criticism and debate therefore function as important accountability mechanisms within democratic governance. These processes encourage institutional responsiveness while limiting opportunities for abuses of power.

The literature further demonstrates that freedom of expression supports political participation. Political participation extends beyond electoral activities and includes public debate, advocacy, civic engagement, and collective action. Individuals are more likely to participate in governance processes when they possess opportunities to communicate opinions and engage in public discussions. Warren (2021) argues that democratic governance depends upon associational and communicative freedoms that allow citizens to organize collectively and participate in public affairs. Likewise, Planchelo (2021) highlights the growing recognition of democratic participation as an important component of international governance frameworks. These findings indicate that freedom of expression facilitates broader forms of democratic engagement.

Civil society represents another important dimension connecting freedom of expression and democratic governance. Civil society organizations create spaces where citizens can exchange ideas, advocate for policy reforms, and participate in public discourse. Rasmussen and Reher (2019) demonstrate that civil society engagement contributes significantly to policy representation and democratic responsiveness. Similarly, Jessop (2020) emphasizes that civil society functions as a critical intermediary connecting governments and citizens within governance systems. These findings suggest that freedom of expression supports democratic governance by enabling the development of active and independent civil societies.

The literature also highlights the relationship between freedom of expression and democratic resilience. Democratic resilience refers to the capacity of democratic institutions and societies to withstand political, social, and informational challenges while maintaining democratic principles. Public discourse enables societies to address conflicts, evaluate competing ideas, and adapt to changing circumstances. Cossarini and Vallespín (2019) argue that democratic legitimacy depends upon the ability of societies to sustain meaningful public engagement despite political tensions and social

challenges. Consequently, freedom of expression contributes not only to democratic participation but also to the long-term stability and resilience of democratic systems.

Overall, the literature demonstrates that freedom of expression performs multiple functions within democratic governance. It strengthens accountability, promotes participation, facilitates public discourse, supports civil society development, and enhances democratic legitimacy. These contributions explain why freedom of expression remains one of the most important democratic rights recognized within both national and international legal frameworks.

International Legal Protection of Freedom of Expression

The protection of freedom of expression has become a central objective of international human rights law because of its importance for individual liberty, democratic governance, and public participation. International legal instruments establish standards intended to protect individuals against unjustified restrictions on expression while promoting the conditions necessary for democratic societies to function effectively. Among these instruments, the Universal Declaration of Human Rights (UDHR) and the International Covenant on Civil and Political Rights (ICCPR) represent the most influential international frameworks governing freedom of expression.

The Universal Declaration of Human Rights, adopted in 1948, established the first comprehensive international statement recognizing freedom of expression as a universal human right. Article 19 of the declaration provides that everyone has the right to freedom of opinion and expression, including the freedom to seek, receive, and impart information and ideas through any media regardless of frontiers. The provision reflects the understanding that democratic governance depends upon open communication and access to information. Consequently, freedom of expression became firmly established as a foundational principle within the international human rights system.

The significance of Article 19 has been widely recognized in contemporary scholarship. Kaye and Tadjini (2023) argue that Article 19 remains one of the most influential international standards governing freedom of opinion and expression because it provides a normative framework for democratic participation and public discourse. Similarly, Skrzypczak (2020) emphasizes that the provision continues to shape contemporary understandings of freedom of expression despite rapid changes in political and technological environments. These findings suggest that the UDHR remains highly relevant to current debates regarding democratic governance and human rights protection.

The development of legally binding protections occurred through the adoption of the International Covenant on Civil and Political Rights. Article 19 of the ICCPR guarantees freedom of opinion and freedom of expression while establishing obligations requiring states to respect and protect these rights. In addition, Articles 21

and 22 protect freedom of peaceful assembly and freedom of association, while Article 25 guarantees participation in public affairs. Together, these provisions create a comprehensive framework supporting democratic participation, civic engagement, and political freedoms.

The literature demonstrates that the ICCPR plays an important role in addressing contemporary challenges affecting freedom of expression. Mozeleski (2023) argues that restrictions on media freedom and public communication can undermine democratic governance even within states that formally commit to international human rights obligations. Likewise, Jasper et al. (2023) analyze the jurisprudence of the United Nations Human Rights Committee and emphasize the continuing importance of Article 19 in protecting expression against disproportionate legal restrictions. These findings indicate that the ICCPR remains a critical instrument for safeguarding democratic freedoms.

The protection of freedom of expression under international law is not absolute. Both the UDHR and the ICCPR recognize that certain limitations may be imposed under specific circumstances, including the protection of national security, public order, public health, and the rights of others. However, international human rights law generally requires that restrictions be lawful, necessary, and proportionate. These principles are intended to ensure that limitations do not undermine the essential purpose of protecting democratic freedoms. Consequently, international legal frameworks seek to balance freedom of expression with broader societal interests while preserving democratic participation and public discourse.

The literature further demonstrates that freedom of expression is closely connected to other democratic rights recognized under international law. Freedom of association, freedom of assembly, and participation in public affairs collectively support democratic governance by enabling citizens to organize, communicate, and influence public decisions. The interdependence of these rights suggests that effective protection of freedom of expression contributes significantly to the broader realization of democratic governance and human rights principles.

Overall, the UDHR and the ICCPR provide the primary international legal foundations protecting freedom of expression within democratic societies. Their provisions establish internationally recognized standards that support democratic participation, public discourse, and governance accountability. The literature suggests that these instruments continue to play a vital role in addressing contemporary challenges while promoting the protection of democratic freedoms in diverse political and social contexts.

Freedom of Association and Democratic Participation

Freedom of association is a fundamental democratic right that enables individuals to organize collectively, pursue shared interests, and participate in public affairs. Democratic governance depends not only on individual freedoms but also on the ability of citizens to form organizations, advocacy groups, professional associations,

community networks, and civil society institutions. Through these collective structures, citizens can engage more effectively in governance processes, influence public policies, and hold institutions accountable. Consequently, freedom of association serves as an important mechanism for strengthening democratic participation and civic engagement.

International human rights law recognizes freedom of association as a fundamental democratic freedom closely connected to freedom of expression. Article 20 of the Universal Declaration of Human Rights guarantees the right to peaceful assembly and association, while Article 22 of the International Covenant on Civil and Political Rights provides legally binding protection for associational rights. These provisions acknowledge that democratic governance requires opportunities for collective action and civic participation. By protecting the formation and operation of associations, international legal frameworks support broader democratic processes and citizen engagement.

The literature consistently demonstrates that freedom of association contributes significantly to democratic governance. Warren (2021) argues that associations play a crucial role in democratic systems because they provide spaces where citizens can develop political awareness, exchange ideas, and participate in collective decision-making. Through voluntary organizations, citizens gain opportunities to engage in governance beyond formal electoral processes. These findings suggest that freedom of association strengthens democratic participation by expanding avenues for civic engagement and political involvement.

Civil society organizations represent one of the most important expressions of freedom of association within democratic societies. Civil society functions as an intermediary sphere connecting citizens and governments through advocacy, participation, public deliberation, and policy engagement. Rasmussen and Reher (2019) demonstrate that civil society organizations contribute significantly to policy representation because they communicate citizen concerns to public institutions and promote broader societal interests. Similarly, Mavee (2022) emphasizes that civil society participation enhances democratic governance by increasing accountability, responsiveness, and citizen involvement in governance processes. These findings indicate that freedom of association supports democratic governance through the development of active and engaged civil societies.

The role of civil society has become increasingly important within contemporary governance environments. Jessop (2020) argues that civil society contributes to governance by facilitating cooperation among citizens, institutions, and policymakers. Through advocacy activities, public campaigns, community initiatives, and policy dialogues, civil society organizations create opportunities for public participation and democratic engagement. These activities strengthen governance systems by promoting transparency, responsiveness, and accountability. Consequently, freedom of association functions as a foundation for civic participation and democratic governance.

Freedom of association also contributes to democratic legitimacy. Democratic institutions derive legitimacy from citizen participation and public confidence in governance processes. Associational activities enable citizens to articulate interests, influence policy debates, and engage collectively in public affairs. By facilitating organized participation, associations strengthen the connection between governments and society. This relationship contributes to democratic legitimacy because public institutions become more responsive to diverse societal perspectives and interests.

Another important contribution of freedom of association concerns democratic accountability. Civil society organizations often monitor governmental performance, advocate for policy reforms, and promote public oversight of governance activities. Through these functions, associations contribute to transparency and institutional accountability. Citizens acting collectively are frequently more effective in influencing governance outcomes than individuals acting independently. Therefore, associational rights strengthen democratic governance by enhancing opportunities for public oversight and institutional scrutiny.

The literature further demonstrates that freedom of association supports peaceful civic engagement and democratic stability. Democratic societies require mechanisms through which citizens can express concerns, organize collectively, and participate in public life without resorting to conflict or coercion. Bethke and Pinckney (2021) argue that opportunities for non-violent collective action contribute positively to democratic quality because they allow citizens to influence governance through peaceful means. These findings suggest that associational freedoms support democratic resilience by creating channels for constructive civic participation.

Participation in public affairs has also gained increasing recognition within international legal and governance frameworks. Planchelo (2021) argues that international institutions have increasingly emphasized participation as an important democratic principle linked to broader human rights protections. The relationship between participation and association reflects the understanding that democratic governance depends upon both individual rights and collective engagement. Citizens must possess opportunities to organize and participate collectively in order to influence governance outcomes effectively.

Despite the recognized importance of freedom of association, contemporary challenges continue to affect civic participation. Political polarization, institutional distrust, regulatory restrictions, and technological changes have altered the ways in which associations operate and engage with public institutions. Some civil society organizations face difficulties maintaining participation, securing resources, or influencing governance processes. These challenges highlight the importance of maintaining legal protections that support associational freedoms and civic engagement within democratic societies.

The growing influence of digital technologies has also transformed associational activities. Citizens increasingly organize, communicate, and mobilize through digital

platforms that facilitate collective action across geographical boundaries. Digital communication tools have expanded opportunities for civic engagement while creating new forms of participation and advocacy. These developments suggest that freedom of association remains highly relevant within contemporary democratic governance, although its practical implementation increasingly occurs through both physical and digital spaces.

Overall, the literature demonstrates that freedom of association represents a critical component of democratic governance and citizen participation. Through international legal protections established under the UDHR and the ICCPR, individuals possess opportunities to organize collectively, participate in public affairs, and contribute to democratic processes. Civil society organizations, advocacy networks, and associational activities strengthen accountability, legitimacy, participation, and democratic resilience. These findings indicate that freedom of association remains an essential democratic freedom supporting effective and inclusive governance.

Digital Democracy and Freedom of Expression

The rapid expansion of digital technologies has transformed democratic participation, public discourse, and the exercise of freedom of expression. Digital platforms have created new opportunities for individuals to communicate ideas, access information, participate in political discussions, and engage with governance processes. As a result, democratic participation increasingly occurs within digital environments where communication is faster, more accessible, and less constrained by geographical boundaries. These developments have contributed to the emergence of digital democracy, a concept that describes the use of digital technologies to strengthen democratic engagement and participation.

Digital democracy has significantly expanded opportunities for political participation. Traditional forms of participation often depended on physical meetings, institutional channels, or conventional media. In contrast, digital technologies allow citizens to engage in public affairs through social media, online forums, digital campaigns, and electronic participation platforms. Amin et al. (2023) argue that digital technologies have enhanced political participation by facilitating communication between citizens and public institutions. Similarly, Vaccari and Valeriani (2021) demonstrate that social media platforms have become important spaces for political engagement and democratic discussion. These findings suggest that digital technologies have broadened opportunities for civic participation and public involvement.

The literature also highlights the role of digital platforms in expanding access to information. Democratic participation depends upon informed citizens who possess the knowledge necessary to evaluate policies, monitor governance activities, and contribute to public debate. Digital technologies enable rapid dissemination of information and facilitate access to diverse sources of knowledge. Persily and Tucker (2020) argue that social media platforms have fundamentally altered democratic communication by

increasing access to information and expanding opportunities for public discourse. Consequently, digital technologies have become important tools supporting democratic engagement.

Freedom of expression occupies a central position within digital democracy. Online environments provide individuals with opportunities to communicate ideas, share information, and participate in public debates on an unprecedented scale. Digital communication platforms enable citizens to express opinions and engage in political discussions beyond traditional institutional structures. Iosifidis and Nicoli (2020) emphasize that digital technologies have expanded opportunities for democratic participation by facilitating communication and information exchange. These developments indicate that digital democracy depends heavily upon the protection of freedom of expression within online spaces.

The growing importance of digital communication has also generated new forms of civic engagement. Citizens increasingly participate in advocacy campaigns, social movements, and public discussions through digital networks. Online participation can mobilize large groups of individuals and facilitate collective action across diverse communities. These developments have expanded opportunities for democratic engagement while reducing some of the traditional barriers associated with political participation. As a result, digital technologies have strengthened the capacity of citizens to participate in governance processes and public affairs.

Another important dimension of digital democracy concerns transparency and democratic accountability. Digital platforms enable governments, civil society organizations, journalists, and citizens to share information more efficiently and monitor public institutions more effectively. Gorwa and Ash (2020) argue that digital communication environments can contribute to democratic transparency by facilitating public scrutiny of institutional activities. These findings suggest that digital technologies may strengthen accountability by improving access to information and encouraging public oversight.

However, digital democracy also introduces new governance challenges. The expansion of digital participation has increased the influence of private technology companies that operate communication platforms and regulate online content. Griffin (2023) argues that social media governance raises important questions regarding democratic accountability because private platforms increasingly shape public discourse. Decisions regarding content moderation, information visibility, and platform policies can significantly affect freedom of expression and democratic participation. These developments suggest that digital democracy requires careful consideration of governance arrangements operating within digital environments.

The literature further demonstrates that digital democracy has transformed the relationship between citizens and public institutions. Communication between governments and citizens can now occur more rapidly through online channels, creating opportunities for greater responsiveness and participation. At the same time, digital

technologies have increased public expectations regarding transparency, accessibility, and institutional engagement. Consequently, democratic governance increasingly depends upon the ability of institutions to operate effectively within digital environments while respecting democratic rights and freedoms.

Overall, the literature indicates that digital democracy has expanded opportunities for freedom of expression, political participation, and democratic engagement. Digital technologies have transformed how citizens communicate, organize, and participate in public affairs while creating new possibilities for democratic interaction. Nevertheless, these developments also raise important questions regarding governance, accountability, and the protection of democratic freedoms. Understanding these opportunities and challenges is essential for evaluating the role of freedom of expression within contemporary democratic governance.

Contemporary Challenges to Democratic Freedoms

While digital technologies have expanded opportunities for democratic participation and freedom of expression, they have also introduced complex challenges that affect the functioning of democratic governance. Contemporary democracies increasingly operate within digital information environments characterized by rapid communication, global connectivity, and the growing influence of private technology platforms. These developments have generated concerns regarding misinformation, disinformation, content moderation, digital rights, and democratic resilience. Consequently, protecting freedom of expression in the digital era requires addressing new governance challenges while preserving fundamental democratic principles.

One of the most significant challenges concerns the spread of misinformation and disinformation through digital communication networks. The accessibility and speed of online platforms enable information to circulate widely with limited verification mechanisms. While digital technologies facilitate freedom of expression, they also create opportunities for false or misleading information to influence public opinion and democratic processes. Khan (2021) identifies disinformation as a major challenge affecting freedom of expression because it undermines informed public discourse and democratic decision-making. These developments raise important questions regarding how democratic societies can protect freedom of expression while maintaining the integrity of public information.

The literature suggests that misinformation can weaken democratic participation by reducing citizens' ability to make informed decisions. Democratic governance depends upon access to reliable information that allows individuals to evaluate policies, public officials, and governance outcomes. When misinformation becomes widespread, citizens may struggle to distinguish factual information from false narratives. Iosifidis and Nicoli (2020) argue that digital communication environments have increased the complexity of information governance because democratic participation increasingly

occurs within fragmented online spaces. These findings indicate that information quality has become an important factor influencing democratic governance.

Democratic resilience has therefore emerged as a critical concept within contemporary governance discussions. Democratic resilience refers to the capacity of democratic institutions and societies to withstand challenges while preserving democratic norms, participation, and accountability. Frischlich and Humprecht (2021) argue that public trust and information integrity are essential components of democratic resilience because citizens must possess confidence in both institutions and information systems. The findings suggest that democratic societies require strategies that strengthen information literacy, institutional trust, and public engagement to address contemporary information challenges.

Another important challenge concerns the governance of digital platforms. Social media companies and online communication platforms increasingly influence the exercise of freedom of expression by determining how information is distributed, prioritized, and moderated. Unlike traditional governance structures, these platforms are often operated by private actors whose decisions can significantly affect public discourse. Gorwa and Ash (2020) argue that platform governance has become a major issue for democratic transparency because private companies exercise substantial influence over communication environments. These developments suggest that freedom of expression is increasingly shaped by actors operating outside traditional governmental institutions.

Content moderation represents one of the most debated aspects of platform governance. Digital platforms routinely make decisions regarding the removal, restriction, or promotion of content based on internal policies and community standards. Sander (2020) argues that content moderation creates both opportunities and risks from a human rights perspective. While moderation may help reduce harmful content, excessive restrictions can undermine freedom of expression and democratic participation. These findings indicate that balancing platform regulation and expressive freedom remains a significant challenge within digital governance.

The literature further highlights concerns regarding democratic accountability in platform governance. Griffin (2023) argues that social media governance raises questions about the concentration of communicative power within private institutions. Platform decisions may influence political discussions, information access, and citizen participation without being subject to the same accountability mechanisms that apply to public institutions. Similarly, Bloch-Wehba (2019) emphasizes that global platforms increasingly exercise forms of private governance that affect democratic communication processes. These developments suggest that democratic governance must address the growing influence of private actors in shaping public discourse.

Human rights scholars have increasingly examined these issues through the framework of digital rights. Digital rights refer to the application of human rights principles within digital environments, including rights related to privacy, access to

information, freedom of expression, and participation. Shany (2023) argues that technological developments have expanded the scope of international human rights law by creating new forms of rights-related challenges. Likewise, Dror-Shpoliansky and Shany (2021) contend that digital environments have transformed the practical realization of human rights, requiring adaptation of existing legal and governance frameworks. These findings suggest that protecting democratic freedoms increasingly requires consideration of rights within digital spaces.

The relationship between digital rights and freedom of expression has become particularly important within contemporary governance systems. Bieliakov, Tykhomyrov, Radovetska, and Kostenko (2023) emphasize that digital rights are becoming an increasingly significant component of the broader human rights framework. Citizens now exercise democratic freedoms through digital technologies that influence communication, participation, and access to information. Consequently, protecting freedom of expression requires ensuring that digital environments remain open, accessible, and respectful of fundamental rights.

Internet governance represents another emerging challenge affecting democratic freedoms. Zalnieriute and Milan (2019) argue that technological infrastructures and governance arrangements significantly influence the realization of human rights online. Decisions regarding platform design, technological standards, and information architecture can affect citizens' opportunities to participate in public discourse and access information. These findings indicate that democratic governance increasingly depends upon governance arrangements that extend beyond traditional legal and political institutions.

Political polarization and declining trust in institutions further complicate the protection of democratic freedoms. Cossarini and Vallespín (2019) argue that contemporary democratic systems face growing challenges related to legitimacy, social fragmentation, and public dissatisfaction. These developments may intensify conflicts regarding freedom of expression, information regulation, and democratic participation. Consequently, democratic governance requires institutional approaches that encourage dialogue, inclusion, and constructive public engagement.

Despite these challenges, the literature suggests that freedom of expression remains essential for democratic governance. Efforts to address misinformation, platform governance, and digital rights must avoid undermining the fundamental democratic freedoms they seek to protect. International legal frameworks such as the UDHR and the ICCPR continue to provide important principles guiding responses to emerging digital challenges. These instruments emphasize the importance of protecting freedom of expression while ensuring that limitations remain lawful, necessary, and proportionate.

Overall, the literature demonstrates that contemporary democratic freedoms face increasingly complex challenges arising from digital transformation, information governance, platform regulation, and evolving human rights concerns. Misinformation,

private platform power, digital rights, and democratic resilience have become central issues affecting freedom of expression in modern societies. These findings suggest that protecting democratic governance in the digital era requires continuous adaptation of legal frameworks, governance institutions, and human rights protections to address emerging challenges while preserving fundamental democratic freedoms.

3. | RESEARCH METHOD

This study employs a qualitative Systematic Literature Review (SLR) to examine freedom of expression and democratic governance in the digital era from the perspective of international law. The study focuses on the Universal Declaration of Human Rights (UDHR) and the International Covenant on Civil and Political Rights (ICCPR) as the principal international legal frameworks governing freedom of expression, democratic participation, and related civil and political rights. A qualitative review approach was selected because the relationship between democratic governance, freedom of expression, digital democracy, and human rights has been extensively discussed across legal, political, governance, and communication studies. However, existing scholarship often examines these themes separately rather than through an integrated international legal perspective.

The study follows the PRISMA 2020 (Preferred Reporting Items for Systematic Reviews and Meta-Analyses) framework to ensure transparency and methodological rigor throughout the review process. According to Page et al. (2021), PRISMA provides a structured approach for identifying, screening, evaluating, and selecting relevant literature. The review process consisted of four stages: identification, screening, eligibility assessment, and inclusion. These procedures were implemented to ensure that only studies directly relevant to freedom of expression, democratic governance, digital democracy, human rights, civil society participation, and international law were included in the analysis.

Literature was collected from major academic databases, including Scopus, Google Scholar, ScienceDirect, SpringerLink, Taylor & Francis Online, Emerald Insight, Oxford Academic, and legal research repositories. The search process employed combinations of keywords such as freedom of expression, freedom of speech, democratic governance, democratic participation, digital democracy, human rights, international law, civil society, freedom of association, platform governance, digital rights, social media governance, misinformation, democratic resilience, UDHR Article 19, and ICCPR Article 19. Additional searches focused specifically on international human rights protections governing democratic freedoms and public participation.

The inclusion criteria consisted of peer-reviewed journal articles, academic books, international law studies, governance research, human rights scholarship, and policy-related publications published between 2019 and 2024. Studies were included when they addressed freedom of expression, democratic governance, digital democracy, civil society participation, platform governance, digital rights, misinformation, or international human rights law. Publications lacking direct relevance to democratic

freedoms, human rights protections, or governance processes were excluded from the review. Duplicate records and studies that did not align with the research objectives were removed during the screening process.

In addition to reviewing scholarly literature, this study incorporates doctrinal legal analysis of the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights. The legal analysis focuses on Article 19 of the UDHR and Articles 19, 21, 22, and 25 of the ICCPR. These provisions were selected because they provide the primary international legal foundations governing freedom of expression, peaceful assembly, freedom of association, and participation in public affairs. The doctrinal approach examines how these legal standards contribute to democratic governance and address contemporary challenges emerging within digital environments.

The selected literature was analyzed using thematic synthesis. Findings were organized into five thematic categories: freedom of expression and democratic governance, international legal protection of freedom of expression, freedom of association and democratic participation, digital democracy and freedom of expression, and contemporary challenges to democratic freedoms. These themes reflect the principal dimensions through which international legal frameworks influence democratic governance and the protection of democratic rights.

The analytical framework adopted in this study conceptualizes democratic governance as a system supported by the interaction of freedom of expression, democratic participation, associational rights, and digital communication environments. Freedom of expression is examined as a prerequisite for public discourse and democratic accountability; freedom of association is analyzed as a mechanism supporting civic engagement and collective participation; digital democracy is evaluated as an emerging platform for democratic interaction; and international law is examined as the normative framework guiding the protection of democratic freedoms. Through the integration of systematic literature review methods and doctrinal legal analysis, this study seeks to provide a comprehensive understanding of how international legal standards continue to shape democratic governance in the digital era.

4. | RESULTS

Effectiveness of International Human Rights Instruments in Protecting Freedom of Expression and Democratic Governance in the Digital Era

The findings of this study demonstrate that freedom of expression remains a fundamental prerequisite for democratic governance in both traditional and digital environments. The reviewed literature consistently indicates that democratic systems depend upon citizens' ability to communicate ideas, exchange information, participate in public discourse, and engage in governance processes without unjustified restrictions. The analysis further reveals that the Universal Declaration of Human Rights (UDHR) and the International Covenant on Civil and Political Rights (ICCPR)

continue to provide the principal international legal foundations protecting democratic freedoms and participation. At the same time, digital transformation has created new opportunities and challenges that affect the practical realization of these rights.

One of the most significant findings concerns the relationship between freedom of expression and democratic governance. The literature demonstrates that freedom of expression contributes directly to democratic legitimacy, accountability, and participation. Citizens who possess opportunities to express opinions and engage in public debate are better able to influence governance processes and evaluate public policies. Bethke and Pinckney (2021) argue that democratic quality is strengthened when citizens are able to participate freely in public discourse and collective action. Similarly, Cingranelli et al. (2023) demonstrate that effective protection of human rights contributes positively to democratic capacity and governance performance. These findings suggest that freedom of expression functions as a foundational democratic right supporting broader governance objectives.

The analysis further reveals that freedom of expression facilitates democratic accountability. Democratic governance depends upon mechanisms through which public institutions remain answerable to citizens. Open communication enables individuals, journalists, researchers, and civil society organizations to scrutinize governmental actions and contribute to public oversight. Through criticism, debate, and information sharing, citizens can evaluate policy decisions and advocate for institutional improvements. Consequently, freedom of expression strengthens democratic governance by promoting transparency and responsiveness.

Another important finding concerns the role of international human rights law in protecting democratic freedoms. The reviewed literature consistently identifies the UDHR and the ICCPR as the primary international legal frameworks governing freedom of expression and democratic participation. Article 19 of the UDHR establishes freedom of opinion and expression as a universal human right, while Article 19 of the ICCPR creates legally binding obligations requiring states to protect these freedoms. Together, these instruments establish internationally recognized standards supporting democratic governance and human rights protection.

The literature demonstrates the continuing relevance of the UDHR in contemporary governance contexts. Kaye and Tadjini (2023) emphasize that Article 19 remains one of the most influential international standards governing freedom of expression. Likewise, Skrzypczak (2020) argues that the provision continues to provide normative guidance for addressing modern challenges affecting democratic freedoms. These findings indicate that the principles established within the UDHR continue to shape contemporary understandings of democratic participation and governance accountability.

The analysis also demonstrates the importance of the ICCPR in addressing contemporary challenges affecting freedom of expression. Mozeleski (2023) illustrates how restrictions on media freedom can undermine democratic participation despite

formal commitments to international human rights obligations. Similarly, Jasper et al. (2023) demonstrate that Article 19 continues to play an important role in protecting expression against excessive legal restrictions. These findings suggest that the ICCPR remains a critical legal instrument supporting democratic governance and public participation.

The reviewed studies further indicate that freedom of expression is closely connected to other democratic rights protected under international law. Articles 21 and 22 of the ICCPR protect freedom of assembly and freedom of association, while Article 25 guarantees participation in public affairs. These provisions collectively create a legal framework supporting civic engagement and democratic participation. The findings suggest that freedom of expression cannot be fully understood in isolation because its effectiveness depends upon broader protections supporting collective action and citizen engagement.

Another significant finding concerns the role of civil society within democratic governance. Civil society organizations function as important intermediaries connecting citizens and public institutions. The literature demonstrates that civil society contributes to democratic participation by facilitating advocacy, public engagement, policy discussions, and governance oversight. Rasmussen and Reher (2019) find that civil society organizations strengthen policy representation and democratic responsiveness by communicating citizen interests to public institutions. Similarly, Mavee (2022) argues that civil society participation enhances accountability and democratic legitimacy. These findings indicate that freedom of association and freedom of expression collectively support active civic engagement.

The findings further reveal that associational rights contribute to democratic accountability and public oversight. Citizens acting through associations often possess greater capacity to influence governance processes than individuals acting independently. Civil society organizations can monitor governmental performance, advocate for policy reforms, and facilitate public participation. Consequently, freedom of association strengthens democratic governance by creating opportunities for collective engagement and organized participation.

Digital transformation emerged as another major theme within the reviewed literature. The findings indicate that digital technologies have significantly expanded opportunities for political participation and freedom of expression. Digital communication platforms enable citizens to exchange information, participate in public discussions, and engage with governance processes more efficiently than traditional communication channels. Amin et al. (2023) argue that digital technologies have enhanced democratic participation by facilitating communication between citizens and institutions. Likewise, Vaccari and Valeriani (2021) demonstrate that social media platforms have become important arenas for political engagement and democratic discourse.

The literature further suggests that digital democracy has expanded access to information and increased opportunities for civic engagement. Persily and Tucker (2020) argue that digital communication environments have transformed democratic participation by broadening opportunities for information sharing and public discussion. Similarly, Iosifidis and Nicoli (2020) emphasize that digital technologies have increased opportunities for democratic engagement while simultaneously creating new governance challenges. These findings indicate that digital democracy has become an increasingly important dimension of contemporary governance systems.

However, the analysis also identifies significant challenges associated with digital environments. One of the most frequently discussed concerns involves misinformation and disinformation. Khan (2021) argues that disinformation threatens democratic governance because it undermines informed public discourse and weakens citizens' ability to make informed decisions. Similarly, Frischlich and Humprecht (2021) emphasize that democratic resilience depends upon maintaining information integrity and public trust. These findings suggest that democratic governance increasingly requires effective responses to information-related challenges.

The Urgency of Strengthening the Implementation of International Human Rights Frameworks in Addressing Contemporary Democratic Challenges

Another important finding concerns the growing influence of private digital platforms on democratic communication. Social media companies increasingly shape public discourse through content moderation policies, algorithmic systems, and information governance practices. Gorwa and Ash (2020) argue that platform governance has become a major issue for democratic transparency because private actors exercise substantial influence over communication environments. Likewise, Griffin (2023) highlights concerns regarding democratic accountability within platform governance structures. These findings indicate that freedom of expression is increasingly affected by governance arrangements operating beyond traditional state institutions.

The reviewed literature also identifies digital rights as an emerging area of concern within international human rights law. Shany (2023) argues that technological developments have created new challenges requiring adaptation of existing legal frameworks. Similarly, Dror-Shpoliansky and Shany (2021) contend that digital environments have transformed the practical realization of human rights, including freedom of expression and democratic participation. These findings suggest that democratic governance increasingly depends upon legal and institutional responses capable of addressing rights-related challenges within digital spaces.

Overall, the evidence reviewed in this study demonstrates that freedom of expression remains a central component of democratic governance. The UDHR and the ICCPR continue to provide essential legal foundations protecting democratic freedoms and participation. At the same time, digital transformation has expanded opportunities for communication and engagement while creating new challenges related to

misinformation, platform governance, and digital rights. The findings suggest that effective democratic governance in the digital era requires balancing the protection of freedom of expression with efforts to address emerging technological and informational challenges while preserving fundamental democratic principles.

5. | DISCUSSION

The findings of this study demonstrate that freedom of expression remains a foundational element of democratic governance and continues to play a critical role in shaping political participation, public accountability, and democratic legitimacy. The analysis confirms that democratic systems depend upon citizens' ability to communicate ideas, exchange information, engage in public discourse, and participate in governance processes without unjustified interference. The reviewed literature further indicates that international legal instruments, particularly the Universal Declaration of Human Rights (UDHR) and the International Covenant on Civil and Political Rights (ICCPR), continue to provide the principal normative and legal foundations protecting these democratic freedoms. However, the digital transformation of communication environments has introduced new governance challenges that require careful consideration within contemporary democratic systems.

One of the most significant implications of this study concerns the central relationship between freedom of expression and democratic legitimacy. Democratic governance derives legitimacy not only from electoral processes but also from the continuous participation of citizens in public affairs. Freedom of expression enables individuals to contribute to public debates, challenge governmental decisions, advocate policy reforms, and participate in collective decision-making processes. The findings suggest that democratic institutions are more likely to maintain legitimacy when citizens possess meaningful opportunities to communicate opinions and engage in public discourse. Consequently, protecting freedom of expression remains essential for sustaining democratic governance and public trust.

The findings also highlight the importance of international human rights law in supporting democratic governance. Article 19 of the UDHR established freedom of expression as a universal human right, while Article 19 of the ICCPR transformed this principle into a legally binding international obligation. Together, these provisions provide a normative framework that guides states in protecting democratic freedoms and preventing unjustified restrictions on public communication. The continued relevance of these legal instruments demonstrates that international law remains an important mechanism for promoting democratic governance and safeguarding individual rights across diverse political contexts.

Another important implication concerns the interconnected nature of democratic rights. The findings indicate that freedom of expression operates most effectively when supported by other democratic freedoms, including freedom of association, peaceful assembly, and participation in public affairs. The protections established under Articles

21, 22, and 25 of the ICCPR complement freedom of expression by enabling citizens to organize collectively, engage in civic activities, and influence governance processes. This interdependence suggests that democratic governance should be understood as a system of mutually reinforcing rights rather than a collection of isolated legal protections.

The discussion further demonstrates the significant contribution of civil society to democratic governance. Civil society organizations function as intermediaries that connect citizens with public institutions, facilitate participation, and promote accountability. Through advocacy, public education, policy engagement, and governance monitoring, civil society organizations strengthen democratic processes and encourage citizen involvement. The findings suggest that freedom of association and freedom of expression collectively create conditions that support vibrant civic engagement and democratic participation. Therefore, protecting civil society remains an important component of strengthening democratic governance.

The study also highlights the transformative impact of digital technologies on democratic participation and freedom of expression. Digital communication platforms have expanded opportunities for citizens to access information, engage in public discussions, and participate in political processes. These developments have contributed to the emergence of digital democracy, where governance interactions increasingly occur through online environments. The findings indicate that digital technologies have enhanced opportunities for participation by reducing communication barriers and expanding access to public discourse. As a result, democratic engagement has become more accessible to broader segments of society.

However, the findings reveal that digital democracy also introduces significant challenges for the protection of democratic freedoms. One of the most prominent concerns involves the spread of misinformation and disinformation. Democratic governance depends upon informed citizens who can evaluate public information and make reasoned political judgments. The widespread circulation of misleading or false information may undermine public trust, distort democratic debate, and weaken informed participation. These findings suggest that protecting freedom of expression in digital environments requires strategies that promote information integrity while respecting fundamental rights.

Another important challenge concerns the growing influence of private technology platforms on democratic communication. Unlike traditional media systems, digital platforms possess substantial authority over information visibility, content moderation, and public discourse. The findings indicate that platform governance increasingly affects how citizens exercise freedom of expression and participate in democratic processes. This development raises important questions regarding accountability, transparency, and the concentration of communicative power within private institutions. Consequently, contemporary democratic governance must address not only state actions but also the governance practices of influential digital platforms.

The emergence of digital rights further expands the discussion regarding democratic governance in the digital era. The findings demonstrate that traditional human rights principles continue to apply within online environments, but new challenges have emerged regarding access to information, online participation, and digital communication. As democratic participation increasingly occurs through digital technologies, protecting democratic freedoms requires ensuring that digital spaces remain consistent with international human rights standards. These developments suggest that international law may continue evolving to address emerging technological realities while preserving fundamental democratic principles.

The study also highlights the importance of democratic resilience in responding to contemporary governance challenges. Democratic resilience depends upon the capacity of institutions and societies to adapt to technological, political, and informational changes while maintaining democratic values. The findings suggest that resilience is strengthened when democratic systems protect freedom of expression, support civic participation, encourage institutional accountability, and promote public trust. Consequently, democratic governance requires continuous adaptation to ensure that democratic freedoms remain protected within rapidly changing communication environments.

From a legal perspective, the findings indicate that the UDHR and the ICCPR remain highly relevant despite technological developments that were not envisioned when these instruments were originally drafted. The principles established within these frameworks continue to provide valuable guidance for addressing contemporary challenges involving digital communication, platform governance, and information regulation. Their emphasis on freedom of expression, participation, and democratic rights offers a foundation for balancing individual freedoms with broader societal interests in the digital age.

Overall, the findings suggest that freedom of expression remains indispensable to democratic governance, both offline and online. The interaction between international human rights law, democratic participation, civil society engagement, and digital communication environments shapes contemporary democratic systems in increasingly complex ways. While digital technologies have expanded opportunities for participation and expression, they have also created new governance challenges that require careful legal and institutional responses. The continued protection of freedom of expression under the UDHR and the ICCPR therefore remains essential for promoting democratic legitimacy, accountability, participation, and resilience in the digital era.

5. | CONCLUSION

This study examined freedom of expression and democratic governance in the digital era through a qualitative Systematic Literature Review (SLR) and doctrinal analysis of the Universal Declaration of Human Rights (UDHR) and the International

Covenant on Civil and Political Rights (ICCPR). The findings demonstrate that freedom of expression remains a fundamental democratic right that supports political participation, public accountability, civic engagement, and democratic legitimacy. The study further confirms that international human rights law continues to provide an essential legal framework for protecting democratic freedoms in both traditional and digital environments.

The analysis revealed that freedom of expression contributes significantly to democratic governance by enabling citizens to communicate ideas, participate in public discourse, and engage in governance processes. Democratic systems depend upon open communication and access to information because these conditions allow citizens to evaluate public policies, monitor governmental performance, and contribute to collective decision-making. Consequently, freedom of expression functions not only as an individual right but also as a structural requirement for effective democratic governance.

The study also found that the UDHR and the ICCPR provide the principal international legal foundations protecting democratic freedoms. Article 19 of the UDHR establishes freedom of opinion and expression as a universal human right, while Article 19 of the ICCPR creates legally binding obligations requiring states to respect and protect expressive freedoms. In addition, Articles 21, 22, and 25 of the ICCPR strengthen democratic governance by protecting peaceful assembly, freedom of association, and participation in public affairs. Together, these provisions create a comprehensive framework supporting democratic participation and human rights protection.

Another important finding concerns the role of civil society and associational freedoms in democratic governance. Civil society organizations facilitate participation, advocacy, accountability, and public engagement, thereby strengthening democratic processes and institutional responsiveness. The findings suggest that freedom of expression and freedom of association operate as complementary rights that collectively support active citizenship and democratic participation.

The study further demonstrates that digital technologies have transformed democratic participation and freedom of expression. Digital communication platforms have expanded opportunities for information sharing, political engagement, and civic participation. At the same time, digital transformation has introduced challenges related to misinformation, disinformation, content moderation, platform governance, and digital rights. These developments indicate that contemporary democratic governance requires approaches capable of protecting democratic freedoms while addressing emerging technological and informational risks.

The findings also highlight the growing significance of digital rights within international human rights discussions. As democratic participation increasingly occurs through digital platforms, protecting freedom of expression requires ensuring that online environments remain consistent with human rights principles and democratic

values. Consequently, digital governance has become an important area for future legal and policy development.

Overall, the study concludes that freedom of expression remains a cornerstone of democratic governance and continues to be protected by the international legal standards established under the UDHR and the ICCPR. Although digital transformation has altered the ways in which democratic participation occurs, the fundamental principles underlying democratic freedoms remain highly relevant. Strengthening democratic governance in the digital era therefore requires continued protection of freedom of expression, support for civic participation, and adaptation of legal frameworks to address emerging technological challenges while preserving the core values of democracy and human rights.

Acknowledgement

We gratefully acknowledge the contributions of individuals who supported the completion of this article.

Declaration of Conflicting Interests

The authors declare that there is no conflict of interest.

Ethical Approval and Originality Statement

Ethical approval was obtained for this study. The manuscript represents original work and has not been previously published, nor is it under consideration by another journal.

Data Disclosure Statement

The data that support the findings of this study are available from the corresponding author upon reasonable request.

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