A JURISPRUDENTIAL READING OF NEPAL'S GEN Z PROTESTS: LAW, MORALITY, AND THE DIGITAL AGE

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ABSTRACT

This paper examines Nepal's September 2025 Gen Z protests through the lens of jurisprudential theories, exploring how digital activism reshapes our understanding of law, legitimacy, and moral authority. The protests, which resulted in the fall of PM K.P. Sharma Oli's government following widespread demonstrations against corruption and nepotism, reveal fundamental tensions within positivist legal theory. When the government banned 26 social media platforms to suppress dissent, young Nepalis circumvented these restrictions and created alternative governance structures on platforms like Discord, demonstrating how digital communities can generate binding norms outside formal state authority. By applying theories ranging from classical positivism to contemporary frameworks including interpretivism, natural law, and critical legal studies, the paper argues that the digital age requires a pluralistic understanding of legal validity that recognizes multiple competing sources of authority. The protesters did not merely disobey law; they asserted the idea that legitimacy depends on moral coherence, procedural transparency, and popular recognition. This parallels the emergence of a "digital Volksgeist," where transnational digital communities co-create norms reflecting evolved collective consciousness. The paper concludes that Nepal's movement exemplifies how contemporary law must navigate between state authority and grassroots digital legitimacy, suggesting that the future of jurisprudence lies not in defending singular sources of law but in understanding how validity emerges through dynamic dialogue between code, conscience, and community.

I. Introduction

In September 2025, students and young adults in their late teens and twenties took to the streets in Nepal after people criticized "nepo kids," the rich children of political elites who lived lavishly. It grew into a huge uprising that killed 72 people and brought down the government of PM K.P. Sharma Oli. The government's ban on 26 social media sites on September 4, 2025, was seen as an attempt to silence dissent. The underlying causes of the grievances, however, were systemic corruption, youth unemployment, and a stark wealth disparity where a quarter of Nepal's population lives below the poverty line and political families show off their wealth.[1]

The protests provide us with a case study for jurisprudential analysis because they draw attention to the fundamental tension between law and legitimacy in the digital age. Young Nepalis organized primarily through Discord servers and social media platforms, and created alternative normative orders that competed directly with state authority. More than 100,000 people came together on Discord to choose Sushila Karki as the acting PM after the government fell. This was a digital version of parliamentary democracy.[2]

This event raises questions about basic ideas of moral authority, legal validity, and how society and the law interact, which is why it must be looked at from a legal perspective. While attempting to reform law, the demonstrators' demands and their digital organization created new forms of "living law" that governed the protest and political participation outside formal legal structures.

This article aims to contribute a comprehensive jurisprudential framework for understanding how digital activism transforms the relationship between law, morality, and authority. By examining Nepal's Gen Z protests through multiple theoretical lenses such as natural law, legal positivism, interpretivism, critical legal studies, and sociological jurisprudence, we can better comprehend how modern protests challenge and reshape legal systems. In order to provide insights into how legal institutions must change to meet the legitimacy challenges posed by activism, the study aims to connect theoretical jurisprudence with modern digital realities.

[1] Tessa Wong, *The Gen Z uprising in Asia shows social media is a double-edged sword*, BBC (Sept. 24, 2025), https://www.bbc.com/news/articles/cn4ljv39em7o.
[2] Amish Raj Mulmi, *From Streets to Discord: How Nepal's Gen Z Toppled a Government,* Carnegie Endowment for International Peace (Sept. 24, 2025), https://carnegieendowment.org/research/2025/09/nepal-gen-z-topple-government.

II. Legal Authority In Crisis: Positivism, Recognition, And The Digital Challenge

When thousands of young Nepalese took to the streets, they not only demonstrated against corruption and nepotism but also exposed fundamental tensions within legal positivist theory itself.[3] This chapter examines how classical and contemporary positivist theories throw light on the complex relationship between law, morality, and digital authority in the context of Nepal's youth uprising.[4]

Legal positivism faces new challenges in modern societies where digital platforms serve as both sites of norm creation and tools for resistance. The Nepal protests exemplifies this tension. While the government invoked its appropriate legal authority through the Social Media Bill, 2025, and Social Media Directive, protesters challenged this authority through digital means, creating alternative spaces of normative discourse.[5]

2.1 Jeremy Bentham's Utilitarian Positivism and Social Utility

Jeremy Bentham's utilitarian approach defined law as *"a collection of signs declarative of a volition conceived or adopted by him whose will is law"*. His theory grounded legal authority in the principle of utility, i.e, maximizing pleasure and minimizing pain for the greatest number.[6]

He created a famous separation between "expositorial" and "censorial" jurisprudence, where he distinguished between 'law as it is' and 'law as it ought to be.' This separation allowed law to be analyzed objectively, without contamination from moral or political ideology.[7] Accordingly, in Nepal, the government's decision to ban 26 social media platforms, including Facebook, WhatsApp, Instagram, and Signal, was justified within a utilitarian calculus, as it focused on preventing sedition, misinformation, or public disorder.[8] From a strict Benthamian

[3] Ethan Teekah, *2025 Nepalese Gen Z Protests*, Encyclopedia Britannica (Dec. 10, 2025), https://www.britannica.com/event/2025-Nepalese-Gen-Z-Protests.
[4] Dasharatha Shrestha, *Generation Z's Protest and Political Transformation in Nepal -2025 AD*, 2(10) IJMIR 239, 299 (2025).
[5] Samik Kharel, *Lessons from Nepal on the High Cost of Controlling Online Expression*, Tech Policy Press (Sept. 12, 2025), https://www.techpolicy.press/lessons-from-nepal-on-the-high-cost-of-controlling-online-expression/.
[6] Pragalbh Bhardwaj & Rishi Raj, *Legal Positivism: An Analysis of Austin And Bentham*, 1(6) IJLLRS (2022).
[7] Philip Schofield, Jeremy Bentham and the origins of legal positivism 203-224 (2021), https://doi.org/10.1017/9781108636377.009.
[8] AP, *Nepal internet crackdown part of global trend toward suppressing online freedom*, The Economic Times (Sept. 09, 2025, 6:09PM), https://economictimes.indiatimes.com/news/international/world-news/nepal-internet-crackdown-part-of-global-trend-toward-suppressing-online-freedom/articleshow/123783633.cms?from=mdr.

perspective, these laws represented valid commands from the sovereign authority, backed by sanctions including fines for companies and individuals.

However, Bentham's utilitarian calculus would question whether such laws truly maximized social welfare. The evidence suggests it did not. Social media platforms have become an essential infrastructure in Nepal's economy and society. Approximately 80 percent of all internet traffic in Nepal flows through social platforms, making them crucial for commerce, education, healthcare coordination, and social services.[9] The law failed Bentham's foundational test; it did not maximize overall social utility but rather concentrated benefit among political elites while imposing significant costs on the general population.

2.2 Austin's Command Theory and the Limits of Sovereign Authority

John Austin's analytical jurisprudence, which defined law as the command of the sovereign backed by sanctions, faces particular challenges in the digital age. Austin's sovereign must possess three crucial characteristics: it must be obeyed by most of the population, must not be in a habit of obeying anyone else, and must not be created by law but must possess authority prior to any legal system.[10] Austin's conception of sovereignty as indivisible and unlimited becomes problematic when confronting digital platforms that operate across borders and create their own normative frameworks.[11]

The Nepalese government had the authority to create, modify, and enforce laws. The Social Media Bill, 2025, represented a command from this sovereign authority, communicated to all, and backed by substantial sanctions. From an Austinian perspective, this was valid law, deserving obedience. Fewer than two weeks after the ban, an estimated 60 percent of Nepali social media users had accessed VPNs or alternative platforms.[12] This technological resistance exposes the limitations of Austin's command theory in a digitally connected world where sovereign authority can be technologically bypassed. This mass disobedience challenged the

[9] Arjan, *Nepal's Digital Crossroads: Innovation vs. Regulatory Control,* Gurkha Technology (Oct. 3, 2025), https://gurkhatech.com/nepals-digital-policy-innovation-vs-regulation/?srsltid=AfmBOoq1tcrqUQXhhjjfioUTz2rO-SNxl-bdw4IvU-aLQUIBP11zc1mk.
[10] Herbert Hart, *John Austin*, Encyclopedia Britannica (Nov. 27, 2025), https://www.britannica.com/biography/John-Austin.
[11] *Supra* note 6.
[12] Priyanka Negi, *How Nepal's Gen Z Used Bitchat, VPNs, and Discord to Fight Back Against the Social Media Ban*, News24 (Sept. 25, 2025, 4:33 PM), https://news24online.com/world/nepal-gen-z-protest-how-they-used-bitchat-vpns-and-discord-to-fight-back-against-the-social-media-ban/633682/.

fundamental Austinian premise that valid law requires habitual obedience.

This also points to a more fundamental problem with Austin's theory. The sovereignty that Austin defined as concentrated, indivisible authority encounters digital technologies that decentralize resistance and render centralized control ineffective. Austin's theory also assumes sovereignty remains unified and recognizable even in crisis.[13] Yet the Nepal protests demonstrated the emergence of alternative authority structures that competed with governmental sovereignty. Discord servers were used by protesters to deliberate about interim leadership structures. While this digital deliberation operated entirely outside formal legal channels, it generated political pressure sufficient to force governmental change.

Social media platforms themselves act like authorities with their own rules and punishments, like deleting content, suspending accounts, or issuing bans. In doing so, they create their own systems of control that shape the behavior of billions of people. From Austin's view, this produces competing authorities. When the Nepalese government tried to regulate social media through law, it was asserting state power over platforms that did not recognize its authority. The Nepal case shows how digital technologies have caused a "multiplication of authorities" that Austin's idea of a single, unified sovereign cannot explain. The protesters' actions did not represent simple disobedience to law but an awareness that authority online is now dispersed and contested, not unified under a single sovereign power.[14]

2.3 Kelsen's Hierarchical Model of Legal Norms

Kelsen conceived of legal systems as hierarchically structured pyramids of norms, with each lower norm deriving its validity from higher norms, and ultimately from a "basic norm" (Grundnorm) that serves as the foundational presupposition enabling the entire system. For Kelsen, a norm is a binding prescription whose validity cannot be questioned or examined through legal means; jurisprudence can only describe the structural relationships between norms, not evaluate the norms themselves. He argued that legal science must remain "pure"

[13] Artha Institute of Management, *Exploring John Austin's Command Theory of Jurisprudence in the Indian Context for CS Executive JIGL*, Arthacs (Jul. 22, 2024), https://www.arthacs.in/exploring-john-austin-s-command-theory-of-jurisprudence-in-the-indian-context-for-cs-executive-jigl.
[14] Josep Munoz, *The normative dimension of platform governance: big tech and digital platforms as normative actors*, 25 SYbIL (2021).

and free from contamination by psychology, sociology, politics, or morality.[15]

The Grundnorm is a presupposition, not a legal norm itself, but rather the foundational assumption that makes legal systems intelligible. In Nepal's formal legal system, the basic norm might be understood as constitutionalism, i.e., law in accordance with the Constitution of Nepal must be followed. The Social Media Bill 2025 was valid because it was created through procedures specified by the Constitution of Nepal. Its validity did not depend on its moral merit, its effectiveness, or its popular acceptance; these were external, non-legal considerations.[16] The protests generated alternative rules of conduct established and enforced through digital platforms, with their own basic norms and hierarchical structures. These alternative hierarchies operated largely in parallel to the formal legal system, creating what might be understood as a competing system of legal norms. These competing normative hierarchies challenge Kelsen's assumption of a unified basic norm.

Kelsen distinguished sharply between the legal validity of a norm and its actual effectiveness or enforcement. This distinction becomes crucial for understanding Nepal's protests. The Social Media Bill, 2025, was legally valid according to Kelsen's criteria, yet it proved ineffective. Kelsen's theory explicitly treats this disjunction between validity and efficacy as perfectly normal.[17] The Nepal case, however, suggests that the relationship between validity and efficacy may be more complex than Kelsen anticipated, particularly in digital contexts. Citizens begin to question whether a norm that cannot be effectively enforced deserves recognition as valid law. Alternatively, the remarkable efficacy of digital governance norms leads people to treat them as genuinely binding and legally significant, despite their formal invalidity.

2.4 Joseph Raz's Exclusive Positivism and the Sources Thesis

Raz's "sources thesis" holds that all law comes from identifiable, conventional social sources. This exclusive positivism differs from inclusive positivism, which holds that moral principles

[15] Alexandre Trivisonno, *On the continuity of the doctrine of the basic norm in Kelsen's Pure Theory of Law*, 12 An International Journal of Legal and Political Thought 321-346 (2021).
[16] Hans Kelsen, Validity and Efficacy of the Law 52 (1967), *reprinted in* Essays in Legal Philosohpy, (Carlos Bernal ed., 2015).
[17] Yahya Berkol Gülgeç, *Interrelationship Between Validity, Efficacy and Coerciveness,* 66(4) Ankara Üni. Hukuk Fak. Dergisi 677-729 (2017).

can become incorporated into law through social sources.[18] From an exclusive positivist perspective, moral claims should be entirely irrelevant to questions of legal validity. The protesters' success in toppling the government should tell us nothing about whether the ban was law; it only tells us that an ineffective law was ultimately repealed.

Inclusive positivists contend that while all law derives from social sources, moral principles can become legally binding when properly incorporated through legal institutions. The formal legal system did not incorporate explicit moral commitments against corruption or for freedom of expression. However, inclusive positivism opens space for recognizing that the protesters' alternative digital governance structures did explicitly incorporate moral principles. Inclusive positivism thus allows us to see the Nepal protests as involving competition between two different legal systems with radically different approaches to the relationship between law and morality.[19]

The Nepal protests, along with similar movements worldwide, suggest the need to reconceptualize legal validity in the digital age. A more adequate theory of legal validity in the digital age might need to account for the complex interactions between formal legal authority, digital norm creation, and popular legitimacy as expressed through digital platforms. This suggests a move toward a more pluralistic understanding of legal authority that recognizes multiple competing frameworks for validity.

2.5 Modern Positivism: Hart's Rule of Recognition in Digital Spaces

H.L.A. Hart's legal positivism, outlined in "The Concept of Law," offers more detailed insights into the Nepal protests. Hart's distinction between primary rules (those that impose duties) and secondary rules (those that govern the creation, modification, and recognition of primary rules) becomes crucial in understanding how digital platforms create alternative normative frameworks. Hart's contribution, the concept of the rule of recognition, explained the ultimate criterion by which the legal system identifies which norms count as valid law. The rule of recognition is not itself a rule of law but rather the fundamental test that identifies what counts as law within a particular system.

The protesters did not merely violate the law, they effectively rejected its legitimacy by creating

[18] Andrei Marmor, Exclusive Legal Positivism (2004), *reprinted in* The Oxford Handbook of Jurisprudence and Philosophy of Law (2012).
[19] *Id.*

alternative frameworks for making binding collective decisions. When traditional legal channels were blocked through the social media ban, protesters turned to Discord servers and encrypted messaging to establish new frameworks for collective decision-making. These digital spaces became sites where alternative criteria for legitimate authority emerged. When thousands of Nepali youth treated Discord decisions as binding on their collective action, followed digital procedural requirements for deliberation, and enforced norms against corruption and discrimination, they were engaging in precisely the kind of norm acceptance that constitutes the internal perspective Hart identifies as fundamental to legal systems. This phenomenon challenges Hart's assumption that legal systems are unified around a single rule of recognition. In the digital age, multiple competing frameworks for recognizing legitimate authority can coexist, each with their own criteria for validity.

Hart rejected natural law theory's insistence that unjust rules cannot be truly law. However, he also recognized that legal systems and moral systems are distinct but can intersect at what he called "the minimum conditions of human survival". Any legal system must incorporate certain basic principles to be capable of functioning: basic prohibitions on harm, rules of property, systems of exchange, rules of responsibility, and sanctions for law-breaking. These fundamental principles appear in all functioning legal systems because they respond to basic facts about human vulnerability and interdependence. The protesters explicitly incorporated moral principles into their alternative digital governance structures: anti-corruption norms, commitments to transparency, and prohibitions on nepotism. Hart's more flexible approach allows us to recognize that the protesters' emphasis on moral principles was integral to their alternative legal system's viability and legitimacy.

III. Law, Power, And The Generational Change – Critical And Interpretive Perspectives To Bridge The 'Is' And 'Ought'

The Gen Z protests in Nepal reflected more than political unrest. They revealed a generational shift in how people understand the purpose of law. For the young protesters, law was not just a body of commands to be obeyed but a living structure that must reflect shared moral values. This sense of disconnection between what law *is* and what it *ought* to be forms the core of jurisprudential inquiry. In the Nepal movement, the gap between these two became too wide to ignore. The state's legal authority existed, but its legitimacy had faded.[20] That tension is where interpretivism, Critical Legal

[20] Piyush Adhikari, *Nepal's leaderless Gen-Z revolution has changed the rules of power*, Al Jazeera (Oct. 3, 2025), https://www.aljazeera.com/opinions/2025/10/3/nepals-leaderless-gen-z-revolution-has-changed-the-rules-of-power.

Studies, and the sociological understanding of law intersect, because each in its own way tries to explain how power, morality, and meaning interact in shaping what people accept as "law."

Ronald Dworkin's interpretivism offers a useful starting point. He believed that law is not just a collection of rules but a moral practice that must be interpreted in the light of principles such as fairness and integrity.[21] In his view, every act of legal interpretation must make the system of law the best it can be in terms of moral coherence.[22] The Nepal protesters, without consciously invoking Dworkin, followed a similar logic. Their digital organization was a response to the breakdown of moral integrity within formal institutions. When they collectively chose their own leaders and enforced internal rules through open debate, they were, in effect, interpreting the meaning of justice for themselves. They turned law into something participatory and moral, rather than bureaucratic and distant. Their actions suggested that legitimacy cannot rest solely on official recognition; it must also rest on the people's belief that the law represents fairness.

But law does not exist in isolation from power, and this is where the insights of Critical Legal Studies **["CLS"]** become relevant. CLS argues that law is never neutral; it reflects the interests of dominant groups.[23] What appears to be "objective" reasoning often hides deep inequalities. From this perspective, the Nepal government's use of legal tools to ban social media and silence dissent can be seen as a political act disguised as legality.[24] The protesters' defiance exposed that disguise. By questioning how legal authority could be used to restrict speech, they revealed the political nature of law itself. This was not merely rebellion; it was critique. The young generation forced the state to confront the uncomfortable truth that legality without morality is fragile and easily rejected.

Yet the protests were not just critical; they were also constructive. This is where interpretivism and CLS intersect in meaningful ways. The protesters not only deconstructed the system; they began to rebuild it, using technology as a medium for moral and political renewal. Digital platforms became laboratories for participatory law-making, where norms emerged through open dialogue rather than top-down decree. This blending of critique and reconstruction demonstrates a new form of jurisprudential consciousness. It demonstrates that even while

[21] David Plunkett & Timothy Sundell, *Dworkin's Interpretivism And The Pragmatics of Legal Disputes,* 19 Legal Theory Cambridge University Press 242 (2013).
[22] Scott Hershovitz & Steven Schaus, *Dworkin in His Best Light*, SSRN Electronic Journal (2023).
[23] Alan Hunt, *The Theory of Critical Legal Studies,* 6(1) Oxford Journal of Legal Studies (1986).
[24] *Supra* note 3.

recognizing the law's political character, people can still seek to infuse it with integrity and shared moral purpose. The Nepal protests thus stood at the meeting point of scepticism and faith scepticism toward existing institutions, and faith in the possibility of a fairer order.[25]

This brings us to the enduring philosophical problem of connecting the "is" with the "ought." David Hume warned that one cannot logically derive moral conclusions from factual premises, yet societies constantly attempt to bridge that gap.[26] The Nepal movement did exactly that. The factual situation, corruption, inequality, and exclusion, created a moral demand for justice, transparency, and participation. The protesters turned a statement about what *is* into a vision of what *ought* to be. They did not wait for formal structures to reform; they reinterpreted the meaning of legality in practice. In doing so, they showed that the "ought" of justice can sometimes grow directly from the lived experience of injustice.

Lon Fuller's idea of the inner morality of law helps explain this transformation. Fuller states that there are eight principles of procedures that should be adopted to understand law. These include general, publicity, prospectivity, clarity, non-contradiction, possibility of compliance, constancy, and congruence, which are necessary in order to ensure the law does not become a matter of coercion.[27] Fuller argued that for any legal system to maintain legitimacy, it must adhere to these procedural principles, such as clarity, consistency, and congruence between rules and their application. When these conditions collapse, law ceases to guide behavior and turns into coercion.[28] Nepal's government fell into that failure when it used legal authority to suppress communication and evade accountability. The protesters, on the other hand, reintroduced procedural morality through open participation, transparency, and consensus-based decision-making. Their digital order may not have been formally legal, but it followed Fuller's moral logic more closely than the state's actions did. It suggested that legitimacy can re-emerge not from coercion, but from communication.

The sociological dimension of this movement adds another layer of depth. Law, as Eugen Ehrlich once observed, often develops within society long before it appears in formal codes.[29] His concept of the "living law" is visible in how Nepal's youth governed themselves online.

[25] *Supra* note 4.
[26] Patrick M. O'Neil, *A Reconciliation of the Humean Is/Ought Problem To an Objective Moral Order*, 3 Catholic Social Science Review 195 (1998).
[27] Lon L Fuller, The Morality of Law (1964).
[28] B. C. Zipursky, *The Inner Morality of Private Law*, 58 The American Journal of Jurisprudence 27 (2013).
[29] Svenja Behrendt, *Facing the Future: Conceiving Legal Obligations Towards Future Generations*, 12 Politics and Governance (2024)

Their communities created norms of conduct, systems of accountability, and methods of conflict resolution, all outside the state's authority. These informal laws gained power because they reflected shared understanding and voluntary compliance. They showed that when the state's law loses touch with social reality, society itself produces a substitute.

Together, interpretivism, CLS, Fuller's procedural morality, and the sociological view of "living law" reveal a continuous process of struggle and renewal. The Nepal protests were not simply an act of disobedience but an act of reinterpretation. They forced the law to confront its moral foundations and asked whether authority can survive without moral legitimacy. In a way, they turned jurisprudence into lived experience, translating abstract theories into collective action.

Thomas Aquinas's understanding of natural law believed that law is not only a human creation but a rational reflection of moral order, grounded in the idea that justice must serve the common good.[30] For Aquinas, a law that loses its moral purpose ceases to be law in the fullest sense, but rather becomes a distortion of reason. This idea helps explain why the Nepalese protesters could reject state authority while still appealing to law itself. Their defiance was not lawlessness; it was a moral reaction to laws that had lost their connection with justice. In Aquinas's sense, the protesters were restoring the natural harmony between moral reason and social order that the state had broken. They saw law not as blind obedience but as a moral practice that must answer to conscience and the collective sense of right.

John Finnis's modern restatement of natural law argues that the law's legitimacy depends on its alignment with "basic goods" such as justice, truth, sociability, and practical reason.[31] These goods, when pursued, make human life meaningful and cooperative. The Nepal movement can be understood through this lens as an attempt to realign law with those fundamental goods. The digital structures built by the protesters were not just political tools; they were moral expressions of participation, fairness, and truth-seeking. Their commitment to open dialogue, transparency, and equality echoed Finnis's belief that the purpose of law is to create conditions where individuals can flourish together.[32] Even without formal authority, their digital governance represented a shared pursuit of those goods that make law worthy of respect.

[30] Thomas D'Andrea, *The Natural Law Theory of Thomas Aquinas,* The Public Discourse (Aug. 22, 2021), https://www.thepublicdiscourse.com/2021/08/77294/.
[31] John Finnis, *On reason and authority in Law's Empire,* 6 L. & Phil 357–380 (1987).
[32] *Id.*

Aquinas and Finnis tell us that the strength of any legal system lies in its moral intelligibility. When people no longer recognize law as a rational guide toward the common good, they begin to create new forms of order that do. The Nepal protests show how this process unfolds in the digital age. In doing so, they prove that natural law is not an ancient ideal but a living force that is constantly reinterpreted as people strive to align legality with the enduring human desire for justice and moral coherence.

The movement ultimately reminds us that the health of any legal system depends on its ability to listen to criticism, to conscience, and to the evolving sense of justice among its people. Law must constantly move between the world as it is and the world as it should be. When that movement stops, the law becomes hollow. The Nepal Gen Z protests revived that movement by reasserting the idea that legality and morality cannot exist apart. Through their critique and reconstruction, they bridged the distance between "is" and "ought" not through theoretical debate but through lived moral imagination.

IV. Digital Age Challenges to Positivist Theory and the Rise of the Digital Volksgeist

Digitalisation has become the new site of jurisprudence. What was once a debate about the authority of texts, officials, and institutions has moved into spaces governed by algorithms, collective communication, and instant participation. In this digital sphere, law no longer depends on a single sovereign issuing commands but on networks of participants recognizing, negotiating, and enforcing shared norms. This transformation challenges the positivist image of law as a stable hierarchy. Recognition and legitimacy increasingly emerge through collective digital interactions, rather than through traditional state-sanctioned processes. Law, in this sense, becomes an evolving social code that responds to collective digital consciousness rather than institutional pedigree.

Digital platforms now function as governance systems with their own rules, enforcement mechanisms, and normative hierarchies. These systems possess characteristics akin to law: they prescribe conduct, communicate binding norms, and impose sanctions through content removal or account suspension. Yet, positivist theory traditionally denies that such algorithmic standards constitute "law" since they lack sovereign origin. The Nepal protests illustrate how this ambiguity about algorithmic authority's legal status becomes consequential. When the government demanded that platforms comply with censorship and content-removal directives, the platforms resisted, asserting independent editorial authority derived from their property

rights and role as communication infrastructure.[33] In doing so, they effectively claimed normative autonomy beyond state sovereignty.

Algorithms do not merely enable communication; they shape discourse by determining the visibility, accessibility, and prominence of content. During the Nepal protests, when state-imposed digital restrictions were circumvented through VPNs and alternative platforms, protesters were asserting their right to participate in shaping digital norms. This reflected a demand that digital spaces remain sites for articulating and mobilizing alternative moral visions rather than being controlled by governmental authority. The episode demonstrates how digital participation generates legitimacy through community recognition, thus challenging positivist assumptions about the exclusive source of law.

Algorithmic decision-making increasingly produces tangible legal consequences, from automated traffic enforcement to AI-assisted judicial reasoning, forming what some scholars describe as "algocracy." This raise pressing questions about the boundaries of legal authority in systems not confined by territorial or institutional frameworks. The Nepal protests were part of a broader global phenomenon, also seen in Kenya's #RejectFinanceBill2024 and Bangladesh's student movements, where Gen Z activists use digital platforms to resist governmental authority. The transnational flow of tactics, narratives, and solidarity across digital borders undermines positivism's territorially bounded conception of law and authority.

Fuller's inner morality of law gains renewed relevance in this digital context. Online spaces make procedural morality both visible and measurable. Digital structures record every rule and decision, embedding procedural transparency in their very code. Yet this procedural precision simultaneously risks replacing moral deliberation with algorithmic certainty. Jurisprudence must therefore examine whether technologically ensured procedural justice satisfies Fuller's deeper moral expectations grounded in human reasoning and intent.

The sociological school finds in digitalisation its strongest validation. Ehrlich's "living law" manifests in virtual communities where norms evolve through lived digital practices rather than legislative acts. In Nepal's digital movement, norms emerged organically through community discussions, votes, and reputation systems, demonstrating that law's vitality lies in its capacity to reflect real social behavior. Digitalisation compresses the gap between social change and

[33] *Supra* note 3.

normative recognition, enabling law to evolve in real time. Jurisprudence must thus take seriously the legal nature of algorithmic and community-based authority as expressions of this "living digital law."

Interpretivism and Critical Legal Studies (CLS) together provide the moral and political vocabulary to interpret these transformations. Dworkin's vision of law as a moral narrative resonates with how citizens co-create justice through collective digital interpretation. Meanwhile, CLS reminds us that digital orders embed new hierarchies between coders and users, moderators and members. The Nepal movement exemplifies both empowerment and exclusion, highlighting how digital participation produces both emancipatory and unequal structures. Law in the digital era thus transforms from a static command to a continuous dialogue between moral interpretation, social practice, and technological mediation.

This transformation parallels the insights of the Historical School, which views law as the organic product of a people's collective consciousness-the Volksgeist. [34] In the digital age, an analogous phenomenon emerges: a digital Volksgeist, or shared digital consciousness. Virtual communities cultivate their own customs, ethics, and rules that transcend geography. Through collective practices, such as privacy norms, digital rights advocacy, and online civic engagement, citizens co-create the norms that shape their digital societies. [35] This reflects Savigny's insight that law should evolve in harmony with a community's spirit and ethos.

The Nepal Gen Z protests exemplify this emergence of a digital Volksgeist. Nepalese youth, drawing from global networks, blended local grievances with global democratic ideals. Their activism was fluid, existing simultaneously in physical and virtual spaces. This created a hybrid collective identity that embodied the evolving spirit of digital citizenship. By using digital tools to mobilize and reformulate collective norms, they demonstrated how legal consciousness now transcends territorial boundaries. The historical school's demand that law evolve with the people's spirit thus re-emerges in digital form: legislation and jurisprudence must adapt to a transnational, interconnected social reality.

In essence, digitalisation transforms jurisprudence itself. It erodes the positivist separation of law and morality, revives Fuller's procedural ideals in coded form, validates Ehrlich's

[34] Madhavi Bohra, *Relevance of Fredrick Karl Von Savigny's Theory in Contemporary Era,* SSRN (2021).
[35] German Neubam et al., *How Subjective Norms Relate to Personal Privacy Regulation in Social Media: A Cross-National Approach,* 9(3) Social Media + Society (2023).

sociological insights, and extends Savigny's Volksgeist into a digital domain. The Nepal protests stand as a microcosm of this global shift, where law no longer merely commands but converses, where legitimacy flows not from authority but from recognition, and where the collective consciousness of a connected generation shapes the future of legal evolution.

V. Conclusion

The Nepal protests represent a radical shift in the history of legal thought. The digital age demonstrates disruption of the traditional sources of legal power, and at the same time, provides it with new sources of legitimacy. Classical positivist theories, such as the utilitarianism of Bentham, the pure theory of Kelsen, tried to find order and coherence by central sources of law. However, the situation in Nepal proved that whenever the law stops being morally credible, procedurally transparent, and socially effective, law could also be transferred to digital communities. Social platforms such as Discord emerged where citizens created their own normative orders, participatory, moral and procedurally consistent but legitimate not due to being permitted by the state, but being valued by the subjects they served.

The positivism crisis revealed by the social media ban in Nepal demonstrates that contemporary legality could no longer be viewed in purely commanding, hierarchical or text valid terms. The rule of recognition as introduced by Hart was torn into incompatible systems of acceptance Fuller created a new form of inner morality through algorithmic processes and Ehrlich revived the living law through computer technology. This is because authority was created in such digital spaces through interaction, consensus and transparency as opposed to coercion. The protestors did not end the law - they reformed it in more democratic, adaptive and morally based forms.

The transformation is something that can be framed with the help of interpretivism and Critical Legal Studies as rather moral and political. The young generation re-read justice as collective authorship, which disputed the neutrality of law and showed its involvement in power. But they were also confident in the ability of the law to regenerate itself--to regain its legitimacy by integrity and involvement. The Nepal movement was enlightening in bridging the gap between what law is and what law should be in that law not only survives in obedience but in recognition, not in command but in communication.

Finally, the digital era requires jurisprudence to broaden its boundaries. Law has become a

living network, which is constantly redefined in moral imagination, social interaction, and mediated by technology. Nepal case not only does not signal the death of legal positivism, but it represents its new life with new conditions, where the validity and morality, code and conscience, state and society are in a dynamic dialogue. These protests show us that the future of law is not in the defense of the purity of origin but in the plurality of voices where the legitimacy is always rewritten.