

Course Outline

Course number	RTL101
Course title	Digital Regulation
Credit points	3 ECTS (2 CP)
Total hours	75
Lecture hours	20
Seminar and other hours	4
Independent Studies	51
Course Level	Masters
Prerequisites	None

COURSE RESPONSIBLE

<i>Name</i>	<i>Academic degree</i>	<i>Academic position</i>
Dr M. R. Leiser (Mark)	BSc, LLB, PhD	Digital, Legal, and Platform Regulation VU-Amsterdam

COURSE TEACHERS

<i>Name</i>	<i>Academic degree</i>	<i>Academic position</i>
Dr M. R. Leiser (Mark)	BSc, LLB, PhD	Digital, Legal, and Platform Regulation VU-Amsterdam

COURSE ABSTRACT

The term regulation has gained prominence in recent years in many different (academic) fields, including law, economics and finance, political science and policy making, environmental science, etc.. In this course, we will look at how wide variations of so-called ‘regulation’ are used to steer, guide, limit or promote specific behaviours by governments, institutions, businesses, sectors, and individuals across digital environments. We will discuss the strategies of regulation, the reasons why specific forms of regulation are chosen, the specific societal, economic, environmental, legal, political or public policy reasons, and what rationales underlie different forms of regulation and their effectiveness. Students will come to understand different regulatory strategies lawmakers and policymakers can choose from when tackling regulatory challenges. Students should understand the pros and cons of different types of regulation. They will learn to make an informed choice and provide proper argumentative underpinnings for specific forms of regulation in specific cases.

After an introduction, we will focus explicitly on regulation and digital technologies. After briefly discussing how and why digital technologies are regulated, we will turn to the main topic of this course: the use of law and technology to steer, guide, and regulate individuals’ behaviour. This has come to be known as ‘techno-nudging’ or ‘techno-regulation’. Techno-nudging can take several forms, from nudging and persuading users to follow a particular course of action. Hard-coding normative or legal codes into technologies to make certain behaviours impossible and stimulate others. The theory is that by hard-coding rules into digital technologies and networked environments, users will automatically comply rather than being asked to choose to follow these rules. Since regulation by technology is cost-effective, foolproof, and an efficient way of ensuring regulatees’ compliance with rules or norms, it is not surprising that this approach has spread rapidly. For policymakers, regulators, and technology developers, nudging is a valuable solution in ensuring compliance with various norms and rules. Sometimes, it is used to enforce legal restrictions, but often, there is an economic or practical drive behind the choice for this form of regulation. The lecture then moves to specific regulation techniques before moving towards two different case studies (platform regulation and fake news/ disinformation) that put the lessons of the first nine weeks to practical use.

This course has the following objectives:

- To gain a proper understanding of the regulation of digital technologies and the role that law and lawyers might play in regulating these technologies.
- Students will understand the historical 'waves of regulatory strategies' for regulating the online environment.
- Students will learn different regulatory strategies, their pros and cons, and the challenges of implementing them online.
- Examine areas of doctrinal and political debate surrounding rules and theories and evaluate those rules and theories in terms of internal coherence and practical outcomes, drawing on the analysis and evaluation contained in primary and secondary sources.
- The students can demonstrate good legal research skills.

Knowledge

Students will learn the different historical approaches to regulating the digital environment.

Students will learn the different strategies and techniques in policymakers' toolboxes for regulating digital environments, the pros and cons of each, and how they are deployed.

The student will study two case studies implementing different regulatory techniques and critically assess their effectiveness.

Understand the doctrinal and political debate surrounding rules and theories regulating the online environment.

Students should be able to evaluate those rules and theories regarding internal coherence and practical outcomes, drawing on the analysis and evaluation contained in primary and secondary sources.

Competencies

Legal and regulatory analysis: recognise the human, interpersonal and technical sides of a problem; access, analyse and apply knowledge and skills from various disciplines; think critically and strategically; apply knowledge and skills from past experiences to new situations; assess situations and identify problems; explore possible solutions innovatively and creatively; evaluate solutions to make decisions.

Information management: think critically and gather, sort, store, and use information to turn data into knowledge; research and interpret relevant information from a range of sources; review, retain, and apply ideas; evaluate the validity and bias of information; use gathered data to draw conclusions or to create new sources of information that can be shared with others; document your sources of information.

Communication: develop listening and note-taking skills, participate in the classroom environment, collaborate on academic tasks, legal research and persuasive academic writing.

Skills

Students will develop academic skills in advanced scholarship on regulation in the online environment; these include self-study skills, interpersonal skills, self-conceptualising skills, and development in communication and writing academic work, working in small groups.

Students will develop legal skills, including critical analysis, interdisciplinary research, and applications.

