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# DIGITAL HUMAN RIGHTS IN THE DIGITAL ECONOMY: LEGAL AND ECONOMIC ASPECTS

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**Abstract.** This academic article examines the legal nature of digital rights. It has been established that human rights evolve and expand, and their scope and content broaden under the influence of various factors. While certain factors operate through an evolutionary process, the development of digital technologies contributes to significantly more tangible changes in the law as a whole and in human rights in particular. It has been established that digital rights possess a distinct economic nature, insofar as they ensure access to digital markets, the ability to engage in entrepreneurial activity, participation in digital services, and control over personal data, which serves as an object of commercialisation. In this context, rights such as the right to Internet access, protection of personal data, the right to be forgotten and freedom of economic activity in the digital environment are essential for the effective functioning of the digital economy. The *study's methodology* was founded on philosophical, general scientific and specialised approaches and methods of scientific enquiry. These methods were employed in accordance with the principles of scientific pluralism, enabling an approach to the consideration of digital human rights as an open, dynamic system evolving under the influence of digitalisation and the development of the digital economy. Applying a semiotic approach enabled digital rights to be examined as a new legal phenomenon through the lens of signs and symbols, emphasising the economic nature of digitalisation as a process that shapes new markets and digital assets. A systematic approach made it possible to study digital rights as part of a wider socio-economic system, identifying the connection between human rights and how digital markets operate. The dialectical method served as the basis for examining the interrelationship between the legal and economic aspects of digital human rights, enabling one to identify how these have evolved under the influence of technological progress, economic interests and social needs. The logical method makes it possible to structure the conceptual and categorical framework, refine the classification of digital rights and the economic aspects of their implementation, and formalise the argument regarding their autonomy or integration into modern legal systems. The historical method has made it possible to trace the genesis of digital human rights not only as a legal category but also as an economic phenomenon linked to the transition from an industrial to a digital economy. The *aim of the present* study is twofold: firstly, to determine the legal nature and essence of digital human rights in the context of the digital economy; and secondly, to reveal their economic significance as a factor ensuring a balance between the interests of the individual, the state, and business. The *findings* of this study facilitate a more profound scientific comprehension of digital human rights as an autonomous and evolving category of human rights that is emerging within the paradigm of the digital economy. The findings can be used to improve legislation and state policy, create effective mechanisms for the protection of personal data, develop responsible digital platforms and business models, and increase citizens' trust in the digital environment and their active participation in the digital economy. *Conclusion.* Sustainable development of digital human rights requires transitioning from formally enshrining rights to establishing comprehensive mechanisms where legal standards, institutions, technologies and economic incentives function as a unified system of safeguards. Transparent procedures for Internet access and privacy controls are key to this, as is striking a balance between freedom of information and economic interests.

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This increases trust in the digital environment, stimulates investment, and reduces economic uncertainty during the process of digital transformation.

**Keywords:** digital human rights, digital economy, Internet access, personal data protection, right to be forgotten, digital privacy, economic value of information, digital governance, legal mechanisms, digital technologies.

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## 1. Introduction

The rapid development of digital technologies and the emergence of the digital economy are transforming social relations, placing the individual at the centre as the holder of digital rights. While the active use of artificial intelligence, digital platforms and electronic servers contributes to economic growth, it also creates new risks for the realisation and protection of human rights, particularly with regard to privacy, personal data protection, freedom of expression and access to information.

In this regard, scholars are increasingly highlighting qualitative changes to the nature of human rights brought about by digitalisation. O. Petryshyn and O. Hilyaka, for example, argue that digitalisation has significantly impacted the important socio-legal institution of human rights. Today, it is argued that technological innovations require not only an interpretation of traditional human rights, but also give rise to new categories of rights. These can be defined as a sui generis generation of digital rights (Petryshyn & Hilyaka, 2021). In developing this position, M. Davydovych emphasises the considerable impact of digitalisation on modern society and the practical challenges that arise from it. The researcher emphasises the critical importance of ensuring human rights in the context of digitalisation. Digital technologies have the capacity to impact various aspects of human freedom, privacy, equality, and security. Consequently, there is a necessity for the development of ethical standards and legislation to ensure the fair and effective use of digital tools in society (Davydovych, 2023).

At the same time, the development of the digital environment highlights not only the legal, but also the economic, aspects of the subject under study. In today's world, digital rights have significant legal and economic importance as personal data becomes a valuable resource and subject to commercialisation. This raises the issue of balancing the interests of the state, businesses and individuals, and the need to establish effective legal mechanisms for regulating the digital environment.

Insufficient legal regulation of digital rights can have a negative impact on economic processes by reducing user trust in digital services, hindering investment and innovation, and creating conditions that encourage abuse and unfair competition. Conversely, effectively protecting digital rights is crucial for economic stability, developing digital markets and creating a competitive digital environment.

In a broader context, these processes reflect global trends in the digital transformation of society. As D. Belov rightly notes, digitalisation is a natural product of the digital revolution and is spreading rapidly in the modern world, affecting virtually all spheres of human life, society and the state. It is transforming the entire complex of social relations to one degree or another, essentially 'immersing' them in virtual reality. Contemporary society is developing in accordance with a new social paradigm (Belov, 2024).

The rapid digitalisation of society and the economy is not only transforming traditional human rights, but also giving rise to new digital rights. These rights have multifaceted legal and economic significance. Personal data, digital platforms and innovative technologies are becoming key elements of the modern economy. This simultaneously opens up new opportunities while creating significant risks to human rights and freedoms.

This is precisely why research into digital rights within the context of the digital economy is so important. Such research enables effective mechanisms to be identified that can ensure a balance between the economic interests of the state and businesses, and the need to adequately protect individuals. This increases trust in the digital environment, promotes the sustainable development of digital markets and prevents potential violations of fundamental rights. In today's context, such research is a prerequisite for effective legal policy and the harmonious development of digital society.

## 2. Digital Human Rights in an Economic Context: Concepts and Classification

The rapid digitalisation of modern society is transforming the way traditional human rights are implemented, while simultaneously creating new social and economic challenges. Today, digital human rights not only serve as a legal instrument for protecting freedom, privacy and access to information, but also as a vital resource in the digital economy, where personal data, information flows and digital services acquire economic value.

Achieving a balance between human rights, state and business interests, and the economic value of

information is becoming a priority for modern legal regulation. At the same time, establishing a classification of digital rights and defining their economic aspects is necessary for effectively utilising society's digital potential and developing competitive digital solutions.

Digital human rights are a new category of rights that determine the legal status of individuals in the digital realm.

Digital rights are a relatively new category of legal reality. Consequently, terminological confusion regarding the naming of these new rights is often observed in domestic legal scholarship. Domestic researchers typically refer to them as "information", "digital", "virtual", "information-digital", or "network" rights. In foreign literature, the terms "digital rights", "Internet rights", "right to communicate", and "freedom to connect – to anyone, anytime, anywhere, for any purpose" are used. These terms are sometimes used as synonyms, and sometimes the focus is on the specific nature of the rights denoted by these categories. It should be noted that the term "digital rights" has effectively replaced its earlier variants, "information rights" and "virtual rights".

The academic literature presents various perspectives on the nature and essence of digital rights. Some researchers equate them with traditional rights, arguing that digital rights are merely a "digital shell" for all existing human rights and freedoms – a means of realising human rights rather than a new category of rights. Certainly, they are not a new generation of human rights (Yanchuk, 2024). Other scholars, however, insist that digital rights constitute a unique category of human rights that must be recognised as such and defined as a new generation of human rights (Povarchuk, 2025).

Those who support the first view argue that people do not lose their inherent rights in the digital space. These rights include civil, political, cultural, social, economic, environmental, solidarity-based and somatic rights. Rather, these rights simply take on a digital form and are realised in the digital environment, taking into account technical characteristics. The scientific community argues that digitalisation can influence a person's personality, but not their essence. This circumstance serves as a powerful argument against the idea that digital rights constitute a new generation of human rights. As A. Ford notes: "On the one hand, the process of digitizing politics, the economy, and culture does not create an entire catalog of fundamentally new human rights. On the other hand, when considering generations of human rights, it is worth noting that digital rights require fundamentally new ways of recognizing, regulating, observing, ensuring, and protecting them" (Ford, 2016).

Representatives of the opposing camp posit that not all rights of previous generations can be realised in the digital environment or as digital rights. Another argument in favour of the independent status of digital rights in the classification of generations of human rights is predicated on the impossibility of fully protecting human rights through existing human rights in the digital sphere, merely as a new form of their expression, without recognising the independence of digital rights.

It is evident that generations of human rights are not mutually exclusive, but rather, they complement and demonstrate directions of development within the human rights system. This is achieved by taking into account socio-economic, political, and cultural factors, as well as scientific and technological progress. This is precisely why, if this issue is approached in a narrow-minded manner, the significance of other generations of human rights may be unjustly undermined. In the contemporary context, the question of discrete legal regulation of digital rights is becoming increasingly pertinent on an annual basis, both at the national and international levels.

The present study will attempt to analyse and identify the characteristics of digital human rights and determine their relationship to traditional human rights, as reflected in the "generations" of human rights.

In contemporary international law, three generations of human rights are distinguished. Despite the use of the term "generation", it does not mean that one generation replaces another. Rather, it refers to the gradual emergence and consolidation of certain human rights in the evolution of social relations. The classification of human rights into generations, which was first proposed by the Czech scholar Karel Vasák in the late 1970s, remains popular today despite facing serious criticism for being historically inaccurate, analytically useless and conceptually flawed. It was based on the ideals of the French Revolution: liberty, equality and fraternity. First-generation rights (natural and inalienable rights) encompass the right to freedom, both in the sense of the absence of interference and in the sense of demanding that the state provide judicial and police protection of freedom, as well as access to participation in the exercise of state power, in order to guarantee political and personal freedom. Second-generation rights are claims to social services and assistance from the state and society, which are aimed at reducing social inequality and ensuring a decent standard of living for everyone. Third-generation rights are linked to the idea of universal solidarity.

Recently, it has been suggested that technological innovations are leading to the emergence of digital human rights, which differ fundamentally from traditional rights and constitute a new generation of human rights. Each of the previous three generations comprised a single set of rights, whereas the fourth generation encompasses the entire previous set of human rights, evolving in the context of scientific

and technological progress and the introduction of innovations (Caccoli, 2017).

V. Benedek's conceptualisation of distinguishing three conditional generations in the evolution of digital rights is noteworthy for its originality. Thus, "the first generation of digital human rights focused on adapting existing human rights to the conditions of the digital age. The second generation envisages the introduction of new digital rights that meet the conceptual needs and interests in the online space, which traditional rights cannot fully address. A potential third generation could introduce new rights holders and duty bearers, including the concept of a digital persona, which would impose legal obligations on private technology companies. Together, these three generations could create a comprehensive human rights system capable of effectively protecting the needs and interests of individuals in the online environment" (Benedek, 2025).

The prevailing view in foreign academic literature is that digital rights possess specific characteristics that allow them to be classified as a new, fourth or even fifth generation of human rights. Whether digital rights can be classified as a new generation of human rights is of interest to domestic and foreign scholars alike. In order to confirm or refute this assertion, it is necessary to analyse the nature and content of digital rights, the obligations involved in ensuring them, and the available means of protection.

At the same time, legal theory and the doctrine of international law offer different ways of classifying digital human rights. O. Bratasyuk and N. Mentukh, for example, include the following among digital rights:

1) The right to Internet access means that everyone has the right to equal access to, and use of, a free and secure Internet.

2) Freedom of expression online means the right to express one's views freely, and to search for, receive and disseminate information online.

3) The right to privacy and protection of personal data: everyone has the right to privacy and protection of their personal data online (when using social media, filling out Google forms, etc.).

4) The right to freedom and personal security online requires a mechanism to protect against unlawful actions. This includes certain state guarantees to protect against physical or psychological violence, harassment, hate speech, intolerance and hostility, as well as discrimination in the online environment. The state must also promote the development and functioning of secure Internet technologies.

5) The right to peaceful assembly and association, and the right to use electronic tools of democracy, means that people must be free to use any services, websites or applications to create, join and participate in social groups and associations.

6) The right to digital self-determination, also known as the right to disconnect from the Internet or to be forgotten online, is the right of a user within a system (e.g., a social network, forum or online discussion) to determine at their own discretion the name or other information that they will use in the system (Bratasyuk & Mentukh, 2021).

O. Petryshyn and Hilyaka (2021) identify and examine various new rights, including the right to be forgotten, the right to anonymity, the right to protection of personal data, the right to digital education and access to digital knowledge, rights relating to the protection of genetic information, and the right to participate in the circulation of property in the digital sphere.

Thus, in an economic context, digital human rights form the basis for individuals to participate fairly and securely in modern digital relationships. They combine guarantees of access, protection and equality in the context of technological development. They define the boundaries of interaction between individuals, the state and businesses, while ensuring a balance between economic efficiency and respect for fundamental rights.

In this regard, it is particularly relevant to examine in detail the specific components of digital rights that directly influence economic processes, such as access to the Internet, the protection of personal data and the economic value of information. This will be the focus of further research.

## 3. Digital Human Rights in the Digital Economy: Internet Access, Data Protection, and the Economic Value of Information

The rapid development of digital technologies and the emergence of the digital economy are driving a profound transformation of social relations, in which data and information are becoming key economic resources. In this context, digital human rights – including the right to Internet access and the protection of personal data – are becoming an economic as well as a legal category, determining the extent to which individuals can participate in social and economic life.

Achieving a balance between the economic value of information, the interests of the state and businesses, and ensuring an adequate level of human rights protection is a key objective of modern digitalisation policy. This involves establishing legal and institutional mechanisms that guarantee Internet access as a fundamental right, while also safeguarding personal data and user privacy. Furthermore, effective regulation of the digital environment helps to build trust in digital platforms. This stimulates innovative development and economic growth, fostering a competitive and sustainable digital economy.

In this context, particular attention is paid to the right to Internet access, the right to protection of personal data, the right to be forgotten, and the freedom to conduct economic activities in a digital environment. This allows social, legal and economic interests to be reconciled and ensures the comprehensive development of digital human rights.

The right to Internet access is the most fundamental right in the catalogue of digital rights, since all other digital rights are derived from the use of the Internet. It is considered essential for realising freedom of expression and the right to seek, receive and impart information and ideas through any media, regardless of national borders (as guaranteed by Article 19 of the Universal Declaration of Human Rights), and for participating freely in scientific progress and enjoying its benefits (as guaranteed by Article 27). As K. Tverezovska notes, "the right to Internet access is important because the Internet has become an integral part of modern society. It is used for many everyday tasks, such as accessing information, working, studying, communicating, and expressing views. This right ensures freedom of access to the digital information space, opening up opportunities for education, communication and development" (Tverezovska, 2024).

The right to Internet access is considered in terms of two key aspects: free access to content on the global network, and the availability of the necessary infrastructure, information, and communication technologies.

This right encompasses aspirations that, by their legal nature, pertain to both first- and second-generation human rights. First-generation human rights entail negative obligations for both the state and other legal entities, such as prohibiting the arbitrary blocking or filtering of content that restricts individuals' ability to access and share information online, preventing the deprivation of Internet access, and prohibiting unjustified violations of privacy during online activities and the criminalisation of legally expressed opinions online. Positive obligations primarily consist of establishing legal regulation of Internet access and ensuring protection against unlawful restrictions.

The objectives of the second generation of human rights can be distilled into a series of positive obligations on the part of the state. These include the establishment of the necessary technical infrastructure for Internet access, the promotion and creation of conditions to enhance citizens' digital literacy, the taking of necessary measures to ensure Internet access for low-income individuals, those living in rural or geographically remote areas, as well as individuals with special needs, and the facilitation of access to and use of educational, cultural, scientific, and other content.

The right to Internet access should be viewed not only as the freedom to access the virtual environment, but also as an opportunity to exercise the rights of a digital citizen, such as access to government services, electronic medical records, participation in political life, banking services and a unified digital knowledge space.

The right to protection of personal data. As digital technologies develop, this right is taking on a new "dimension". The Internet opens up new opportunities for people, but it also facilitates human rights violations. While previously one of the main ways to protect personal data was to refute false information in print media, the focus is now increasingly on removing information disseminated online – a goal that is unlikely to be achieved given how quickly and easily information can be copied and shared online.

There is no single, consolidated view among members of the academic and expert community regarding the legal nature of this right. One group of scholars argues that the right to the protection of personal data is an independent fundamental right, driven by the emergence of innovative technologies in the fields of informatics and digitalisation that strongly dictate the imperative of reintegrating traditional human rights. Another group of scholars insists that attempts to justify certain aspects of this right beyond infringements on the right to privacy are not successful.

In foreign legal doctrine, the recognition of the right to protection of personal data as an independent right is linked to habeas data orders, which ensure private individuals have access to information held by state authorities about themselves.

N. Povarchuk suggests considering the right to privacy and the protection of personal data as two distinct rights with different yet complementary functions. The first right is referred to as an instrument of opacity that ensures non-interference in private life, while the second is referred to as an instrument of transparency that regulates and controls permissible interference (Povarchuk, 2025).

Scholars cite various arguments to confirm the uniqueness and distinctiveness of the right to personal data protection from the right to privacy. These arguments include the fact that personal data protection is a broader concept, encompassing a wide range of other rights and values, and that the right to personal data protection aims to ensure the right to privacy systematically and comprehensively. They also argue that not all personal data is capable of infringing upon privacy. Some researchers, who do not believe that the right to the protection of personal data has specific components and derives from the right to respect for private life, argue that the right to the protection of personal data has always been linked to the right to respect for private life. O. Yavorska notes that "the protection of personal data is an important part of privacy protection in the digital age. The European Union is striving to respond promptly to technological

progress by adapting its legislation to effectively address new challenges in the field of data protection. The General Data Protection Regulation established data protection standards, imposing a significant number of obligations on data controllers. One of the key achievements of this document was the establishment of new rights for data subjects, such as the right to be forgotten and the right to data portability. These rights are aimed at giving people the ability to control their own information and restrict its use by third parties" (Yavorska, 2024). This position is shared by Y. Razmetaeva, who notes that "although privacy and data protection, from the perspective of European legislation, represent two distinct fundamental rights, and the latter is currently considered an 'independent fundamental right', such an interpretation is characteristic of all jurisdictions. Furthermore, the concept of privacy is known to be extremely broad, which is particularly evident in the digital age" (Razmetaeva, 2020).

Overall, discussions regarding the autonomy of the right to the protection of personal data are of great importance, as they help to "refine" this right. As digital rights are still in the early stages of conceptualisation, it is understandable that there is no established position among members of the academic community regarding their nature, the essence of law in general and the right to personal data protection in particular.

One of the rights enabled by digital transformation is the right to freedom of economic activity in the digital environment. This is one of the modern manifestations of the traditional right to entrepreneurial activity in the context of the digital economy. This right guarantees individuals and legal entities the ability to engage in economic activity, create and develop businesses, and sell goods and intellectual products through digital platforms and electronic services without unjustified interference from government agencies or private entities.

This right is legally enshrined in ensuring equal access to digital markets and a global audience, and in enabling the commercialisation of intellectual property and digital resources. Exercising this right stimulates the development of financial technologies, the startup ecosystem, the platform economy and innovative sectors. It also contributes to enhancing economic competitiveness and attracting investment in digital projects. However, the digital environment also presents specific challenges, such as digital inequality among market participants, cybersecurity threats and potential violations of user rights during commercial activities.

Ensuring the right to freedom of economic activity in the digital environment involves positive and negative obligations for the state. Positive obligations include creating an effective legal framework and digital environment, developing relevant infrastructure, promoting access to technologies and digital platforms, and supporting innovative activities. Negative obligations include preventing unjustified restrictions on access to platforms, hindering competition or blocking the economic activity of market participants without proper legal grounds.

It is clear that ensuring the freedom of economic activity in the digital environment effectively is crucial for the sustainable development of the digital economy and economic stability. It also ensures a balance between the economic interests of businesses and the state, and the rights of citizens, in the digital space, and fosters the innovative potential of society.

The right to be forgotten, also known as the right to "digital death". This concept originated in Latin America with habeas data orders, which granted individuals the right to access files containing information about them and to correct inaccurate data. These requests could be made for information stored in government and private databases.

The right to be forgotten assumes particular significance in the digital environment. The advent of digitisation has engendered a plethora of opportunities for the access of data reposited on the Internet. Concurrently, data entering the global network does not invariably retain significance for the citizen, does not always remain relevant, and is not always obtained through lawful means. Conversely, the removal of information from the Internet has become challenging due to its perpetual replication and multiplication, resulting in its virtual indestructibility.

The right to be forgotten obliges search engine operators to correct, delete or cease processing personal data at an individual's request, provided they have valid grounds for doing so. The main idea is to ensure that a person's present is not overshadowed by their past: the past should remain in the past and not constantly resurface.

This right has economic implications in the context of digital data, platforms and business models based on personal data. As user data is often commercialised and analysed for marketing, financial and research purposes, the right to be forgotten strikes a balance between the economic value of information and the protection of fundamental individual rights. In the digital economy, it increases user trust in online services and platforms while preventing the misuse of personal data for commercial purposes.

The enshrinement of the right to be forgotten in European legislation has sparked discontent among free speech advocates. Opponents of this right argue that, at this stage of historical development, it is important to consider the future value of certain information. They believe that deleting certain information could violate the rights of future generations to access comprehensive historical records. After all, history is full of errors and misconceptions that have been overcome. However, if information about these errors

is eliminated solely because it relates to mistakes, such errors may recur time and again, and the process of overcoming them would become endless. Another cause for concern is the possibility of using the right to be forgotten to conceal information for criminal o r other nefarious purposes. Thirdly, the right to be forgotten can exacerbate inequality. Van Dijk (2020) suggests viewing the key characteristics of digital inequality as, on the one hand, inequality of opportunities and skills, and, on the other hand, differences in the degree of participation and engagement in digital media. A. Brantley (2022) also noted that digital technologies transform the exercise of rights and create new threats, particularly those related to disinformation and the complex governance of platforms.

The right to be forgotten, or the right to "digital death", is certainly a legal response to "the challenge posed by digital technologies". While the right to be forgotten may be a beautiful metaphor, in reality it is about the right to demand that access to information posted online be made more difficult, thus making such information less public.

## 4. Conclusions

The study found that digital rights are a logical progression in the evolution of the human rights system, given the rise of the digital economy and the information society. Not only do they transform the nature of traditional rights and freedoms, they also create new legal opportunities relating to the use of digital technologies, access to information, and participation in digital economic processes.

The distinctive features of the legal nature and essence of digital rights, as well as their importance for the legal status of the individual, allow the assertion that digital rights have a twofold character: legal and economic. On the one hand, they ensure fundamental human rights and freedoms in the digital environment, such as the right to privacy and the protection of personal data. On the other hand, they are vital for the functioning of the digital economy, where data, information resources and digital platforms are key to the production, exchange and distribution of economic goods.

Digital rights, such as the right to Internet access, the right to personal data protection, the right to be forgotten and the freedom to conduct economic activities in a digital environment, directly impact economic processes. These rights ensure individuals are able to participate in digital markets, access electronic services and financial instruments, enter the labour market and engage in innovative forms of entrepreneurship. Proper implementation of these rights also contributes to increasing the level of digital inclusion, reducing socioeconomic inequality, and building human capital.

The economic value of information and personal data makes it necessary to develop effective legal mechanisms to protect and regulate their circulation. In today's digital economy, data is a valuable resource that is used to develop business models and boost competitiveness. However, the commercialisation of data also creates risks such as misuse, monopolisation of digital markets and privacy violations.

In this context, effectively protecting digital rights is essential for building trust in the digital environment. This directly affects the attractiveness of digital markets for investment, as well as the development of e-commerce, digital platforms and other sectors of the digital economy. Conversely, insufficient legal regulation of digital rights can hinder innovation, reduce economic activity and increase the risk of unfair competition.

Thus, digital human rights serve as both a tool for protecting individuals in the digital environment and an important factor in economic development. Proper legal enshrinement and effective implementation of these rights contribute to the formation of a sustainable, innovative and competitive digital economy. Further research prospects are linked to improving legal regulatory mechanisms for digital rights, developing economic models for their implementation and adapting international standards to national legal systems.

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