PEDAGOGY IN THE DIGITAL AGE: EXPLORING THE LEGAL IMPLICATIONS OF VIRTUAL LEARNING*

Abstract

The COVID-19 pandemic accelerated the shift to virtual learning prompting educators to adapt their pedagogical strategies in response to unforeseen challenges. As institutions refine their virtual learning models, the lessons learnt during this period will inform future pedagogical practices and legal considerations hence the intersection between pedagogy and legal considerations become increasingly important. This research focused on the peculiarities of the digital age and how it has advanced learning beyond the four corners of a classroom to a virtual distance learning without leaving one's comfort zone. However, this development has come with different legal issues that have questioned the transparency of this advancement in teaching and learning. The question of copyright which forms the most concern will be explored. The law regulating copy right and the application of the law in the digital learning aspect will be examined. The burning issue of data privacy, which is a fundamental right issue, with a particular focus on the rights and obligations of students and teachers will be examined. In the era of digitalization of education, a number of challenges have arisen in relation to privacy, inclusion and discipline during the development of virtual learning. Using a doctrinal method, the analysis includes a review of the international and national legal framework, as well as the practices adopted by educational institutions. The study also examines the quality of education offers by the virtual learning platform and a critical study of the covid-19 era. This study adopted doctrinal approach as its study design and methodology, using analytical and critique research methodology and also comparative analysis. The main sources of data collection were literatures from physical library and e-library. Finally, this Article was made to have significance to all stakeholders in the education policy reform sectors, teaching and legal profession, legal education and as well enriched in literature for further researches.

Keywords: Pedagogy, Digital Age, Virtual Learning. Education, Legal Implication

1. Introduction

Prior to COVID -19 pandemic, universities with a focus on digital awareness had already begun exploring virtual learning platforms to enhance teaching and learning experiences without having to cancel lectures due to the absence of the lecturer in the university vicinity. Conversely, the 2020 pandemic accelerated the introduction of virtual learning in the world and Nigeria specifically. The role of teachers in teaching is increasingly challenging when they need to adapt to new life norms, where the teaching and learning process should be conducted online. Due to the global pandemic, alternative approaches from orthodox classroom learning practices, digital online platforms across all education system levels, are considered the best option in dealing with situations that threaten the learning environment[1]. What is virtual learning? Virtual learning is the process of an online classroom environment to disseminate information, knowledge, skills and the right attitude to the students. Online learning and teaching include digital technologies that permit learners and teachers to interact effectively without face-to-face interaction.[2] There are different virtual platforms that are put into operation to enable virtual learning, some of which are Google classroom, canvas, EdApp, Udemy,[3]courser, edX, MasterClass, Khan Academy, Thinkific[4] etc. Because the issue of quality is a concern, issues such as copyright laws and regulatory and legal compliance need to be re-evaluated as they apply to online education. For the purpose of this article, current literature on how current and emerging regulations and laws such as the Digital Millennium Copyright Act of 1998 or more recently the Technology, Education, and Copyright Act 2022 have an effect on online education will be discussed.[5] The development of legislation regulating distance learning at universities is necessary to ensure the efficiency and quality of the educational process. In particular, the online format affects the development of the necessary skills and knowledge that meet the requirements of professional practice in the field. The distance learning has significant potential, opening up access to high-quality programs for students from all over the world. This is particularly important for those who have not previously been able to access such programs due to geographical or financial constraints. However, to fully utilize this potential, the quality assurance system for online education needs to be significantly improved. Online programs should be carefully designed and adapted to the specifics of the distance format to ensure a high level of learning. This includes clearly defining the competencies to be delivered by the program and establishing mechanisms for their

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effective monitoring.[6] Adversely, some professors and students have complained about problems with online teaching and lack confidence in its effectiveness, but many are still new to the whole online experience. The inadequate provision for audio-visual learning aids such as: projectors, computer, screen and power supply/generators to facilitate this learning, as well as shortages of human power/ personnel has led to set back of our educational system in Nigeria.[7]More so, in traditional teaching, teachers own the copyright to their lectures and professional works. However, in distance education, where technology is used to create multimedia works and video lectures, copyright ownership becomes more complex. When teachers create works using unit resources, the ownership might be disputed. But when teachers create works independently, without relying heavily on unit resources, and solely for the purpose of improving teaching, the copyright should belong to the teacher. This is particularly relevant for multimedia works created for distance education, which can be produced with minimal unit support. The legal effects of these issues on virtual learning are thus vehemently discussed.

2. Digital Age and Development

The world today is referred to as the digital age because of the different impact that technology has brought in the lives of many persons which ranges from communication, work, and learning[8]. The digital age is the period where digital tools, computers, the internet, and mobile technologies play important roles in human development. This age has reshaped the way we think, in terms of societies, businesses, governance, and education in many powerful ways[9]. The spread of mobile smart phones, social media platforms, artificial intelligence, cloud computing, and e-learning systems shows how much technology has become part of daily life. As a result, development in the digital age is no longer limited to physical infrastructure alone but also involves the ability of people to access, use, and benefit from digital knowledge and innovations. The digital age has made development interconnected globally, in earlier times, knowledge and ideas moved slowly, often taking months or years to travel across regions. Today, communication happens instantly, and this allows people to connect across borders and share resources, skills, and innovations[10]. The growth of e-commerce has also expanded opportunities for businesses, including small and medium-scale enterprises, to reach wider markets. Similarly, digital banking and financial technologies have made it easier for people to transfer money, save, and invest, especially in areas where traditional banking structures are weak. These innovations are part of how development has taken a new meaning in the digital age[11]. The digital age development has cut across many sectors such as governance and social participation. Governments now use digital platforms to provide information, deliver services, and communicate with citizens. E-government systems, for example, allow people to register businesses, apply for documents, and even vote in some cases without having to visit offices physically[12].

Social media also gives ordinary people the power to participate in public debates and hold leaders accountable. This digital transformation helps to improve transparency and make governments more responsive, which is a key part of development. Likewise in the health sector, the digital age has brought many benefits that directly improve the quality of life. Telemedicine, health apps, and electronic medical records make it easier for patients to access healthcare services even in remote places. During global challenges like the COVID-19 pandemic, technology made it possible for doctors to consult patients online, for governments to spread awareness quickly, and for scientists across the world to collaborate in developing vaccines[13]. This shows that digital technologies not only support economic development but also protect human health and survival. Most Importantly, Education is one of the areas most affected by the digital age, and this has direct links with pedagogy, which refers to the method and practice of teaching[14]. Digital technologies have changed how knowledge is delivered and received. Online learning platforms, video conferencing, educational apps, and digital libraries have created more flexible opportunities for students to learn beyond the traditional classroom[15]. Teachers now use interactive tools to make lessons more engaging and to reach learners with different needs and learning styles. This transformation in pedagogy means that teaching is no longer limited

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to face-to-face lectures but can now happen anytime and anywhere with the help of technology[16]. The role of teachers has also shifted in the digital age, rather than being the sole source of knowledge, teachers are now facilitators who guide students in exploring vast information available online. This requires new skills in digital literacy, creativity, and critical thinking. Pedagogy in the digital age is about blending traditional methods with modern tools to prepare learners for a world that is shaped by technology[17]. By using digital tools in teaching, educators help students not only to understand their subjects but also to develop problem-solving and digital skills that are essential for growth in the modern world. In this way, the digital age supports development by improving education and making pedagogy more effective, innovative, and responsive to the needs of society

3. Pedagogy in the Digital Era and Challenges

Pedagogy in the digital age is being shaped by the relationship between human teaching practices and technology-driven learning systems[18]. Higher education shows that students view digital tools and artificial intelligence as helpful for personalizing learning, providing interactive materials, and supporting critical thinking. However, these tools are often less effective in facilitating practical, hands-on experiences such as laboratory or studio work. This creates a need for modern models of teaching, where teachers combine both the digital support and human-led practice to ensure practical learning remains central[19]. These digital platforms, through features such as gamification, goal-setting, and progress tracking, make learning more engaging and purposeful. Nevertheless, responses vary, suggesting that universal motivational designs are inadequate[20]. Learner-sensitive approaches that allow choice and flexibility are more effective. Students also highlight that while technology enhances self-directed exploration and reflection, it does not fully nurture discipline and accountability. This reinforces the idea that human educators remain vital in guiding learners' metacognitive growth and shaping classroom norms.

While learners appreciate algorithmic guidance for internships and roles, they still seek human input for ethical considerations and long-term career decisions, reinforcing the need for hybrid advisory systems[21]. The broader rise of e-learning has dismantled many traditional barriers to education, widening access and enabling lifelong learning. Universities have turned to digital strategies to respond to growing global demand and to serve diverse student populations, including older learners, those in remote areas, and students with disabilities[22]. Technology has therefore become a catalyst for inclusivity, though it also introduces new organizational and structural challenges. The competitive environment of higher education has intensified with the growth of corporate and virtual universities, which particularly attract students balancing studies with employment[23]. To remain relevant, institutions must adopt pedagogical practices that combine accessibility with engaging, student-centered experiences. This shift has significantly redefined the role of educators. Lecturers are now expected to act not just as knowledge transmitters but also as facilitators, adapting to flexible teaching models and supporting student autonomy. However, these new responsibilities often increase workload, requiring substantial time for digital content creation, troubleshooting, and online engagement. Institutions therefore face the challenge of providing adequate professional development and technical support for staff to manage these evolving demands effectively.

4. Challenges of Pedagogy in the Digital Age

Quality assurance continues to be a major concern in digital pedagogy. While some studies suggest that online education can achieve outcomes comparable to traditional classrooms, skepticism remains about the credibility of e-degrees, particularly with the proliferation of unaccredited programs.[24] To ensure legitimacy, institutions must uphold rigorous academic standards, maintain strong reputations, and adopt transparent assessment practices. Ultimately, pedagogy in the digital age thrives on hybridity: technology can enrich learning, but it cannot replace the human dimensions of teaching. Sustaining this balance requires universities to integrate innovation with inclusivity, quality, and student engagement to ensure meaningful and

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equitable educational opportunities[25].Pedagogy in the digital age faces numerous challenges that complicate the integration of technology into meaningful educational practices.

One of the foremost concerns lies in the tendency to emphasize technology itself rather than the underlying pedagogical objectives it should serve. In many cases, the discourse around digital literacy narrows its scope to technical competencies, such as learning how to operate digital tools, while neglecting the critical, cultural, and ethical dimensions of education. This reductionist approach risks transforming education into a purely instrumental activity, undermining its role in fostering critical thinking, creativity, and responsible citizenship in a digital society[26]. Another challenge stems from the lack of consensus on what constitutes digital literacy. The concept is interpreted in multiple ways across different contexts, ranging from simple computer skills to broader notions that include media literacy, critical analysis, and civic engagement[27]. This definitional ambiguity makes it difficult to design coherent curricula, align educational objectives, or create standardized measures of learning outcomes. Consequently, educational systems struggle to determine whether digital pedagogy should focus on technical training, social empowerment, or a blend of both.[28]

The issue of inequality also looms large in the digital transformation of pedagogy. While access to devices and connectivity remains a persistent problem, the digital divide extends beyond material availability to encompass disparities in cultural and social capital. Students from disadvantaged backgrounds often lack the support, confidence, and skills to use digital technologies effectively, leaving them at risk of exclusion. This layered form of inequality intersects with factors such as gender, geography, disability, and income, making the challenge of inclusivity far more complex than simply providing hardware or internet access[29]. Pedagogical innovation is further constrained by rigid and centralized curriculum structures. In many national systems, digital literacy is implemented through top-down frameworks imposed by policymakers and authorities[30]. These rigid structures often fail to account for local needs, cultural diversity, and the evolving nature of technology. As a result, teachers and learners are left with limited flexibility to adapt digital pedagogy in ways that are contextually meaningful. The reliance on standardization over adaptability creates tension between policy aspirations and classroom realities, leading to fragmented or superficial integration of digital practices.

Cross-cultural and institutional barriers also complicate the establishment of digital pedagogy. Attempts to design international or regional frameworks encounter obstacles such as linguistic diversity, differences in national education policies, and uneven resource distribution[31]. While collaboration across countries is often encouraged, sustaining such initiatives requires significant alignment of goals and long-term commitment.[32] Without these, many cross-national efforts remain short-lived, producing frameworks that are disconnected from classroom practices and cultural realities. Finally, the sustainability and quality assurance of digital pedagogy remain unresolved issues. Even where curricula for digital literacy exist, ensuring their relevance, effectiveness, and long-term viability proves challenging. Implementation often relies heavily on top-down dissemination, with limited input from teachers, students, and local communities. Without grassroots involvement, such initiatives fail to achieve genuine transformation. The challenge, therefore, is to construct digital pedagogical models that are not only innovative but also inclusive, participatory, and adaptable to changing technological and social contexts.

5. Legal Framework and Legal Implication of Virtual Learning and Teaching

National and International Legal Framework

***Global Convention on Higher Education*:** Among the international legal instruments that regulates virtual learning is the Global Convention on Higher Education. It was adopted in November 2019 as the Global Convention on the Recognition of Qualifications Concerning Higher Education by the 40th session of the UNESCO General Conference. That was the first United Nations treaty on higher education with a global coverage. As part of its operations, the Global Convention establishes universal

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principles for fair, transparent and non-discriminatory recognition of higher education qualifications and qualifications giving access to higher education and offering avenues for further study and employment. With provisions on non-traditional learning modes, the Global Convention also facilitates the recognition of qualifications, prior learning and study periods earned remotely. Consequently, it gave recognition to virtual learning and dictates how it should be operated. By ratifying the Global Convention, countries commit to strengthening international cooperation in higher education, raising its quality at home and worldwide, and helping make academic mobility and the recognition of qualifications a reality for millions around the world.[33]By supporting tools and practices for the recognition of qualifications in higher education, the Global Convention supports academic mobility, quality assurance, and works as a global platform through which national authorities can collaborate across borders and regions. It also promotes the mobility of students, faculty members, and researchers – both when they go abroad and when they return home with foreign qualifications. The result is greater inclusion, access, and trust in higher education. The Global Convention also promotes lifelong learning through the recognition of prior learning, partial studies, and learning that takes place remotely or across borders. It includes provisions for non-traditional learning modes, as well as guidance for the recognition of refugees' qualifications, even in cases where documentary evidence is lacking.[34]

***TRIPS Agreement on Intellectual Property Right*:** The TRIPs Agreement, which is one of the most significant outcomes of the Uruguay Round, provides for improved levels of protection for the rights of intellectual property owners.[35]The TRIPS Agreement, which came into effect on 1 January 1995, is to date the most comprehensive multilateral agreement on intellectual property. The areas of intellectual property that it covers are: copyright and related rights (i.e. the rights of performers, producers of sound recordings and broadcasting organizations); trademarks including service marks; geographical indications including appellations of origin; industrial designs; Patents including the protection of new varieties of plants; the layout-designs of integrated circuits; and undisclosed information including trade secrets and test data.[36] Article 10.1 provides that computer programs, whether in source or object code, shall be protected as literary works under the Berne Convention (1971). This provision confirms that computer programs must be protected under copyright and that those provisions of the Berne Convention that apply to literary works shall be applied also to them. It confirms further, that the form in which a program is, whether in source or object code, does not affect the protection. Also, the obligation to protect computer programs as literary works means that only those limitations that are applicable to literary works may be applied to computer programs. It also confirms that the general term of protection of 50 years applies to computer programs. Possible shorter terms applicable to photographic works and works of applied art may not be applied. Article 10.2 clarifies that database and other compilations of data or other material shall be protected as such under copyright even where the databases include data that as such are not protected under copyright. Databases are eligible for copyright protection provided that they by reason of the selection or arrangement of their contents constitute intellectual creations. The provision also confirms that databases have to be protected regardless of which form they are in, whether machine readable or other form.

Furthermore, the provision clarifies that such protection shall not extend to the data or material itself, and that it shall be without prejudice to any copyright subsisting in the data or material itself. Article 11 provides that authors shall have in respect of at least computer programs and, in certain circumstances, of cinematographic works the right to authorize or to prohibit the commercial rental to the public of originals or copies of their copyright works. Noteworthy, the general rule contained in Article 7(1) of the Berne Convention as incorporated into the TRIPS Agreement, the term of protection shall be the life of the author and 50 years after his death. Paragraphs 2 through 4 of that Article specifically allow shorter terms in certain cases. These provisions are supplemented by Article 12 of the TRIPS Agreement, which provides that whenever the term of protection of a work, other than a photographic work or a work of applied art, is calculated on a basis other than the life of a natural person, such term shall be no less than 50 years from the end of the calendar year of authorized publication, or, failing such authorized publication within 50 years from the making of the work, 50 years from the end of the calendar year of making.[37]

Nigeria Data Protection Act (NDPA) 2023: Data generation and usage are indispensable in the prevailing digital world and it has been discussed as the main challenge of the digital era. Data protection is acknowledged as one of the fundamental rights.[38]The Nigeria Data Protection Act (NDPA) of 2023, signed into law on June 12, 2023, is aimed at strengthening Nigeria's data protection practices. The Nigeria Data Protection Regulations 2023 and its Implementation Framework, mirrors the General Data Protection Regulation and introduces some new legal principles. Its primary objective is to enable a fair and unrestricted digital economy and development by guaranteeing her citizens' privacy. Essentially, the NDPA focuses on safeguarding data and personal information. It deals with the processing of personal data, protecting the rights of data subjects, and setting out requirements for data controllers and processors. According to the Act, 'personal data' refers to any information that can identify an individual directly or indirectly. This includes identifiers such as a name, location data, an identification number, an online identifier or one or more factors related to the physical, genetic, physiological, social, psychological, cultural or economic identity of that individual.[39] The act further defines six important principles for personal data processing by data

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[38] . Section 4, Constitution of the Federal Republic of Nigeria 1999.
[39]. Section 65 Nigeria Data Protection Act 2023.

controllers and processors: handle data in a fair, lawful, and transparent manner; Collect data for defined, explicit, and legitimate reasons; Do not handle data in ways that contradict those purposes; Ensure data is adequate, relevant, and confined to its intended purpose; Retain data just as long as necessary to achieve the authorized purpose for collection; Ensure data is correct, complete, and up-to-date; Securely process data to prevent unauthorized access, loss, destruction, damage, or breaches.[40]

The Act establishes the principles and lawful basis governing the processing of personal data. It states that data controllers and processors must ensure that personal data is processed fairly, lawfully, and transparently. Personal data should be collected for specified purposes and not further processed in a way incompatible with those purposes. It should be adequate, relevant, and limited to the minimum necessary. Data should be retained for no longer than necessary and should be accurate, complete, and kept up to date. Processing should ensure appropriate security measures to protect against unauthorized access, loss, or damage. Data controllers and processors must demonstrate accountability and bear the duty of care in data processing.[41] The Data Protection Act focus on data security measures and personal data breaches. Data controllers and data processors are required to implement appropriate technical and organizational measures to ensure the security, integrity, and confidentiality of personal data. These measures should protect against accidental or unlawful destruction, loss, misuse, alteration, unauthorized disclosure, or access. Factors such as the amount and sensitivity of the data, potential harm to data subjects, processing extent, data retention period, and available technologies should be taken into account. The Act suggests various measures, including pseudonymization, encryption, system and service security, data 54 Section 34(e) 55 Section 35 56 Section 36 57 Section 37(1) 58 Section 37(2) 59 Section 38(1) 60 Section 39(2) - 10 - restoration processes, risk assessments, testing and evaluation, and regular updates to address evolving risks.[42]

OECD Guidelines for Quality in Cross Cross-Border Higher Education (2005): Another global instrument that is relevant is the OECD Guidelines for Quality in Cross Cross-Border Higher Education.[43]The Recommendation addressed a need for additional national initiatives, strengthened international co-operation and networking, and more transparent information on procedures and systems of quality assurance, accreditation and recognition of qualifications. These efforts have a global range and should emphasize supporting the needs of developing countries to establish robust higher education systems. Given that some countries lack comprehensive frameworks for quality assurance, accreditation and the recognition of qualifications, capacity building should form an important part of the overall strengthening and co-ordination of national and international initiatives. In this light, the UNESCO Secretariat and the OECD have worked closely together to develop the guidelines embodied in the Recommendation. Their implementation could serve as a first step in the capacity building process, although other complementary options have been proposed meanwhile (OECD/World Bank, 2007). The quality of a country's higher education sector, and its assessment and monitoring, is key to its social and economic well-being and it is also a determining factor affecting the status of that higher education system at the international level. The establishment of quality assurance systems has become a necessity, not only for monitoring quality in higher education delivered within the country, but also for engaging in delivery of higher education internationally. As a consequence, there has been an impressive rise in the number of quality assurance and accreditation bodies for higher education in the past two decades.[44]

Copyright Act 2022: The Copyright Act 2022, enacted on March 17, 2023, replaced the previous Copyright Act of 2004 to keep the copyright law in Nigeria updated to the life after the COVID-19 and in the digital age. The Act aims to: protect authors' rights, ensuring they receive recognition and fair compensation for their creative work[45]. It seeks to balance authors' rights with public access to creative works by providing limitations and exceptions to copyright[46]. Importantly, the Act aligns Nigerian copyright law with international treaties and conventions[47]. Furthermore, it strengthens the capacity of the Nigerian Copyright Commission's to regulate, administer, and enforce copyright provisions effectively,[48] ensuring a robust framework for the protection of creative works in the country. The Copyright Act protects various works, including literary, musical, artistic, audio-visual, sound recordings, and broadcasts[49]. It emphasizes that a work is eligible for copyright regardless of its quality or purpose, as long as it demonstrates original effort and is fixed in a tangible medium.[50] Initially, copyright belongs to the author unless otherwise agreed upon.[51] The Act also addresses ownership issues for works created under contract, during employment, or by government entities.[52] Furthermore, it also allows for copyright transfer through assignment, inheritance, or legal operation[53]. Generally, copyright protection lasts for the author's lifetime plus 70 years for literary, musical, and artistic works

[40]. Section 29 Nigeria Data Protection Act 2023.
[41].Feanyi Okonkwo and Adeyemi Owoade (2023) Overview of the New Nigerian Data Protection Act 2023. Jackson, Etti & Edu. https://jee.africa/insights/overview-of-the-new-nigerian-data-protection-act-2023/
[42]. Section 39 Nigeria Data Protection Act 2023.
[43] .2005
[44] . Vincent-Lancrin, S., D. Fisher and S. Pfotenhauer (2015), Ensuring Quality in Cross-Border Higher Education: Implementing the UNESCO/OECD Guidelines, OECD Publishing, Paris. https://www.oecd.org/content/dam/oecd/en/publications/reports/2015/11/ensuring-quality-in-cross-border-higher-education_g1g59fb6/9789264243538-en.pdf
[45]. Copyright Act 2022, s 1(a).
[46] . *ibid, s 1(b).*
[47]. *ibid, s 1(c).*
[48] . *ibid, s 1(d).*
[49] . *ibid, s 2.*
[50] *ibid, s 2(2).*
[51] . *ibid, s 28.*
[52] . *ibid, s 28(2).*
[53]. *ibid, s 30.*

(excluding photographs)[54]. For photographs, audio-visual works, sound recordings, and broadcasts the protection duration varies, typically lasting 50 years based on their public availability or creation date.[55] The Act incorporates various exceptions that permit the use of copyrighted works without the owner's permission in specific situations, such as private use, educational purposes, research, criticism, news reporting, and use by individuals with disabilities[56].

It provides criteria for determining 'fair dealing,' considering factors like the purpose and character of the use, the nature of the work, and the impact on the market.[57] Additionally, the Act introduces provisions for compulsory licensing, allowing qualified individuals or entities to use copyrighted works without permission in certain circumstances, such as translating or reproducing works for educational purposes, subject to specific conditions and royalty payments.[58] It outlines measures to tackle copyright infringement in the digital environment, allowing copyright owners to notify service providers about infringing content and request its removal through a notice-and-takedown process.[59] The Act defines liabilities and exemptions for service providers regarding online content.[60]. Moreover, it acknowledges the rights of performers, granting them control over the fixation, reproduction, distribution, and broadcasting of their performances.[61] Performers receive protections similar to those afforded to authors of copyrighted works, including both moral and economic rights.[62]The Act also safeguards expressions of folklore against unauthorized exploitation, covering reproduction, public communication, and adaptations for commercial purposes,[63] while establishing exceptions for fair dealing, educational use, and borrowing for creating original works, thereby recognizing the cultural significance of folklore.[64] Finally, the Act establishes the Nigerian Copyright Commission as the primary authority for administering, regulating, and enforcing copyright laws in Nigeria.[65] The Commission is empowered to prosecute infringements, collect royalties, promote copyright awareness, and maintain a register of works.[66]The Copyright Act 2022 represents a significant update to copyright law in Nigeria. It aims to strike a balance between protecting creators' rights and ensuring public access to creative works, particularly in the evolving digital landscape.

6. Legal Implication of Virtual Learning and Teaching

There are several key questions regarding the legal aspects of e-education that one should be aware of. The most complex legal questions in the field of e-education are those regarding: copyright, the issues of intellectual property, data protection, licensing and regulations within the Law on Higher Education, in other words setting a standard for the accreditation of study programs for distance learning. The key aspects of regulating the final issues will be discussed, which is of importance for the adequate regulation in the field of education. It has been 11 years since September 2003, when Serbia signed the Bologna Declaration on Higher Education, and more than seven years from the start of the accreditation process of institutions of higher education and their study programs and eight years since the publication of a book regarding accreditation in higher education. After the signing of the Bologna Declaration, by the adoption of the Law on Higher Education, the three subjects who are most responsible for the implementation of the Law were determined: the National Council for Higher Education, the Commission for Accreditation and Quality Assurance and the Ministry of Education, Science and Technological Development. Considering that the Bologna Declaration which is being enforced entails the regular attendance of lectures and classes, and students need to fulfill numerous prerequisites during the academic year, this presents a problem for those students who cannot attend classes at graduate schools and faculties regularly, for any reason. This mostly refers to those who work and study at the same time, as they cannot leave work to go to class.[67]

7. Conclusion and Recommendations

Conclusively, to avoid copyright problems in both online and face-to-face classes, the first key is to stick within what is called 'fair dealing' exception. A common test that courts often apply to determine if infringement has occurred is to consider whether you are reproducing material (photocopying articles, scanning images, or recording a show and posting it on your website) merely to avoid purchasing the work. This is the most significant factor that courts will consider in determining infringement[68].In the quest to pull alongside with the recent development, educationists are

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[54] . *ibid, s 19(1)(a).*
[55] . *ibid, s 19(1) (c-e).*
[56] . *ibid, s 20.*
[57]. *ibid*.
[58] . *ibid, ss 31-32.*
[59]. *ibid, s 54.*
[60]. *ibid, s. 62.*
[61] . *ibid, s 63.*
[62] . *ibid, s 66.*
[63] . *ibid, s 74.*
[64] . *ibid, s 74 (2).*
[65] . *ibid, ss 77–78.*
[66]. *ibid, s 78.*
[67].Danijebi Glusac (2016) Ethical and Legal aspects of distance learning. Pg. 26. https://www.researchgate.net/publication/376797700
[68]. Adegoke, Praise (2025). Implications of the Copyright Act 2022 on Generative AI and Fair Dealing. 10.2139/ssrn.5010517. https://www.researchgate.net/publication/387851529_Implications_of_the_Copyright_Act_2022_on_Generative_AI_and_Fair_Dealing#:~:text=technological%20advancements.&text=rapid%20technological%20changes.&text=demands%20of%20modern%20technology%20while%20protecting%20the%20rights%20of%20original%20creators.&text=complexities%20of%20copyright%20law%20effectively.&text=a%20valuable%20resource%20for%20future,field%20of%20intellectual%20property%20rights.&text=dialogue%20about%20copyright%20law%2C%20technology,industries%20in%20Nigeria%20and%20beyond.&text=generative%20AI%20technologies%20in%20content%20creation.

continually attempting to create novel solutions to expand access to education for individuals who cannot obtain adequate educational facilities. Excitingly, social media as a learning tool has come a long way in bridging this gap. Large numbers of teachers and students use social media as an essential element of the overall e-learning experience. It is a critical setting for communicating knowledge on crucial topics these days. Traditional classroom instructions fall short of providing an immediate learning environment, faster evaluations, and more engagement. In contrast, digital learning tools and technology fill this void. Some of the efficiencies such technologies provide are simply unrivalled by traditional learning methodologies. With smartphones and other wireless technology devices becoming popular among the general public, it only makes sense that schools and educational institutions make efficient use of them by putting technology in the classroom.

It is thus recommended;

1. The content of classes within the study program should be conceived in a modern way, and adapted to distance learning, with a marked time needed for consultation.
2. The teaching materials should fully correspond in terms of quality, content and scope to educational goals and the curriculum, and should be tailored to successful individual mastering of needed knowledge.
3. The instructions for learning provided by the institution of higher education should contain concrete suggestions regarding the learning strategy of students and independent knowledge testing. A subsystem for knowledge assessment of students should be integrated into the system for managing the process of distance learning and support different forms of learning and knowledge assessment (consultations, self-testing, pre-exam testing, reports, and exams.
4. The institution of higher education should have a qualified and competent teaching staff for implementing the study program within distance learning to ensure quality knowledge is being acquired through the virtual learning.
5. There should not be a cherry-pick prosecution of copyright offender. If you violate copyright laws, you are going to be trudging into court on your own to defend yourself against a lawsuit. You will be hiring your own attorney to do so. This is not just career breaking, but it can destroy your personal finances as well.