

Cyberdemocracy and interactive glocalizing regulation: deliberative socio-dromocratic transnational cooperativism¹

Ciberdemocracia e regulação interativa glocalizadora: cooperativismo deliberativo sociodromocrático transnacional

DOI: 10.55905/DIv3n1-001

Recebido: 24/7/2026

Aceito: 18/8/2026

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ABSTRACT

The study focuses on democracy in relation to an interactive glocalizing regulation, taking into account the different meanings of Cybernetics that are juxtaposed to it, duly contextualized in the anthropocene risk and information society, characterized in contrast to themes such as glocalization (the influence of the local sphere on the global sphere, and vice versa), dromocracy (the regime of the speed of life in today's everyday life), regulatory governance (regulation according to hard and soft law rules) and deliberation (the capacity of different social segments to influence state decision-making in interaction), through a parallel between the theory of democracy and transnational legal normatization. To this end, the analysis adopts, using a bibliographical and documentary approach, an interdisciplinary critical methodology to identify the context of conflicts between the Branches of the States, and between them and stakeholders, and their best regulatory governance in the anthropocene risk and information society. This involves institutes of Public International Law, Private International Law, Integration Law, Constitutional Law and Administrative Law, as well as Philosophy of Law, Sociology of Law, Social Psychology and Political Science, through a critical analysis of the reality exposed and taking, as a theoretical framework, the doctrine of Ampère, Castells, Wiener e Trivinho. The conclusion is that there is a need for a glocal/global governance to regulate conflicts that enthrone transnational cooperativism as a methodologically pragmatic interaction at a global level, and that reveals the dromocratic resilience needed to adapt to constant social changes, while balancing solipsistic state objectives in their globalized dimension.

¹ This work is the partial result of the author's studies during his post-doctoral internship at the PPGD - *Stricto Sensu* Postgraduate Program in Law of the Centro Universitário Curitiba - UNICURITIBA and within the framework of the Research Group "Hermeneutics, Constitution and Realization of Rights", of the PPGD of UNISINOS - University of Vale do Rio dos Sinos, in a resumption of his reflections when interacting with his students in the discipline "Theory of democracy and positivization of Law" of the PPG - Postgraduate Program of the University Center of Faculdades Metropolitanas Unidas - FMU, in the first semester of 2020, which is why, in fair tribute, their research, where appropriate, is also cited throughout the study, in order to allow the reader, moreover, a broader view of the fruitful debates held then, with the contribution of each one on the different meanings of contemporary democracy in a context of the information and cybernetic society, as well as on related topics such as interactive glocalization, socio-dromocracy and regulatory governance, among others.

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Keywords: cyberdemocracy, glocal/global regulatory governance, socio-dromocracy, transnational cooperativism.

RESUMO

O estudo centra-se na democracia em relação a uma regulação interativa glocalizadora, considerando os diferentes significados da Cibernética que lhe são justapostos, devidamente contextualizados na sociedade da informação e do risco do antropoceno, caracterizada em contraste com temas como a glocalização (a influência da esfera local na esfera global e vice-versa), a dromocracia (o regime da velocidade da vida no quotidiano atual), a governança regulatória (a regulação segundo regras de direito vinculativo e não vinculativo) e a deliberação (a capacidade de diferentes segmentos sociais influenciarem a tomada de decisões do Estado em interação), por meio de um paralelo entre a teoria da democracia e a normatização jurídica transnacional. Para tal, a análise adota, utilizando uma abordagem bibliográfica e documental, uma metodologia crítica interdisciplinar para identificar o contexto de conflitos entre os Poderes do Estado, e entre estes e as partes interessadas, e a sua melhor governança regulatória na sociedade da informação e do risco do Antropoceno. Este trabalho envolve institutos de Direito Internacional Público, Direito Internacional Privado, Direito da Integração, Direito Constitucional e Direito Administrativo, bem como Filosofia do Direito, Sociologia do Direito, Psicologia Social e Ciência Política, por intermédio de uma análise crítica da realidade exposta e tomando, como referencial teórico, a doutrina de Ampère, Castells, Wiener e Trivinho. A conclusão é que há necessidade de uma governança glocal/global para regular os conflitos, que entronize o cooperativismo transnacional como uma interação metodologicamente pragmática em âmbito global e que revele a resiliência dromocrática necessária para se adaptar às constantes mudanças sociais, equilibrando, ao mesmo tempo, os objetivos solipsistas do Estado na sua dimensão globalizada.

Palavras-chave: ciberdemocracia, governança regulatória glocal/global, sociodromocracia, cooperativismo transnacional.

1 INTRODUCTION

The study focuses on democracy in relation to an interactive glocalizing regulation, taking into account the different meanings of Cybernetics that are juxtaposed to it, duly contextualized in the anthropocene risk and information society, characterized in contrast to themes such as glocalization (the influence of the local sphere on the global sphere, and vice versa), dromocracy (the regime of the speed of life in today's everyday life), regulatory governance (regulation according to hard and soft law rules) and deliberation (the capacity of different social segments to influence state decision-making in

interaction), through a parallel between the theory of democracy and transnational legal normatization.

Based on this premise, there is a differentiated experience of the Law itself in today's risk and information society, accompanied by sustainable development with its incredible technological advances arising, at present, from the glocalized cybercultural socio-dromocracy provided by the proximity, breadth and immediacy that the exchange of information allows through the internet and other electromagnetic routes.

From this perspective, it imposes a strong link between Constitutional Law and the preservation of fundamental rights and guarantees in such a (cybernetic) environment, establishing the limitations between each of the constituted Branches of the States and their actions in relation to society, in a dialogical process of direct and indirect exercise of constitutional popular sovereignty that legitimizes the actions of the interested parties, in parallel to a hybrid glocal/global governance (public and private), aimed at preventing and precauting against the risks potentialized by the social and technological transformations of the contemporary 21st century.

Faced with the advent of the digital technological revolution (with its emphasis at the end of the 20th century and the beginning of the 21st century), there is the possibility of an exercise of freedom or autonomy of expression that is extremely enhanced by the maximum amplitude of informational and opinion diffusion by everyone in society, implying, moreover, the need for observance, in relation to those concerned, an ethical vector of responsibility, through (virtual) communication channels between society and the authorities for deliberation and satisfaction of their wishes, through which (ethical vector) all questions are answered in a harmonious and solidary manner, in constructive and co-operative conflictual interactions.

Such virtual communication channels bring responsibilities, including allowing the immediate exercise of response (responsiveness), in the performance of an inclusive deliberative cyber-citizenship in view of the constituted Branches of the States, under penalty of breaching the democratic dictates legitimizing a popular sovereignty verified in the internal constitutional sphere and globally projected in the cooperativism.

Democracy, denoting a certain type of government subordinated to the people, has accompanied this reality and its evolution, through a parallel established in relation to the good (sustainable) development of each nation, as the political regime best suited to

preserving the broadest possible exercise of popular sovereignty in the States (Ribeiro, 1998) and at a global level, despite its vicissitudes and setbacks recorded and suffered throughout history.

The constant friction and disharmony between the constituted Branches of the States, in a clear crisis in the system of checks and balances in the widely adopted theory of the tripartite exercise of Power, especially in the face of intolerance and the exacerbated dissemination of hasty information and opinions (i.e. taken on the spur of the moment, without confirmation of their sources), or even preconceived ones (without a rational basis), by technological means that inflame dialogues (increasing conflicts, instead of resolving them, making the issues more neuralgic for the interlocutors), according to the immediacy of heated, thoughtless and constant expositions (meaning that they do not contribute to the pacification of conflicts, unnecessarily aggravating them) on social networks and digital medias, without any time for mature and calming reflections that reconcile differences, require the construction of a glocal/global governance to regulate the conflicts that arise.

Therefore, in this textuality there is a reflection on the phenomenon of glocalization and the correlated regional integration, which allows a critique of the real democratic moment of global democracy, investigating the consequent (institutional and constitutional) limits of the Branches of the States constituted in the information and risk society, and its anthropocene characteristic, considering, for this purpose, the role of transnational cooperativism, seen as also deliberative in the face of current technological forms of exercising popular cyber-sovereignty.

With regard to the theoretical-methodological aspect of the study, it is planned to follow a critical-methodological line, resulting from a critical theory of reality, as explained by Gustin and Dias

It presupposes a critical theory of reality and supports two theses of great value for rethinking the Science of Law and its foundations and object: the first argues that legal thought is topical and not deductive, problematic and not systematic. This thesis works with the notion of practical reason and prudential reason to favor legal decision-making. The second thesis is part of the version postulated by discourse theory and argumentative theory. This line understands Law as a complex network of languages and meanings (2002: p. 41)³.

³ In the original: “Supõe uma teoria crítica da realidade e sustenta duas teses de grande valor para o repensar da Ciência do Direito e de seus fundamentos e objeto: a primeira defende que o pensamento jurídico é tópico e não dedutivo, é problemático e não sistemático. Essa tese trabalha com a noção de razão prática e

In the analysis, an interdisciplinary critical methodology is adopted, using a bibliographic and documentary approach to identify the context of the conflicts between the Branches of the States, and between them and stakeholders, and their best regulatory governance in the anthropocene risk and information society, involving, for this, institutes of Public International Law, Private International Law, Integration Law, Constitutional Law and Administrative Law, as well as Philosophy of Law, Sociology of Law, Social Psychology and Political Science, through a critical analysis of the reality exposed and taking the doctrine of Ampère, Castells, Wiener and Trivinho as a theoretical framework.

The conclusion is that there is a need for a *glocal/global governance* to regulate conflicts that enthrone transnational cooperativism as a methodologically pragmatic interaction at a global level, and that reveals the democratic resilience needed to adapt to constant social changes, while balancing solipsistic state objectives in their globalized dimension.

2 CYBER-DEMOCRATIC ARRANGEMENTS HARMONIZE BRANCHES OF THE STATES IN A COOPERATIVE AND SOLIDARY MANNER

Despite this, as if disregarding and forgetting full participatory-deliberative democracy and the search for the Aristotelian middle ground of equalized attitudes and satisfactory common sense in the civilizational transaction of life in society, including the promotion of cyber-education (inclusive, digital and of good government), at the risk of the State suffering with the disqualification of a Power exercised in a manner far removed from a Constitutionalism of results (Moreira Neto, 2009) and subsequently of the most pressing social desires in the realization of human and/or fundamental rights, is that, according to Castells, even today "The public sector is the sphere of society in which new communication technologies are least widespread and the obstacles to innovation and networking are most pronounced. Thus, the reform of the public sector commands

de razão prudencial para o favorecimento da decisão jurídica. A segunda tese insere-se na versão postulada pela teoria do discurso e pela teoria argumentativa. Essa linha compreende o Direito como uma rede complexa de linguagens e de significados".

everything else”⁴ (2006, p. 27), appearing as Archimedes' master lever that moves the globalized cyber world.

Democracy and human and/or fundamental rights have been strengthened by the voice of the internet age, which in turn has generated pressure on the constituted State Branches (Executive, Legislative and Judiciary) to respond as immediately as possible (in terms of responsiveness) in the exercise of their functions (including politics, also known as government), often triggering, at various times, precipitous, immediate, disproportionate or even irrational solutions.

Thus, in order to achieve the desired Aristotelian middle ground and satisfaction in the civilizing transaction that life in society imposes in order to balance freedom and security, in a measured way and at the desired speed, they need to be legitimized in the process/procedure⁵ (Luhmann, 1969), through an accelerated socio-dromocratic cyber-cultural discussion (Trivinho, 2005).

However, the appropriate speed for the development of such discussions is best achieved in sectorized virtual “agoras” (and, thus, with the opinion of all those interested and concerned being expressed in the same real time), the good cybernetic government of our times can only be achieved in this environment promoted by those in power, in the classic words of Ampère (1843), together with those of Castells (2006; 2000), Wiener (1950) and Trivinho (2005; 2020), in a hybrid glocal/global governance – public and private regulation, in the words of Hoffmann-Riem (2019).

In addition to the various other crises that exist and are typical of Anthropocene society (political, economic, social, environmental, educational and similar crises), there have been strong tremors caused by humanity, including in contemporary conceptions of what democracy (Ribeiro, 1998; Hernández, 2021) and harmony between Powers (even from a regional integrationist perspective, whether intergovernmental or supranational) should be, that are suffered like a geological force (Crutzen & Stoermer, 2000).

⁴ In the original: “O setor público é a esfera da sociedade em que as novas tecnologias de comunicação estão menos difundidas e os obstáculos à inovação e ao funcionamento em rede são mais pronunciados. Assim, a reforma do setor público comanda todo o resto”.

⁵ In this study, we are adopting Figueiredo's (2008) concept of process as a genus, of which procedure is one of its species, along with process in the strict sense (in which litigation is presupposed), described by Giannini (1993) as being of the second degree.

These anthropocene tremors, on the other hand, must be conceived as risks to be prevented and precautioned, in terms of their ubiquity (Cassotta & Pettersson, 2019), by the Public Power in the efficacious, efficient and effectiveness treatment, control and management of the entire range of data and information collected in the sectoral dialogical procedures in which discussions are established for conflict solutions (Albuquerque, 2022; Camargo & Camargo, 2019), marked by plurilocality (Fuller & Neves, 2020), and, in this case, also avoiding the systemic risk of a demagogic procedural *mise-en-scène* of such dialogues, thus paying attention to the principle and fundamental right-guarantee of the substantive due process of law.

To this end, the public authorities (or those who act as such) need to be able to such process (e.g. by means of interoperable and structured formatting and tabulation for shared use, with a view to the purposes stipulated in national law, in a presentation that meets the primacy of transparency before the average person), control (in order to remove, for example, what is undesirable or impertinent to the debate, according to consensually pre-established criteria) and manage (e.g. by maintaining and protecting what is collected against attacks or cyber leaks) data and information, so that every decision stems from the proper and satisfactory conduct of deliberations and considerations arising from the debate, maintaining and safeguarding what has been collected against cyber attacks or leaks) of data and information⁶, so that each decision stems from the proper and satisfactory conduct of deliberations and considerations arising from conflicts, which are thus considered to be positive (due to their correlated constructive cooperative processes – Deutsch, 1973).

It is in these constructive cooperative processes that all the points of view concerned are observed to be correctly weighted, not as values, but as issues to be accepted or refuted in a judgment of adequacy (Lima & Moraes, 2013), according to a Habermasian proceduralist perspective (participatory-deliberative – Habermas, 2003; Habermas, 2010), in order to achieve the best decision, adequate protection, the most democratic provision (whether judicial, legislative or administrative – Silvério Júnior, 2012), that is, as a result of an efficient and efficacious search for the maximum possible effectiveness (social efficacy, according to Ferraz Junior – 1994) of the human and/or fundamental

⁶ For the purposes of the Brazilian LGPD - General Data Protection Law (Law No. 13,709/18), in its article 5, item X, personal data processing operations have a much broader scope, covering, for example, collection, production, reception, classification, use, access,

rights involved, whose exact measure in concrete of what is due (proportionality in the strict sense) depends on the circumstantial and legal possibilities, as noted by Schäfer (2005) and Milhoranza (2011) – and whose teachings, although aimed at the judicial process, are also applicable to the administrative process.

In favor of the cyber-democratic and harmonious context of the Branches of Power in any and all States, it is necessary to rescue their constitutional and therefore elementary principles (Malberg, 2001), designing the digital state's action, in its different functions, to be cooperative, constructive and supportive (Häberle, 2007), such as the case of the States' duty of cooperation before the International Criminal Court (Lima & Lage, 2023).

In this way, the aim is to serve social interests and wills of the population, even mitigating, at many times, conflicting points of friction and, at others, reinforcing the direct exercise of popular cyber-sovereignty (in deliberative popular participation by digital means), a fact, in itself, expected of a good cyber-government in its triple sense (of the art of governing – Ampère, 1843 – in digital networks – Castells, 2006; Castells, 2000 – and interactive glocalization – Wiener, 1950; Trivinho, 2020; Teubner, 1997).

3 THE INTERACTIVE GLOCALIZING REGULATORY BALANCE BETWEEN PUBLIC AND PRIVATE AUTONOMY TO PROMOTE SUSTAINABLE DEVELOPMENT

The contemporary State, in Ortega y Gasset's (2010) view, is the most visible and notorious product of civilization, and it is very interesting and revealing to see the attitude that the mass-man adopts before it, which is to see it as an anonymous power and its own, to which it demands, in the face of any difficulty, conflict or problem, that it intervene and take charge of resolving such circumstances with its own means, which outbreaks, however, as the greatest danger threatening civilization itself, the statification of life in society, through an exacerbation of state action that removes social spontaneity.

And, in order to avoid the danger of this loss of social spontaneity due to gradually exacerbated state interventionism, as noted by Ortega y Gasset (2010), the balance between public and private (with the preservation of human and/or fundamental rights) and the optimization of a civilization strengthened by concertation – and thus capable of

sustainable development structured under a digital prism (Belandá, 2020) in the multimedia universe of mass information – are the main aspects for balancing the process of a glocalizing regulatory interaction between both sectors, in search of the civilizing transactional satisfaction of life in society (Bauman, 2014) and the Aristotelian middle ground guiding the moral excellence of a new virtualized relationship between society and constituted State Branches, focusing on cyber-democracy and the preservation of State sovereignty, because, as Habermas asserts, "...private and public autonomy are mutually presupposed, without human rights being able to claim primacy over popular sovereignty, nor the latter over the former"⁷ (2002, p. 293), an assertion that is, in fact, ratified by Fucé (2010) in his study on the formation of "bourgeois publicity" (public sphere), according to Habermas himself.

It is in the light of this reality that, according to Ortega y Gasset (2010) taking European civilization as the basis of his analysis, the rebellion of the masses automatically emerges, implying, on the one hand, a positive growth experienced by human life and, on the other, a radical demoralization of humanity, whose character of the new historical epoch (*in casu*, the anthropocene) is revealed to be the result of either internal variations (of man and his spirit) or external variations (formal and as if mechanical).

In an omen for the Anthropocene times in which we live, presenting unique insight into historical reality, Ortega y Gasset (2010), identifying the germ of today's globalization in the process of unifying humanity since the 16th century, establishes that the stable and normal relationship between men (which is called "command") never rests on force, but, on the contrary, in the fact that a man or group of men exercise the command that puts the social apparatus or machine at their disposal (which is called "force"), which is different from a fact or process of mere aggression and simple extroversion of force.

As can be inferred in continuity with Ortega y Gasset's teachings, command is the normal and peaceful exercise of authority, of power, always based on, and never against, the sovereignty of public opinion (which is the force that produces the phenomenon of command), which means that the relationship of command (of power) is based on an interlocution with society, whatever it may be and at all times (past, present and future),

⁷ In the original: "...a autonomia privada e a pública pressupõem-se mutuamente, sem que os direitos humanos possam reivindicar um primado sobre a soberania popular, nem essa sobre aquele – *rectius*, aqueles”.

so that "The State is, in definitive terms, the state of opinion; a situation of equilibrium, of statics" (2010, p. 180)⁸.

From this point of view, which is fully applicable today, there is no single criterion for establishing a better harmonization (balance) in the command relationship between the State Branches and each other, or between them and society, or greater cyber-democratic security in preserving greater freedom or autonomy of expression, information, communication and opinion of individuals, and neither to solve institutional anthropocene crises (of geological forces) in mitigation of globalized systemic risks - through new ways of "collectivizing" contractual and non-contractual liability for damages unduly "socialized" (Novakoski & Malheiro, 2020; Novakoski & Napolini, 2020) -, or even to point out what would be right or wrong in the weaving of the different Constitutions of the various nations for the promotion of the common good, it is worth mentioning, considered as sustainable development.

Nevertheless, it is possible to be surprised by the daily democratic phenomena (Virilio, 1977) of electromagnetic technology and a Digital Law embryonic in the midst of this so-called "post-modern" reality, evaluating the metrics and limits of action of the authorities in partnership with non-governmental entities and other interested parties, in a balanced action of globalizing interaction in the information and risk society, preserving the exercise of the autonomy of expression, information, communication and opinion of individuals (public opinion in the words of Ortega y Gasset – 2010), with social, political and legal responsibility, in response to contemporary aspirations that are based on the credo of human and/or fundamental rights, in addition to the state values labels of the French Revolution of "liberty, equality and fraternity", duly contrasted today by the others of "security, diversity and solidarity", as contemplated by Denninger (2000) as also being of a constitutional dimension.

It is clear from these ideas that the information society has never witnessed moments similar to the current ones, given that the global interface of mass communication enhanced by the Internet, being extremely fast, profuse and dynamic, exposes more clearly the facets and vicissitudes of the Branches of Power and their concertation, on which occasion, under the influence of the new times, judges no longer "speak" only on

⁸ In the original: "El Estado es, en definitiva, el estado de la opinión: una situación de equilibrio, de estática".

the record of proceedings – they thus have a public projection of their convictions, including with regard to those cases with the greatest repercussions, despite undesirable hypertrophy – as well as public administrators and legislators that are now widely exposed to criticism from public opinion and social control, and all are constantly demanded, at levels of intensity not previously perceived, for efficiency and to combat deviations in the performance of their duties to fulfill human and/or fundamental rights.

At the same time, there is also an emphasis on interactive glocalizing popular demands for genuine political positions on the part of the productive sector (entrepreneurs), through the forwarding of interests to formulate and make decisions (Ribeiro, 1998) that promote sustainable development, in such a way that they are not demagogic either, but inclusive and socially responsible, as well as environmentally preservationist, including according to a concerted stance that incorporates its link to a procedure for pacifying conflicts in favor of a permanent and deliberative dialogue with the constituted Branches and all interested parties, in line with a methodologically pragmatist interaction at a global level, thus seen as transnational (Koh, 1996).

4 TRANSNATIONAL COOPERATIVISM MADE POSSIBLE BY THE SOCIO-DROMOCRATIC CYBERCULTURAL DELIBERATIVE DEMOCRATIC PROCESSES OF THE RISK AND INFORMATION SOCIETY

To this end, it is important, in the polycontextualization of today's reality centred on hyper-complex and multi-connected processes of globalization and state integration, that transnational cooperativism spreads throughout the different levels and spheres of Power (Caldas & Tomaz, 2020; Teixeira & Caldas; Vieira, 2021), however, taking into account the interrelationship of some elements inherent to the information society and its mass discourse, such as freedom, politics and truth, through which political representation, upon the direct and indirect exercise of popular sovereignty in a conscious manner (without manipulation by false or obscured information) (Harel & Shinar, 2023), implies, in order to achieve greater degrees of democratic legitimacy, an inclusive and horizontalized dialogue for greater dissemination and discussion of the ideas to be deliberated, promoting positive transversal, heterarchical, polycentric and multilateral conflicts, in a

multi-stakeholderism (Benedek, 2011) inserted in constructive cooperative processes (Deutsch, 1973).

In this vein, Faria ponders, when discussing the interrelationship between truth, freedom and politics, that the field of Politics is dominated by plural thinking from the perspective of agreement and consensus, which presupposes participatory freedom in the midst of dialog, conflict and negotiation (2020).

Since political thinking is primarily representative, in the absence of freedom, consent is a mere distortion, just as agreement without conflict is merely an expression of a concealed ideology (Faria, 2020). Under this line of reasoning, Politics and Journalism imply each other, articulating themselves before the existence of a public sphere and, subsequently, a space for the exercise of freedom (Faria, 2020).

Faced with the vigor of morality, participation and belief in human dignity, the eventual overlapping of hypocrisy, conformism and ideological biases brings the need to rescue the spirit of freedom expressed through independence, combativeness and the power of criticism (Faria, 2020).

With the internet and the mass communication it enables, its conception is aimed at facilitating and speeding up dialogue between interlocutors, which means that journalism's verticality with readers has been altered by new dialogic and horizontal informational relationships in the public space, expanding it beyond the filtering of journalistic and political discourse (Faria, 2020).

And, in the sense of these teachings, the same direct implication with Politics⁹ in the public space - nowadays, however, significantly expanded and horizontalized by the use of the Internet with the ever-increasing institution of virtual "agoras" – is still observed, although no longer so intense and verticalized with journalism - and thus in mitigation of the vicissitudes of the mass media in imposing preconceived ideals and opinions –, because it is shared with the so-called "post-modern" society itself, in an articulation that is considered to be fruitful in the direct exercise of Power (through participatory-deliberative popular sovereignty) in good government through cyber-democratic means, which suppresses the state's actions encased as if in an "ivory tower", making it peer-to-

⁹ Politics here is taken to mean the art of governing in general, and thus in the sense of Cybernetics in the doctrine of Ampère (1843), which is also closer to the sense considered by Faria (2020), through the direction of interests for the elaboration and making of decisions, in the words of Ribeiro (1998).

peer, transparent (disclosure) and subject to constant accountability for what is done in the handling of the public good when satisfying the wishes of the community.

However, on some occasions there is a rupture in the concerted decision-making system, due to the massification of thoughts and the plethora of information that makes it difficult to grasp and understand, thus establishing the predominance of conformism, apathy and/or ideological bias (Bussinguer & Cordeiro, 2017), in an evident loss of social spontaneity in expressing opinions, long noted by Ortega y Gasset (2010), revealing a technological cyber-cultural phenomenon that weakens the legitimacy of government authorities and, thus, democracy itself, ultimately representing a lack of digital education (due to accommodation, in the words of Freire – 2018), at all social levels, which spreads the custom of greater deliberative popular participation, with a correct and adequate, as well as civic and urban, exercise of free access to the internet and, consequently, to the so-called virtual "agoras" (Bauman, 1999), as a fundamental right of personality (Caze-latto & Moreno, 2016; UN, 2011; Garcia, 2021).

With this in mind, it should be clarified that, nowadays, the democratic legitimacy of the authorities is assessed, in terms of its greater or lesser intensity, in the light of the use of cyber-technologies - through which popular sovereignty is more widely and rapidly exercised in a concerted and responsive manner - and by virtue of the contemporary clash between the constituted state Branches in search of their harmonious autonomy, by discussing the limits of one over the other, in a sphere of interested parties not only at national level, but also regionally and globally, exposing a political multilateralism in favor of the universalization of civil solidarity and cooperation between States, not least because of the new socio-technological influence suffered with the reconfiguration of public spaces by digital media.

In fact, globalization is spreading not only in the economic, legal and social fields, but also in the political field, influencing their decisions in view of the repercussions they can achieve, in a transnational way, in the search for universal civil solidarity in political multilateralism (Teixeira & Pereira, 2018).

Globalization directly impacts democracy by shifting power from national governments to global networks. It creates a complex tension between economic integration and state sovereignty. In brief, globalization influences democracy by eroding

the national sovereignty of individual States, even though it helps spread democratic ideals, while also fostering economic inequality and transnational challenges for States.

Eroding the national sovereignty of individual States, international organizations (such as the IMF or WTO) and multinational corporations frequently dictate national economic policies in a context of globalization; this situation reduces the power of local voters.

Indeed, globalization acts as a double-edged sword for democracy. On one hand, it democratizes access to information and fosters global solidarity for human rights. On the other hand, it creates a 'democratic deficit.' When crucial economic decisions shift to unelected global bodies, citizens feel powerless. This frustration frequently drives voters to support populist leaders who promise to reclaim national control, sometimes undermining democratic norms. Ultimately, democracy must evolve to regulate global markets, or global markets will continue to weaken democratic governance.

In the area of information, globalization is driven by new technologies, in a space-time reconfiguration arising from the ease of dissemination and exposure of news through the internet in cyberspace (Teixeira & Pereira, 2018).

The real meaning of socio-technological influence has been the wider and easier dissemination of thoughts by giving a voice to those who sometimes had no means or listeners (interlocutors), whether for social, economic or even legal and political reasons, moving as far away as possible from liquid evil (Bauman & Donskis, 2016) from a cynical rationality that despises moral excellence – described in Aristotelian doctrine as consonant with public ethics guided by collective interests as opposed to individual action - according to which the vulnerabilities of the "Other" are perceived and the conditions of their exclusion from the system in the current world are known, but nevertheless, the "Totality" does not sympathize with them (Azevêdo & Costa, 2021; Piza, 2016).

In Dussel's (2016) words, the "strategic reason" – also known as "cynical reason" – by which "Totality" is administered, unlike Apel's (1992) discursive ethics, in which interlocution with the skeptic is presupposed (a rhetorical figure with a posture of denial or rational doubt in the discussion, but does not dispense with dialog with the "Other"), is based on the cynic, who, in turn, denies the argumentative "Other" and thus the priority of discursive reason, since this "Other" appears only as a means of exercising Power and thereby achieving his "systemic" interests, that is, political, economic, educational etc.,

in a vitriolic political narcissism that favors hatred and sectarian solipsism to the detriment of a more agonistic democracy (Cunha, 2022; Souza & Aquino, 2021).

In this way, the instrumentality of e-government technology (Braga, Alves, Figueiredo, & Santos, 2008), as established by the rationality not of cynicism, but of Apelian skepticism (Apel, 1992), of a consensual, dialogical, discursive technocracy and, for this reason alone, politically hegemonic and dominant (Weschenfelder & Friedrich, 2020), allows us to have the deliberative agonistic cybercultural socio-dromocratic processes of the information society in which we live (Trivinho, 2005), in turn, introducing the phenomenology of the *modus operandi* of cooperation in this Anthropocene world, whose changes potentiate results even with geological forces of significant environmental alterations (Crutzen & Stoermer, 2000), often unexpected and without an immediate explanation, as specified by Feenberg (2005).

Despite this reality, given the broad understanding of living in democracy and technology, in which the iter is known, the "how to get there", but not the "why" of going, or even where (Feenberg, 2005), it becomes necessary for technology to be considered as a mechanism for improving democracy, whereby it seeks its fundament in communicative potentials grouped around specialized means of communication (Ferraz Junior, 2021) that promote social inclusion and respect for vulnerabilities in social diversity (Bariffi, 2021), being the fruit of cooperation and legitimacy, aiming for consensus and, furthermore, that any problems are solved with popular (deliberative) participation by resilient means capable of conducting the discussion in the exposition of the desired optics in conflict resolution.

This observation is the guiding principle behind the maturing of respect, solidarity and concerted cooperation between the constituted Powers of State, and between them and the members of society, with the aim of preserving their harmony and independence, reducing friction and the impacts of globalization (Bobbio, 1996) with the glocal pacification of conflicts – including plurilocal conflicts (Fuller & Neves, 2020) – in the paradoxical situations of today's risk and information society (Albuquerque, 2022; Camargo & Camargo, 2019), considering, in this complex polycontextualization, the evolution from the Liberal State to the Social State of Law (Martins, 2016) so that decisions taken by consensus, in favor of all those concerned, fulfill the purpose of providing for their own survival (Bobbio, 1987).

With these cyber-concerted procedures, we can see that today's democracy is more representative than in the not-so-distant past, precisely because it allows for deliberative popular participation rooted in virtual environments, configuring the direct exercise of popular cyber-sovereignty in state organic-governmental structures.

This direct exercise of popular cyber-sovereignty, in its turn, is regulated according to a governance of transformative and adaptive resilience, with greater disclosure, focus, fairness, compliance and accountability of public acts in glocalized interaction with private interests, revealing practices of governability (Correa Freitas, 2013), of good cyber-governance in its triple sense – with Cybernetics seen as the art of governing (Ampère, 1843), together with the interconnection of national spaces in the formation of a Greater Glocal in digital networks (Castells, 2006; Castells, 2000; Wiener, 1950; Trivinho, 2020).

Such good cyber-governance is thus seen in the search for a satisfactory balance in the civilizing transaction of life in society (Bauman, 2014), that is, an Aristotelian middle ground between the autonomies of the public and private sectors (Belandá, 2020), preserving the balance between security and freedom with respect for human and/or fundamental rights (including free access to the internet and digital inclusion, seen as personality rights – Cazelatto & Moreno, 2016; UN, 2011) and also guaranteeing the honor of those concerned and the sovereignty of the State (Souza Junior, 2002).

Therefore, the contemporary State acts through socio-dromocratic cybercultural deliberative processes, in a regionally integrated and globalized world, based mainly on peace (seen as an element of public tranquility for greater social balance), partnership with the private sector, social responsibility (inclusive in nature and with attention to the vulnerabilities of the most fragile), environmental preservation (in search of ecological balance) and economic prosperity, strengthening the information society and thereby promoting sustainable development in risk mitigation in a transnational cooperativism technologically enabled by virtual environments.

All of this is described as constituting the cooperative constitutional State, which finds its identity in Integration Law, Public International Law and Private International Law (Teixeira, Caldas, & Vieira, 2021), bearing in mind the negotiations and cooperation activities between States (and their respective societies) in the frequent search for regional and global stability with respect for constitutional sovereignty (considered to be the

characterizing cultural element of each State – Häberle, 2007; Malberg, 2001), thus projected in this scenario in an evolutionary process anchored in the technological development of today's information society, which increasingly ignores the barriers of territorial distance (Virilio, 1977).

As pondered by Häberle, his proposal of the Cooperative Constitutional State (2007), considered to be the most contemporary form of state solidarity participation in the global scenario - without dispensing with multi-stakeholderism (Benedek, 2011) immersed in a conception of multitude (Hardt & Negri, 2000) –, presents itself as the germ of a reflection "...formalized in legal texts and cultural contexts, from many times and many places"¹⁰ (Häberle, 1998: p. 68), and which "...deserves admiration, as does our effort today and in the future"¹¹ (Häberle, 1998: p. 68).

This reflection is based on the assumption that there is no way to establish a single hegemonic power at the global level, in relation to the others, under penalty of strengthening a mistaken conception of an autocratic international regime of state expansion of a totalitarian or, at best, authoritarian nature, and thus anti-democratic and in disrespect of human and/or fundamental rights (notably of a social nature), rights whose observance imposes a healthy diversity of coexisting interests and fair treatment of individuals in society and before the different national States, in a great transnational cooperative interface of proto-nationalist global harmony (Hobsbawm, 1992), anchored in the use of good technology and mutual aid, through assertive limits for the public and private sectors (Belandá, 2020) when acting to promote the common good (seen as sustainable development, including among its possible constitutional conceptions – Häberle, 2018).

In this direction, Ribeiro (2009), referring to Beck (1999), elucidates the political reconfiguration in today's globalized world, revealing the breakdown of the premise of the Modern Era of living in a society exclusively focused on spaces delimited by national States, since, with the use of new technologies, and especially the internet, the territorial limitations caused by distance are easily circumvented in order to overcome old

¹⁰ In the original: "...formalizada em textos jurídicos e contextos culturais, de muitos tempos e muitos lugares".

¹¹ In the original: "...merece admiração, assim como nosso esforço de hoje e no futuro".

orthodoxies, thus giving rise to a new way of exercising Power in this context, in a new beginning for Politics (Ribeiro, 2009).

On the other hand, the discrepancies and distortions arising from globalization itself and related regional state integration – by fostering an imposed, standardized and undifferentiated identity, of a uniformizing and exclusionary nature, exposing a thus harmful mass unilateralism – are also vicissitudes that can be circumvented through compensatory proto-globalization (Andreucci & Nohara, 2011; Andreucci, 2019) and, why not, proto-regional integration between States.

And the way to get around such vicissitudes is to look at processes that involve the construction of new identity bonds that are more attentive to diversity and in favor of a global community (and no longer society - Häberle, 2007), establishing a strong transnationalization of common interests, according to a more intense interconnection of national spaces (tending towards the utopian ideology of smart cities in a Greater Glocal – Trivinho, 2020; Trivinho, 2022) in the joint pursuit of economic prosperity with at least social responsibility and environmental preservation in mitigation of the risks inherent in hyper-complex state activities in this contemporary reality of multilateralism (Jonas, 1979; Novakoski & Malheiro, 2020).

Faced with this reality, it is important to pay attention to the impact of the changes resulting from globalization and the new role of state and social integration within these processes, whose changes are strongly driven by dynamic, profuse and rapid technological advances, imposing differentiated, transformative and adapted cooperative forms for sovereign powers to be exercised democratically on the international and regional stage in a fruitful glocalization (Teubner, 1997).

As such, States (through their constituted Powers) effectively need to show resilience, via an adaptive and transformative capacity of their organizational structures, in order to focus on better sustainable development (and whose sectoral public policies are permeated by the environmental bias, in a systemic-integrative horizontal transversality – Caldas, Silva, & Barroso, 2020) of their respective communities in integrated regional spaces in a cybernetic context, which is therefore digital, glocalized and of good networked government enhanced by the internet, in the light of a global democracy that includes diversity in decision-making (Teixeira & Pereira, 2018).

For this reason, the advent of the internet, in the midst of a technological revolution, is a watershed in terms of democracy, not least because it allows the broadest scope for the direct exercise of political rights in popular participation at local, regional and global levels, enabling structural and organizational transformations adapted to meet the needs of diversity (Teixeira & Pereira, 2018; Pereira, 2018), in a transnational cooperativism that, provided by the agonistic (Mouffe, 1999), deliberative, cyber-cultural and socio-dromocratic democratic processes of the information society, is legitimized by the possibility of the confluence of all those concerned and interested in dialogue.

5 CONCLUSION

As the 21st century is profoundly marked by the socio-dromocratic cyber-cultural technological revolution, which alters social relations and governmental actions through the use of innovations and, above all, through the use of the internet, there is also the challenge of the emergence of new ways of exercising popular sovereignty (directly, by those interested in the respective societies, or indirectly, through the state structures and organizations of the constituted Powers), whose States thus come to be considered more democratic as they are increasingly legitimized in cyber-concerted constructive cooperative decision-making processes to resolve the positive conflicts inherent in the dialogue between the public and private sectors.

The exercise of popular cyber-sovereignty, whether directly or indirectly through the state structures and organizations of the constituted Powers, thus requires regulatory governance that includes good government practices wrapped in sustainability with responsibility, responsiveness, resilience and concerted action on the part of the digital community, establishing a balance between the public and private sectors, with unrestricted and constant access to the Internet and other technological innovations, while preserving human and/or fundamental rights in an interactive context of glocalizing integration at national, regional and global levels.

This regulatory governance, which translates into the art of governing in interactive digital networks of glocalization, must take place under constant and permanent public management of the concerted and socio-dromocratic exercise of cooperative constitutional popular cyber-sovereignty, in a polycentric and heterarchic

reality related to freedom or autonomy of expression, information, communication and opinion, as well as to the handling and control of its possible equivocal and malicious excesses and failures verified during discussions to resolve positive conflicts, thus favoring the equidistant Aristotelian middle ground and that which it brings of goodness and certainty, preserving the balance between the security and freedom of those concerned.

It is in this context of glocal/global hybrid regulatory governance (public and private) that cyber-democratic arrangements really become harmonizers of state Powers, guarding against and preventing the systemic risks potentialized by the social and technological transformations of the contemporary 21st century, under a methodologically pragmatist glocalizing cooperative and solidary interaction, and therefore transnational among those concerned.

Thus, although technology certainly does not, in itself, eliminate legal, political or social problems in the States where it is applied to aid the exercise of popular sovereignty in this transnational dimension, its use in a democratic way, so that it implies improvements in the regulatory governance of the structural link between the public and private sectors (Mishra, 2012), must prove to be responsible, in search of the balance arising from a dialogical digital education that encourages the formation of public opinion, through the culture of deliberative, conscious and non-accommodating critical thinking, committed to social transformations in promotion of sustainable development.

To achieve this, we need to reach a certain maturity, which can only be achieved with permanent digital inclusion and technological education, avoiding unnecessary or reckless clashes on the internet, as well as regulating and, consequently, improving the content that circulates there, by the free choice of those concerned, guided by consensually pre-established standards under the management of the Public Authorities.

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