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LEX DIGITALIS, LEX NULLIUS: POLICY FOUNDATIONS FOR DIGITAL GOVERNANCE IN THE GLOBAL SOUTH

[LEX DIGITALIS, LEX NULLIUS: LANDASAN KEBIJAKAN UNTUK TATA KELOLA DIGITAL DI DUNIA SELATAN]

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Abstract

In the digital landscape, there is a pluralistic data governance norms or digital anarchy which can be jurisprudentially viewed as lack of order or multiple conflicting laws operating in a particular state. We attempt to investigate the jurisprudential claims of Lex Nullius in the Global South and the impact of the current Lex Digitalis by foreign private digital platform which rules emanating from the Global North, and how can this condition be theorized for the benefits of the Global South. In the context of data governance, digital anarchy is not a lack of norms; but non-state actors and digital platforms that create norms that impact sovereigns and citizens. Relying on comparative case studies, political theory, postcolonial doctrines, and policy analysis focused on the Global South countries, this paper examines the existing principles of sovereignty and jurisprudence theory to rethink the discourse on digital sovereignty. In this paper, we find that pairing Lex Digitalis with Lex

Nullius provides a diagnosis of when digital governance is not just about regulatory gaps but the recolonisation of sovereigns. The paper offers a new way to think about sovereignty that sets boundaries on the power of digital platforms in the Global South. © The Author(s) 2026.

Author keywords

digital anarchy; legal pluralism; lex digitalis; lex nullius; platform governance; The Global South

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