

Research Article

Children and Social Networks: Main Directions of Legal Regulation

Rina Vinerovna Khisamova* 

Department of Digital Technologies and Biolaw, National Research University Higher School of Economics (HSE), Moscow, Russia

Abstract

The article presents a brief overview of the main directions of legal regulation using the social networks from the standpoint of ensuring proper protection of the children's rights and legitimate interests. The objective of the scientific article is to highlight the main arguments "for" and "against" giving children the opportunity to use social networks such as Facebook, Instagram, etc. Comparative legal review and comparative legal analysis that were used by author allow identifying two directions of legal regulation: determining the procedure for a child's access to a social network and the procedure for its use by a child. The legal issues concerning the need to introduce an age threshold, special requirements for the registration of a child's account, and the development and legislative implementation of special safety standards for children's accounts aimed at minimizing online risks are proposed for further discussion. In conclusion, the author proposes combining these methods: since the doctrine and current legislation consider a child to be a full-fledged subject of law that implies the need to retain his access to social networks, but with additional guarantees to ensure the protection of the child when using a social network.

Keywords

Child's Access to Social Networks, Information Security of Children, Protection of Children's Rights Online, Minor's Account in a Social Network, Dark Patterns, Information Threats

1. Introduction

Social networks today are a familiar part of life: almost everyone has personal pages on one platform or another, notably, so does almost every child. At the same time, a social network is far from the safest place for a child. Children often face bullying and manipulation on social networks, and constant and uncontrolled use of digital technologies with a still-developing psyche greatly contributes to the emergence of various addictions, loss of attention control, the formation of clip thinking¹, and overall loss of interest in offline life.

Humanity is obliged to give the child the best it has [1]. Are

social networks in their current form really the best we can offer modern children?

2. Legal Concept of a Social Network

There is no common accepted legal definition of a social network today [2]. Different jurisdictions adopt different definitions, emphasizing different aspects.

Under Russian law, a social network is a website/webpage/information system/software intended and/or

*Corresponding author: rina_khisamova@list.ru (Rina Vinerovna Khisamova)

Received: 27 November 2025; Accepted: 26 December 2025; Published: 23 January 2026



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used by its users for providing/distributing information via personal pages created by them, on which advertising may be disseminated, and which is accessed by more than 500,000 users per day located in Russia².

In Australia, a social media service is a service that meets the criteria of the Online Safety Act (2021): the sole or primary purpose of the service is to enable online social interaction between 2 or more end-users; the service allows end-users to link to, or interact with, some or all of the other end-users; the service allows end-users to post material on the service, and other statutory requirements [3].

In some countries, the definition is based on the owner's characteristics. For instance, German law defines a digital service provider as a person who operates profit-oriented online platforms intended for content exchange (social networks) [4]. In Turkey, a social network owner is a person who provides users with the ability to create, view, and share content for communication [5].

These examples allow the conclusion that a social network from a legal standpoint is defined using two criteria: quantitative (number of users) and qualitative (functional), considering the primary purpose — creating an account for communication and sharing personal information.

In the context of protecting children's rights, both criteria are important, since the need to protect the rights and lawful interests of children arises only in situations of excessive and uncontrolled proliferation of online threats, which is directly linked to both the number of users and the functionality of the social network. The more users and the broader the functionality, the more vulnerable groups — such as children — require legal protection.

Be sure to emphasize that existing laws apply equally to online and offline conduct [6]. Therefore, if the current doctrine and legislation provide for a special legal regulation of the child's relationship, these features should be extended to the online sphere including social network.

3. Social Network and Its User: Current Regulatory Framework

In most cases, in the absence of special legislation regulating the activities of social networks, the rules of use — including user requirements — are determined by the user agreement, which is drafted independently by the platform owner. The level of discretion held by social network owners is extremely broad.

Let us consider several examples.

According to clause 5.2 of the VK's Terms of Use, a "User of the Site" is a physical person registered on the Site in accordance with the Rules, who has reached the age permitted under Russian law to accept the Rules, and who has the necessary authority [7].

Section 11 of the TikTok User Agreement for non-residents of the U.S., the European Economic Area, Switzerland, or

India, in clause "e," sets the minimum age at 13. In the Additional Terms for specific jurisdictions, individual restrictions are provided. For example, users in Brazil are presumed to have parental consent if they are older than 16 but younger than 18. A similar rule applies to users in Mexico: "If you are under 18, you may use the Services only with the consent of your parent or legal guardian." For users in Indonesia, by using the services, the user confirms that they are at least 21 years old, married, or not under guardianship. If the user is younger than 21 and unmarried, the TikTok account must be created by a parent or guardian, who assumes full responsibility [8].

Likee (a short-video platform) presumes the user is 18. If the user is younger, they may use the service only under parental supervision [9].

It is clear that developers of user agreements, and thus social network owners, recognize the need to introduce an age threshold for accessing social networks³, including for determining the responsible adult, upon whom they impose full liability.

Finding the conditions of user agreements imbalanced between private and public interests, an increasing number of countries that recognize the need to provide enhanced guarantees to children are taking steps to regulate social networks specifically from the standpoint of child protection. Australia became the first country in the world to adopt a law prohibiting the use of social networks by minors under 16. This law requires social network owners to prevent minors from creating accounts. Failure to comply may result in severe fines [10]. The use of social networks by children is also regulated by law in several U.S. states⁴. Katharine B. Silbaugh and Adi Caplan-Bricker wrote that Arkansas, California, Colorado, Connecticut, Florida, Georgia, Louisiana, Maryland, Mississippi, New York, Ohio, Tennessee, Texas, and Utah passed child protective social media legislation between 2023 and 2024. It is difficult to judge the effectiveness of that American legal regulation, because, as noted by lawyers, American courts strike down some legislature attempt to intervene on First Amendment grounds [11]. Similar initiatives have been attempted in Russia: in 2017 (unsuccessful)⁵ and again in November 2024 [12, 13]. But now the Russia is far away from such legal regulation [14, 15].

Thus the issue of a child's use of social networks and the need for legal restrictions has become urgent, but how it could be done is only in a discussion.

4. Arguments "for" and "Against" Children's Use of Social Networks

Arguments "For" include: development of communication and socialization skills; access to educational content; participation in contests and social initiatives. Recently, it has become common for teachers to create groups in social networks to communicate with students, forcing them to become

network users. As the United Nations International Children's Emergency Fund (UNICEF) reports "social media is not a luxury – for many children, especially those who are isolated or marginalised, it is a lifeline providing access to learning, connection, play, and self-expression" [16].

Arguments "Against" include the broad spectrum of online threats and the lack of reliable legal and technical means to protect children.

Modern legal science identifies the following main Internet threats:

Content risks — illegal content (pornography, racism, gambling) and harmful content (aggression, hate), harmful advice (suicide), unwanted advertising, "infogypsy" content;

Contact risks — dangerous interactions, including cyberbullying, cyber grooming, cyberstalking;

Virtual transaction risks — accidental payments beyond legal capacity;

Privacy and security risks — data leaks and misuse of children's personal data [17].

For social networks the most relevant risks are dangerous and harmful contacts: involvement in "death groups" ("Blue Whale," "Wake me at 4:20," "Red Dolphin" [18]), crimes including sexual offenses, and abuse of trust. The most widespread threat is cyberbullying, whose long-term consequences are difficult to assess.

Additionally, risks of psychological and informational addiction must be considered. For example, the Utah Social Media Regulation Act defines "addiction" as a compulsive and irresistible desire to use a social network, difficulty refusing its use, and resulting mental, physical, emotional, or other harm [19].

Actually, using social networking to establish and maintain personal and business relationships can be very productive but must always take into consideration the myriad of ever-lurking legal ramifications [6]. Especially it's relevant to the child's privacy. Social media's youngest stars, or kidfluencers, grow up in the eyes of the public. As their parents engage in sharenting — posting one's child on social media — the kidfluencers lose their privacy, their capacity to create their own reputation, and even their online safety [20].

Do the positive opportunities created by social networks outweigh the associated risks? And can these problems be solved through law?

5. "Possibilities of Law": Age Threshold and/or Safety Standards for Children

Measures taken in Australia, the U.S., France and others allow identifying two regulatory directions: determining access conditions and determining usage conditions.

Access regulation concerns user age and parental consent. Pedagogical psychology emphasizes raising a child "with the utmost respect for reality." As L. S. Vygotsky wrote, reality is not the small world surrounding the child, but the broader

world. Overprotection risks producing a narrow-minded individual [21]. Therefore, age limits (10, 12, 13, 16, etc.) must be scientifically grounded to avoid harming the child's development. The same statement was made by UNICEF. While UNICEF welcomes the growing commitment to children's online safety, "social media bans come with their own risks, and they may even backfire. For example, many children and young people will still access social media, whether through workarounds, shared devices, or turning to less regulated platforms, ultimately making it harder to protect them" [16].

Due to the fact that one of the reasons for the introduction of a complete ban on children's access to social networks is to encourage them to more fully manifest and develop in the offline sphere, it is impossible to mention the remark made by Nicol Turner Lee, Josie Stewart and Carolina Oxenstierna in their commentary "How will bans on social media affect children?" about that barring kids from social media might not meaningfully reduce screen time [22]. One of the latest psychology study concludes that restricting access to certain platforms does not necessarily encourage kids to spend more time offline, but rather pushes them toward other activities like watching television, playing video games [23], or even exploring "darker corners of the Internet" [24].

Thus UNICEF takes a reasonable and correct position that "age restrictions alone won't keep children safe online. Age restrictions must be part of a broader approach that protects children from harm, respects their rights to privacy and participation, and avoids pushing them into unregulated, less safe spaces" [16].

Parental consent is the second "part" of access regulation. According to the lawyers regulators must improve drafting to support parental decision-making and to more effectively enable that decision-making to appropriately rebalance power between companies and families. Moreover, some lawyers urge to identify supporting parental authority as a primary governmental purpose for laws, as this crafting distinguishes those laws that pass First Amendment muster from those that do not [11].

Regulation of use refers to measures preventing harm and ensuring safety within the social network: banning manipulative design ("dark patterns"), restricting recommendation algorithms for minors, limiting contacts and content, limiting time of use, other protective technical tools. All of these can be determined by one term – 'safety standard'. Some platforms already introduce such measures voluntarily, making their own safety standard.

Both regulatory directions are interconnected: the lower the age of the user, the higher the required safety standard.

The current level of development of legislation, using the American example, allows us to identify several models of legal regulation of children's access to social networks, which combine differently "Access" (age verification/consent) and "Use" (safety standards/dark pattern bans) methods.

1) California's "Safety by Design" Model

California has positioned itself at the forefront of this leg-

islative wave with a suite of laws that champion a “safety by design” philosophy, moving beyond simple data privacy to regulate the very architecture of online services.

2) Utah’s “Parental Control & Liability” Model

Utah has taken a different, though equally aggressive, approach. Rather than focusing on platform design, Utah’s laws emphasize parental control over access and introduce a novel liability framework for mental health harms [25].

Thus different ways are possible. It’s up for us (state and society) to decide.

6. Conclusion

Legal regulation of children’s use of social networks is in its early stages, allowing for evaluation of different approaches. Positive and negative impacts can be balanced through a justified (scientifically grounded) age threshold and legislative safety standards for minors’ accounts. At the same time regulation should not be a substitute for platforms investing in child safety. Laws introducing age restrictions are not an alternative to companies improving platform design and content moderation [22].

Since the doctrine and current legislation consider a child to be a full-fledged subject of law that implies the need to retain his access to social networks, but with additional guarantees to ensure the protection of the child when using a social network. Ultimately, society must determine the optimal combination — keeping in mind that parents play the primary role in ensuring children’s protection. Absolutely fair UNICEF calls on governments, regulators, and companies to work with children and families to build digital environments that are safe, inclusive, and respect children’s rights.

Abbreviations

UNICEF United Nations International Children’s
Emergency Fund

Author Contributions

Rina Vineroovna Khisamova is the sole author. The author read and approved the final manuscript.

Conflicts of Interest

The author declares no conflicts of interest.

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¹ In accordance with paragraph 16 of Decree of the President of the Russian Federation dated 05.09.2017 No. 203 "On the Strategy for the Development of the Information Society in the Russian Federation for 2017-2030", clip thinking is a new model of perception, a characteristic feature of which is the massive surface perception of information. This form of information acquisition simplifies influencing people's views and preferences, promotes the formation of imposed behavioral patterns, which gives an advantage in achieving economic and political goals to those states and organizations that own information dissemination technologies.

² Part 1 of Article 10.6 of Federal Law No. 149-FZ of 27.07.2006 "On Information, Information Technologies and Information Protection" // Federal Law of the Russian Federation, 31.07.2006, No. 31 (1 part), art. 3448.

³ For more information about the age requirements of various information resources, see:
<https://www.internetmatters.org/ru/resources/what-age-can-my-child-start-social-networking/>

⁴ For a list of laws, see:
<https://avpassociation.com/us-state-age-assurance-laws-for-social-media/>

⁵ Draft Law No. 145507-7 "On the Legal Regulation of Social Media Activities and on Amendments to Certain Legislative Acts of the Russian Federation" (Archived) // <https://sozd.duma.gov.ru/bill/145507-7>