Captured Sovereignty and Democratic Oversight of Big Tech

Political alliances, access to evidence, and effective control of digital infrastructure

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Abstract

This article examines how control over records and response times can constrain democratic oversight of digital infrastructure. It adopts an exploratory legal and documentary approach, with a cutoff date of November 11, 2026, relating the framework of A Soberania Capturada (Captured Sovereignty) to corporate, government, and congressional documents, the Hamilton judgment, the Meta case before Brazil's Superior Electoral Court, and selected empirical literature. It clarifies the evidentiary status of the thesis: Book 3 applies the concept of functional capture of evidence to the 39 convictions quashed in Hamilton, without establishing that a country has lost its cognitive sovereignty. In the Brazilian case, the fine for noncompliance documents obstacles to the enforcement of court orders, without establishing an intent to distort the electoral contest. This article contributes by examining these conclusions against the author's published work and proposing a monitoring form that distinguishes an order, the provision of information, verifiable compliance, corrective action, and redress. It argues that control of infrastructure must not confer on its operator the power to set the limits and timing of accountability unilaterally.

Keywords: cognitive sovereignty; Big Tech; political alignments; democratic oversight; structural cognitive influence.

1 Introduction

Whoever controls a system may also control the records needed to challenge it. When an affected person cannot access those records, the requirement to produce evidence can become an obstacle to their own defense. The concentration of technological power must be examined at this point: who determines how the system operates, who can verify its operation, and who bears the harm while an institutional response is still pending. Captured Sovereignty relates this asymmetry to the preservation of effective capacities for oversight and redress (Genova, 2026b, pp. 73-76 and 150-151).

In November 2026, announcements of investigations by Democratic members of the U.S. Congress brought relationships among companies, contributions, and government decisions onto the political agenda. Examining these initiatives also requires attention to the political support openly expressed by corporate leaders and the protection that companies expect abroad. This article relates those documents to the conditions for oversight discussed in Book 3.

The central argument is that control over records and response times can turn technical dependence into a practical constraint on oversight. Legal powers must enable access to the information needed for scrutiny and the implementation of measures capable of stopping a harmful practice and remedying its consequences. When corporate interests receive protection through a state's foreign policy, the analysis also extends to the pressures on those seeking to exercise oversight. Formal authority can coexist with continuing dependence when relevant information cannot be obtained or a correction cannot be implemented.

This problem affects people who need to contest an accusation, correct a record, or regain access to a service. If the system's operation remains inaccessible, the cost of identifying an error and challenging a decision may fall on those who did not set its rules. Addressing this arrangement requires identifying responsibilities and ensuring protection during the investigation. An inability to demonstrate the entire hypothesis of capture does not prevent the use of existing legal instruments to address threats to or infringements of rights.

The study develops problems already addressed in the author's articles on Meta and the 2026 Brazilian elections, the right to challenge the system, the gap between billion-dollar fines and redress for victims, and control over the conditions of life in the age of artificial intelligence (Genova, 2026c, 2026d, 2026e, 2026f). Its specific contribution lies in clarifying the evidentiary status of the thesis and monitoring the implementation of orders in light of the Brazilian judgment of November 10. Access to evidence, the ability to challenge decisions, and redress belong to an earlier line of research; here they are applied to a defined documentary update.

2 Method and documentary scope

This is an exploratory legal and documentary study with a cutoff date of November 11, 2026. It examines corporate and government documents, an election report by the Organization for Security and Co-operation in Europe (OSCE), congressional statements, the Hamilton judgment, legal texts, and selected empirical literature. It incorporates an opinion from Brazil's Office of the Electoral Prosecutor General (Procuradoria-Geral Eleitoral) and official and journalistic accounts of the Brazilian judgment of November 10 concerning orders addressed to Meta's Brazilian company. The cases were selected for their relationship to mechanisms of power discussed in Book 3. They do not constitute a representative sample of the technology sector's ideological orientation.

Each source is used according to what it can establish. Corporate documents record positions and announced policies; government documents identify public objectives and instruments. Congressional statements document their authors' initiatives. The judgment supports the claims about Hamilton. For the Brazilian electoral case, the analysis uses the prosecutorial opinion, the official news report from the Superior Electoral Court (Tribunal Superior Eleitoral, TSE), and coverage of the judgment, without access to the complete case file or confirmation that the decision is final and no longer subject to appeal. Access dates are provided in the references.

The selection of empirical studies is neither a systematic review conducted for this article nor an experimental validation of the capture thesis. The legal comparison identifies the instruments and limits of each legal system. Comparison with the work available on the author's website clarifies conceptual continuity, differences, and limits; self-citations are not independent empirical confirmation. This article translates Portuguese version 1.4. Its page references to Book 3 use the

249-page American English edition of Captured Sovereignty; the corresponding passages have been checked against the 323-page Brazilian Portuguese edition, version 8.20. These are language editions of the same work with separate bibliographic identities, rather than independent corroborating sources (Genova, 2026a, 2026b).

3 The U.S. episode and its evidentiary scope

In a statement released on November 3, after Democrats secured a majority in the House of Representatives, Robert Garcia announced an agenda concerning suspected corporate corruption, the Trump family's business dealings, the conduct of immigration authorities, and the Epstein case. His statement included the words "Lawyer up," rendered in the Portuguese article as "Procurem um advogado." The agenda extends beyond Big Tech oversight and documents an intention to investigate (U.S. House Committee on Oversight and Government Reform, 2026).

In his official publication of November 6, Richard Blumenthal linked demands for documents to ongoing investigations. The recipients include technology companies and other contributors to the White House ballroom project. The senator stated that he was investigating possible government favors associated with the contributions and warned of further measures if information was not provided voluntarily by January 4, 2027. The stated object of the investigation must be distinguished from its results (Blumenthal, 2026).

The Reuters report of November 5 records that the White House denied wrongdoing and characterized the initiatives as political investigations. That response forms part of the documented dispute; its merits, like those of the allegations, depend on an examination of the facts (Ulmer, 2026).

The Brazilian news story that prompted this article frames the episode as a warning to Big Tech companies linked to Trump and notes that the investigations remain inconclusive (Jordão, 2026). The connection between an executive's position and a company's conduct must be examined in light of the executive's decision-making powers and the acts performed on the company's behalf. Documented public support forms part of the political assessment. Establishing an infringement depends on the requirements of the applicable legal regime.

The documents support questions about contracts, contributions, and public decisions. Institutional criticism must examine whether these ties produced advantages incompatible with applicable duties and whether oversight can correct them when established. Conduct affecting the circulation of information requires records relevant to the operation. An expression of support, a corporate policy, and a system's behavior are related objects that must be documented at their respective levels.

4 Political alliances and control of digital infrastructure

The political alignments of those who manage information infrastructure fall within the scope of oversight. Positions taken on a company's behalf, changes to its rules, and the use of its channels to promote candidates must be examined alongside the decision-making powers involved. Distinguishing the individual from the organization should make it possible to identify responsibility for each act and the practical extent of the support.

Elon Musk's support for Alternative for Germany (AfD) offers an explicit case of alignment with Germany's far right, as characterized in the report by Marsh and Escritt (2025). The OSCE report on

the February 2025 elections records Musk's support on his X account, his interview with Alice Weidel, and more than 70 posts about the party. That record does not estimate a causal effect on votes (OSCE, 2025, p. 15, note 55).

In Meta's case, Mark Zuckerberg told investors on January 29, 2025, that he expected the U.S. government to prioritize the country's technological leadership and defend corporate interests abroad. The chief executive made the statement in a discussion of the company's relationship with governments. Its content is relevant to examining the state support expected for corporate strategy (Meta Platforms, 2025, p. 3).

On January 7, the company had announced moderation changes, including replacing its third-party fact-checking program in the United States, relaxing restrictions concerning immigration and gender, and revising the distribution of political content. Meta presented these measures as protecting freedom of expression. Critical analysis must compare that justification with the rules adopted and the effects observed, including affected people's ability to obtain protection and challenge decisions (Kaplan, 2025).

Donald Trump's memorandum of February 21, 2025, set out a government policy of protecting U.S. companies abroad. The document announced the use of tariffs and other responses against foreign charges that the U.S. government considered discriminatory or disproportionate. It also directed a review of regulatory practices affecting U.S. companies, including in the digital environment. The claims of discrimination in the memorandum express the position of the government that issued it (United States, 2025, sections 2 and 3).

The Meta and White House documents show convergence between corporate expectations of protection abroad and a government agenda of responding to foreign regulation. They do not establish that the company's statement caused the memorandum to be issued. The problem for cognitive sovereignty is the possible use of state instruments to increase the cost of overseeing private infrastructure. This mechanism must be examined through the measures actually adopted, their targets, and any changes they produce in regulatory capacity.

Defending corporate interests abroad also raises questions about the rights of people in the countries where the services operate. For a person affected by a platform decision, continued access to information and avenues of challenge depends on local conditions for oversight. An authority that must consider trade retaliation when demanding accountability faces an additional asymmetry. Legal assessment must record the pressure and determine whether it compromised a measure intended to protect rights.

The criticism advanced here addresses this connection between political support and the means of exercising power. Partisan promotion, rules governing content circulation, and diplomatic protection of a company each require examination. Considering them together makes it possible to investigate the relationship between infrastructure and sovereignty without assigning a uniform ideological identity to the entire sector. The result should identify who decided, which instrument was used, and what changed for those affected.

5 The framework of Book 3 and the criteria for capture

In Captured Sovereignty, cognitive sovereignty denotes a political community's capacity to preserve public, democratic, and legally auditable control over the technical structures that condition perception, attention, deliberation, and collective decision-making. The book acknowledges earlier uses of the term and locates its contribution in integrating these dimensions at the institutional level. It does not present cognitive sovereignty as an autonomous fundamental right already established in positive law or as governmental power to determine what people should think (Genova, 2026b, pp. 13-14, 19, and 159).

This definition requires separating technical mediation from a loss of control over it. Choosing a search system or contracting for cloud services involves dependencies that may be justified by service quality and available alternatives. The diagnosis changes when the contracting party or affected community can no longer ascertain the relevant rules, challenge decisions, or replace an essential operation on viable terms. The supplier's private or foreign status does not, by itself, establish such a loss (Genova, 2026b, pp. 19 and 73).

The book proposes four cumulative requirements for identifying capture: the infrastructure's functional indispensability; asymmetric control; opacity, limited reversibility, or the absence of a viable alternative; and a significant impact on the collective will, public decision-making, rights, or essential functions. They must coexist within the same arrangement and period, together with an actual loss of the relevant institutional capacities. The alternatives within the third requirement do not dispense with the cumulative application of all four. This is an analytical framework proposed by the author, without general empirical validation; its application does not itself create a category of unlawful conduct (Genova, 2026b, pp. 14 and 159-160).

The evidentiary stage reached by the corpus of Book 3 is limited in scope. The matrix on page 217 and Record A1 on page 218 identify support for all four requirements in the production and challenge of evidence in the 39 cases in which convictions were quashed in Hamilton. Functional capture is the book's interpretation, not a category adopted by the Court. This finding does not establish that the United Kingdom lost its cognitive sovereignty. Nor does the book present a completed national diagnosis for another country. The absence of such a diagnosis in the corpus does not prove that control is generally preserved; it identifies the extent of what has been demonstrated (Genova, 2026b, pp. 217-219).

Table 1 Scope and evidentiary status of the conclusions

Scope	Supported conclusion	What remains unestablished
Horizon: evidence underlying the 39 quashed convictions	All four requirements supported in the functional interpretation in Book 3.	National capture of the United Kingdom; full redress or an irreversible loss of control.
Horizon: three dismissed appeals	System reliability not essential to the prosecutions; a limit on generalizing the diagnosis.	Functional capture through the same mechanism in those three cases.

Scope	Supported conclusion	What remains unestablished
Meta: Brazilian electoral proceeding	Noncompliance with orders and difficulties of verification, according to the TSE's account of the judgment.	All four requirements at the national level; intent to distort the contest or an effect on votes.
United States: congressional initiatives	Requests for information and announcement of an investigative agenda.	Outcomes of the investigations, unlawful favors, or effects of alliances on regulatory capacity.

Sources: Genova (2026b, pp. 217-219), United Kingdom (2021, para. 447), Brazil (2026), Blumenthal (2026), and U.S. House Committee on Oversight and Government Reform (2026). The units and periods differ; this table neither classifies countries nor constitutes a validated scale.

The U.S. episode tests the capacity to oversee specific relationships. The book's test guides the diagnosis of capture but is not a legal prerequisite for every intervention. A breach of contract or a violation of competition or data protection law retains its seriousness and its own remedies even when that diagnosis is incomplete. Making the protection of rights conditional on demonstrating systemic capture would turn the category into an obstacle to the action it is intended to guide.

Structural cognitive influence, formulated in the line of research preceding Book 3, also requires its own chain of demonstration: information architecture, patterns of exposure, and effects relevant to the formation of intent. That analysis is distinct from the test of institutional capture. Examination at the collective level requires evidence of scale, recurrence, and institutional repercussions; findings about individual decisions do not, by extension, establish capture of the collective will (Genova, 2026b, pp. 17-19).

Obtaining documents and correcting an operation demonstrate a capacity for control within that scope. The analysis must record that result and assess its duration, reach, and effects on people who have already suffered harm. Book 3 requires attention to successful institutional responses; it also allows investigation of situations in which proceedings and sanctions coexist with a continuing harmful mechanism (Genova, 2026b, pp. 150-151 and 163-165).

6 The Brazilian case and the timing of electoral oversight

In Representação No. 0602746-69.2026.6.00.0000, an electoral proceeding, the TSE unanimously imposed a fine of R$7.5 million on Facebook Serviços Online do Brasil Ltda., a Meta group company, for failing to comply with electoral court orders (Brazil, 2026).

The official account of the judgment records the company's adoption of its own deadlines and its provision of fragmented or insufficient information. The reporting judge, Justice Marco Aurélio Bellizze, also stated that the available material did not support a finding, on a preliminary assessment of the evidence, of deliberate action to distort the electoral contest (Brazil, 2026). Meta denied favoritism and stated that it applied the same rules to both campaigns (Folha de S.Paulo, 2026).

Before the judgment, Opinion No. 5.483/2026, issued on October 21 by the Office of the Electoral Prosecutor General, distinguished obligations that had been fulfilled, partially fulfilled, or left unfulfilled. It also recorded claims of compliance for which supporting evidence was inaccessible to that office because confidential annexes were unavailable, while reserving the reporting judge's assessment. The opinion considered differences in translation and content generation by Meta AI

relevant to verifying compliance with the orders, but opposed an expert examination that would expand the scope of the proceeding. This was the prosecution service's procedural position, distinct from the subsequent judgment (Ministério Público Eleitoral, 2026, pp. 1-2).

An explanation based on technical failure must be assessed using repeated tests under comparable conditions and an examination of the distribution of incidents. Records of prompts, system versions, and correction timelines may help assess the recurrence and extent of the differences. This verification makes it possible to investigate a potential pattern of operation and test the adequacy of the company's explanation.

The connection to Book 3 lies in the distance between ordering a measure and verifying its implementation. Those who control the records can impede scrutiny of their own conduct by supplying data that do not allow it to be reconstructed. At this point, the asymmetry concerns the material conditions for oversight: a formal order must yield usable information and verifiable correction. Inadequate conditions may compromise protection during the dispute and subsequent clarification.

Timing is part of the substance of protection. According to the account of the judgment and the prosecutorial opinion, the amount derives from daily fines set to secure compliance with the orders (Brazil, 2026; Ministério Público Eleitoral, 2026, pp. 1-2). Calculating that amount afterward does not demonstrate that the obligation was fulfilled or that any harm was remedied. Information arriving after the opportunity for intervention may leave harm suffered during the campaign unaddressed. Investigating this cost of delay does not require assuming which candidate suffered harm or attributing an effect on the election result.

According to the TSE news report, some measures had not been fully implemented by the end of the runoff. What makes this institutionally serious is the lost opportunity to provide protection: a company's substitution of its own deadlines for court-ordered deadlines can reduce the usefulness of oversight when the dispute has a fixed duration. Examination of the remaining effects must continue after the campaign ends, with the access arrangements and safeguards provided for in the proceeding (Brazil, 2026).

The judicial response to noncompliance documents institutional action, but its existence does not end the assessment. The October article already distinguished the platform's operations and did not establish all the cumulative requirements for a finding of capture (Genova, 2026c, sections 5 and 8). The November judgment adds a finding about compliance with orders without automatically filling the gaps concerning scale, indispensability, and actual loss of control. The update must preserve this distinction: obstruction or delay in oversight can be serious before national capture is demonstrated.

7 Horizon and the human cost of inaccessible evidence

Hamilton and others v Post Office Ltd examined the convictions of branch operators and other Post Office workers for theft, fraud, or false accounting. The company itself brought the prosecutions. The judgment analyzed the reliability of Horizon, a computerized accounting system, and recorded consequences including imprisonment and reputational harm. The Court of Appeal of England and Wales found that failures of investigation and disclosure prevented effective challenges to the records

and compromised the fairness of the relevant proceedings (United Kingdom, 2021, paras. 1-4 and 120-138).

The judgment quashed 39 convictions. The Criminal Cases Review Commission, which had referred the cases, recorded the devastating impact on those convicted and their families. The outcome demonstrates the possibility of an institutional response, but quashing the convictions does not automatically eliminate the social consequences of the accusations (Criminal Cases Review Commission, 2021).

The case involved a publicly owned postal operator and a system supplied by Fujitsu (Clark and Booth, 2021, p. 4; United Kingdom, 2021, para. 9). Book 3 applies the test to control over the means of challenging evidence in those proceedings, not to British public functions as a whole. The arrangement brings together the operating institution, the technical supplier, and the people affected; attributing responsibility to each participant depends on the relevant acts and duties (Genova, 2026b, pp. 75-76 and 218).

The connection between each requirement and the documents can be reconstructed. Indispensability concerns the decisive dependence of those prosecutions on the reliability of the records in a system whose use was mandatory in the branches. Asymmetric control appears in the institution's and supplier's control over information. Opacity is supported by the failures of investigation and disclosure that prevented an effective defense. Significant impact lies in the convictions and their consequences for liberty, income, and reputation. This reading gives substance to the matrix's E/E/E/E classification, in which E denotes evidentiary support within the defined scope, without scoring or general validation (United Kingdom, 2021, paras. 12-16, 120-138, and 447(ii); Genova, 2026b, pp. 217-218).

The same judgment dismissed three appeals because the reliability of Horizon was not essential to the respective prosecutions. That outcome prevents extending the classification indiscriminately to all 42 cases; it does not certify the system's general reliability. Quashing the other 39 convictions, in turn, demonstrates a limited judicial recovery of control. It does not justify presuming full redress or asserting that the loss was irreversible (United Kingdom, 2021, para. 447; Genova, 2026b, pp. 217-219).

If a person must demonstrate an error while the organization controls the means of verifying it, the distribution of access to evidence may shield the decision from the scrutiny needed to assess its legitimacy. The proposed response is to build verifiability and access for expert examination into the service's operation. The costs of this protection should inform the choices of those procuring and operating the infrastructure, so that an affected person's defense does not depend on information they have no means of obtaining.

8 What the empirical evidence supports

Huszár and coauthors (2022) analyzed posts from April 1 to August 15, 2020, comparing Twitter's personalized ranking with reverse chronological ordering. Major right-wing parties, taken together, received greater aggregate amplification than left-wing parties in six of the seven countries examined; Brazil was not included in the sample. The study found no support for the hypothesis that political extremes were systematically amplified more than moderates. The result identifies

asymmetries in exposure without establishing partisan intent or an effect on voting. The participation of authors affiliated with the company must be considered when assessing the study. The findings do not characterize the operation of X in 2025 or 2026, or that of other platforms.

The review by Lorenz-Spreen and coauthors (2023) brought together 496 articles containing causal and correlational evidence. It identified favorable associations with participation and information consumption, alongside associations with lower political trust and increased polarization. The heterogeneity of research designs and contexts prevents treating the body of work as a single causal demonstration of democratic deterioration.

Changes in reach, interpretations of messages, and changes in public decision-making require corresponding evidence. Unequal selection of content may matter for oversight even when a change in voting is not demonstrated. Legal duties must be examined in relation to the identified operation; their application does not universally depend on proof of an electoral outcome.

For the U.S. investigations, further research will depend on the records obtained. Data on moderation, recommendation, or researchers' access may support new analyses. Monitoring should determine whether the documentation allows the contested decisions to be reconstructed and the institutional response to be verified.

9 Legal instruments for addressing the asymmetry

Congressional oversight in the United States

The Congressional Oversight Manual explains that Congress's investigatory power derives from its legislative function and is subject to constitutional limits. Compulsory measures must serve a valid legislative purpose and comply with the body's authorization and jurisdiction. Congress does not replace the authorities responsible for prosecuting and adjudicating crimes. Recipients of subpoenas retain constitutional protections, including those concerning expression and privacy. These boundaries prevent treating a voluntary request, a subpoena, and a conviction as equivalent (Congressional Research Service, 2026, pp. 29-33, 42-45, and 53-59).

Critical assessment must track the conversion of an announcement into relevant requests, access to records, and verifiable consequences. Retaining counsel forms part of the exercise of the right to a defense and is not evidence of guilt. The proposed criterion of success is the ability to clarify the relationship under investigation and pursue appropriate measures, while allowing those measures to be challenged.

Brazilian constitutional guarantees

In Brazil, Article 58, paragraph 3, of the Constitution governs the establishment of parliamentary commissions of inquiry to investigate a specified matter within a fixed period, subject to constitutional requirements. Their conclusions may be referred to the prosecution service for appropriate action. This does not confer authority to convict anyone of a crime. Oversight operates alongside due process, the opportunity to respond to opposing arguments and evidence, and full rights of defense, as applicable, and the protection of expression and information. Article 220, paragraph 2, prohibits political, ideological, and artistic censorship (Brazil, 1988, Article 5, items LIV and LV; Article 58, paragraph 3; and Article 220).

The comparison with the United States serves to examine investigative capacity without automatically transplanting procedures. In Brazil, the protection of rights need not await a parliamentary commission of inquiry (CPI) or the resolution of a parliamentary dispute. Relevant administrative and judicial instruments must be examined in light of the facts and the applicable legal regime.

Evidence and protection during an investigation

The Brazilian Code of Civil Procedure (CPC) permits reallocation of the burden of proof under the conditions of Article 373, paragraph 1, through a reasoned decision and with an opportunity to discharge that burden; an impossible or excessively difficult burden is prohibited. Urgent interim relief requires a likelihood that the asserted right exists and a danger of harm or risk to the practical effectiveness of the proceedings, subject, for anticipatory relief, to the statutory restriction concerning irreversible effects (Brazil, 2015, Article 300, opening provision and paragraph 3, and Article 373, paragraphs 1 and 2).

Another available procedure is to seek production of documents or other items. The request may specify categories of documents but must state the evidentiary purpose and the circumstances supporting their existence and possession by the opposing party. Reallocating the burden of proof and obtaining the production of records are distinct measures (Brazil, 2015, Articles 396-400).

In Repetitive Appeal Theme 1000, Brazil's Superior Court of Justice addressed document production under the 2015 CPC in disputes concerning rights that the parties may lawfully dispose of. It allowed a coercive fine where the parties have first had an opportunity to be heard, the legal relationship and the existence of the document are found probable, and a search and seizure or another coercive measure has already been attempted (Brazil, 2021). That scope must be preserved when distinguishing this civil procedure from the electoral procedure examined here.

Abuse of economic power and potential effects

Article 36 of Law No. 12,529/2011 covers conduct that has as its object, or is capable of producing, the anticompetitive effects listed in its items, even if those effects do not materialize. For market domination under item II, paragraph 1 provides an exception for a position achieved through greater efficiency. This regime does not require demonstration of the author's category of capture before action can be taken against a competition law infringement (Brazil, 2011, Article 36).

Data protection and automated decisions

Brazil's General Personal Data Protection Law (LGPD) governs the processing of personal data and establishes principles including transparency, prevention, nondiscrimination, and accountability. Article 20 gives data subjects the right to request review of decisions based solely on automated processing of personal data that affect their interests and, upon request, to obtain information about criteria and procedures, subject to commercial and industrial secrecy. Its application to content recommendation depends on the characteristics of the operation. The provision does not expressly require review by a natural person (Brazil, 2018, Articles 6 and 20).

Comparison with the Digital Services Act

In the European Union, the Digital Services Act (DSA) organizes obligations according to service categories and size. For very large online platforms and very large online search engines, Articles 34 and 35 address the assessment and mitigation of systemic risks; Article 37 provides for independent auditing. Article 38 requires an option not based on profiling when those services use recommender systems, and Article 40 governs access to data subject to requirements and safeguards. These obligations have their own scope and neither apply indiscriminately to every technology company nor replace Brazilian law (European Union, 2022).

The comparison shows that oversight can extend to a service's design and operation as well as the handling of isolated incidents. For the case examined here, the proposal is to require documentation that allows the operation to be reconstructed and compliance with the measure adopted to be verified. Technical difficulty should inform the access arrangements and the expertise required of the examiner; invoking it is not sufficient to end scrutiny.

10 Monitoring compliance with an order

The investigation begins by identifying the operation, the people affected, the period, and who controls the records. The documentary framework already published by the author organizes control, coordination, dependence, benefits and costs, challenges, and counterevidence (Genova, 2026f, section 12). The form below specifies one stage of that program: tracking a particular order through verification of its results. It can guide an attorney, a contracting authority, or a competent oversight authority, subject to their different powers and lawful means of access.

Three matters must be recorded separately: what was ordered; what the recipient claims to have done; and what the evidence allows to be verified. A statement of compliance is not proof of implementation, and a fine does not itself document correction or redress. Table 2 applies this distinction to publicly available material on the Meta case. Fields not yet supported by the evidence examined are identified as outstanding matters, without alleging additional failures to comply.

Table 2 A monitoring form applied to the Meta case

Field	Publicly available information and its status
Operation, period, and act	RP No. 0602746-69.2026.6.00.0000; electoral orders examined in the judgment of November 10, 2026. Separate distribution, paid boosting, and Meta AI by order and date.
Responsible party and deadline	Facebook Serviços Online do Brasil Ltda.; identify each order and its due date in accessible procedural documents. The news report records delays and substitution of the company's own deadlines for judicial deadlines.
Response and evidence supplied	Record the filing identifier, version, language, period covered, and connection to each order. The TSE reported fragmented or insufficient responses; the complete annexes were not examined in this study.
Verification and access	Identify who examined the records and what they could verify. The news report distinguishes documents accessible to the complainant from technical statements with access restricted to protect trade secrets; do not presume full access.

Field	Publicly available information and its status
Decision and legal effect	Fine of R$7.5 million for noncompliance. Do not treat this amount as a measure of electoral harm, compensation, or proof of deliberate action.
Effective correction	Document the change, implementation date, and testing relevant to the obligation. Implementation is not fully demonstrated by the public corpus used here; this does not establish that no correction occurred.
Redress and residual harm	Identify beneficiaries, measures, and results using evidence specific to redress. Payment of the fine and redress for those affected were not verified in this study.
Outstanding matter and next decision	Request or examine missing records and the results of corrective action through appropriate procedures. Assign responsibility and a deadline according to urgency, authority, and the applicable regime; use deadlines tailored to the case and applicable procedure.

Source: author's analysis based on Brazil (2026) and Ministério Público Eleitoral (2026), continuing the work in Genova (2026e, 2026f). The form is a qualitative monitoring proposal, not a validated protocol, an additional court order, or certification of compliance.

To examine technical correction, comparisons must isolate the operation and preserve relevant prompts, versions, and conditions. Differences in aggregate reach between candidates do not, by themselves, resolve an allegation concerning particular advertisements or a different tool. These elements guide the production of evidence; this article did not perform the tests or access the necessary internal records.

Each record must preserve authorship, date, address or filing identifier, subject, and conditions of access. A letter establishes that information was requested; a response documents the account provided. A claim about technical behavior requires suitable evidence. Lack of information may prevent a diagnosis and, when it results from an unjustified refusal, support specific measures. It should not automatically be converted into proof of capture.

A restriction on access must be assessed by its stated basis and its effects on the investigation. Protected secrecy, an excessive request, and an unjustified refusal require different responses. The procedure should consider forms of access compatible with data protection and the protection of commercial information, such as expert examination or supervised consultation where legally available. Protecting sensitive information does not dispense with accountability.

The form permits a straightforward assessment of results: if the response cannot be connected to the obligation, verification remains pending; if implementation is established, compliance is recorded for the relevant period; if effects on affected people persist, the appropriate measure is identified without automatically reclassifying what has already been fulfilled. A late correction may fix an operational problem while leaving residual harm. Monitoring serves a social purpose by making these situations visible and enabling a reasoned decision on the next measure.

11 Measures to secure results from oversight

Confronting concentrated power requires consequences that affect how that power is exercised. Oversight loses its social usefulness when it ends with commitments whose implementation no one verifies. The program in Book 3 connects each measure to a responsible actor, an instrument, a

deadline, and evidence of compliance. The article on fines already distinguished sanctions, the allocation of funds to public purposes, and redress accessible to victims; that distinction informs the present application (Genova, 2026b, pp. 150-151 and 178; 2026e).

As an implementation proposal, the competent authority should define the relevant records and secure their preservation through an appropriate legal instrument. The procedure must identify who holds them, how they will be examined, and which restrictions on access are justified. Privacy protection forms part of this design: oversight neither requires indiscriminate disclosure of personal data nor permits generic invocations of secrecy to obstruct the investigation.

Access should enable technical understanding. The recommended approach is to identify versions and those responsible for the operation, record relevant incidents, and determine who can carry out an independent examination. The evaluator's conflicts of interest should be disclosed and addressed. These conditions help prevent the oversight institution from relying exclusively on explanations provided by those controlling the system.

When a violation is established, the response must bring it to an end and address its effects on those affected, through corrections, redress, and the consequences available under each legal regime. Changing a clause or interface may leave the harmful mechanism intact. It is necessary to identify who has authority to demand implementation and which records will allow it to be verified. A coercive fine seeks compliance; administrative sanctions, civil liability, and criminal responsibility have their own purposes and requirements.

For essential functions, the ability to replace the supplier must be tested. Migration costs, transferable data, and continuity arrangements should be documented. A contractual promise of exit may be inadequate when no one has the means to implement it. The costs of verifiability and transition should be included in planning; omitting them may shift onto the community the price of a dependence that appeared economically advantageous.

Finally, oversight bodies must themselves be accountable. The grounds for their decisions, their conflicts, and the results of their work must be open to scrutiny. The book's normative program makes protection of cognitive sovereignty conditional on limits on government and regulators. Recovering public capacity is democratic only when it preserves pluralism and means of challenging those who exercise it (Genova, 2026b, pp. 19, 165, and 178).

12 Competing explanations and limits of the study

Concerns about rights and electoral incentives may coexist in a congressional or parliamentary investigation. Scrutiny should extend to the authority, scope, and evidence produced, applying the same criteria regardless of political orientation. Documented support should appear in the assessment; identifying it does not dispense with the requirements for attributing responsibility for an infringement. Nor is a company exempt from scrutiny of its relationships with public authorities because it presents its decisions as strictly technical.

Competing companies may respond similarly to the same incentives without carrying out a common plan. They may also coordinate their conduct. Book 3 proposes distinguishing these hypotheses through the ties among actors, their decisions, and documented effects. Coordination may be demonstrated by convergent circumstantial evidence, provided its independence, consistency, and

connection to the conduct are made explicit. The analysis does not depend on a confession or a single document. Convergent interests may foster dependence even without centralized command (Genova, 2026b, pp. 163-164).

The cutoff date precludes anticipating the outcome of the U.S. initiatives. Requests for documents do not establish that they were fulfilled, and completion of one stage does not guarantee the outcome of the entire proceeding. Subsequent monitoring should record both effective corrections and persistent obstacles, updating the assessment of each relationship under investigation.

The study neither estimates causal effects on elections nor measures the prevalence of capture. It clarifies a functional application already presented in Book 3 and proposes monitoring compliance with specific orders. The form still requires evaluation in use; it is not a validated measurement instrument. Comparing the author's published work helps avoid contradictions and repetition of contributions, but does not replace independent sources or external review of the research.

13 Conclusion

The documents examined identify political support, corporate decisions about the circulation of information, and publicly expressed expectations of protection for technology interests abroad. These relationships fall within the scope of democratic oversight. The Brazilian case adds a problem of enforcement within the timeframe of an electoral contest. Oversight must address the documented political relationships and investigate how they affect the capacity to obtain information or enforce an order.

The documentary application in Book 3 satisfies all four requirements within the functional scope of the evidence underlying the 39 convictions quashed in Hamilton. This result does not establish a national loss of cognitive sovereignty. In the Meta case, the update is more specific: a judicial finding of noncompliance, with continuing gaps concerning the capture hypothesis and the results of corrective action. The institutional response must be assessed through the information obtained, timely compliance, and the protection actually secured for people.

The position defended here is that control of essential infrastructure must not confer on its operator the power to determine unilaterally what may be scrutinized or to set its own deadlines for accountability. The requirement to produce evidence must be accompanied by real conditions for doing so. The proposed form links each order to the response, verification, and effects on those affected, providing a basis for seeking the next appropriate measure without confusing an announcement, a fine, compliance, and redress. Protecting cognitive sovereignty requires making the power to organize information open to challenge by those who bear its effects.

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