

ECONOMIC SOVEREIGNTY OF THE INDIVIDUAL AS A COMPONENT OF THE FIFTH GENERATION OF HUMAN RIGHTS

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Abstract. This article examines the concept of individual economic sovereignty in the context of the fifth generation of human rights, taking into account the changes brought about by the spread of digitalisation and algorithmic governance. It argues that past human rights frameworks, especially second-generation socio-economic rights, do not adequately address how individuals participate in the modern economy. Digital platforms, algorithms, and data processing systems are reshaping markets, financial services, businesses, and jobs. The focus is on the transition from formal recognition of rights to their substantive enforcement. This article examines the complex legal status of individual economic sovereignty, including the management of income, assets, and labour potential, as well as the independent development and implementation of economic strategies. In addition, the economic value of intangible resources in the digital age is highlighted, especially the control of digital identity and personal data. Practicability is assessed. This category highlights the complexity of the system and reflects the shift from a state-based model of rights enforcement to one that includes private technological actors and infrastructure. This study draws its theoretical framework from human rights thinking that originated in the work of Karel Vasak and evolved in contemporary doctrinal developments, distinguishing between fourth and fifth-generation rights. Challenges associated with the platform economy include protecting labour rights, control over data as an economic resource, access to digital infrastructure, ensuring privacy as a requirement for autonomous economic behaviour, tackling algorithmic discrimination, and ensuring cross-border data processing and digital tax. The essence of economic sovereignty is carefully examined. This study shows that legal standards, technological system design, and the effectiveness of institutional protective measures are closely linked. In the case of Ukraine, the dissent argues that the protection of economic rights and freedoms is becoming more complex due to the digital economy, financial technologies, and increased integration into the European legal system. It concludes that the country's legislation needs to be amended to account for algorithmic governance. This includes improving the protection of personal data, simplifying the process of challenging automated decisions, and creating special protections for those who engage in non-standard activities. Finally, it is important to note that the concept of personal economic sovereignty has theoretical and practical advantages that redefine human rights in the high technology era. *The subject* of this study is the economic sovereignty of the individual as a legal and theoretical construct within the fifth-generation human rights framework, including its content, structural elements, and implementation mechanisms in the context of digitalisation, platform-based economic relations, and algorithmic governance. *Methodology.* In this study, we investigated the digital economy elements of individual economic sovereignty using a multifaceted legal framework combining general scientific and legal methods. Within this theoretical model, both doctrinal and legal methods were used to examine the role of individual economic sovereignty. The fifth generation of human rights thinkers belongs to this generation. We were able to compare Ukrainian laws with those of other regions and countries regulating digital rights, personal data protection, algorithmic governance, and employment practices on platforms using similar legislative frameworks. The EU, the UN, the ILO, and the OSCE have responsibility for these regions and countries. We were able to assess the extent to which the Ukrainian legal system adapts to the challenges posed by the growth of the digital economy

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and identify relevant institutional differences. The analytical method allowed us to identify key elements of personal economic sovereignty, such as data ownership, financial independence, access to digital infrastructure, protection of labour rights in the platform economy, and algorithmic systems that ensure privacy and non-discrimination. Traditional socio-economic rights were integrated with a modern digital legal framework to create an integrated theoretical and legal model of economic sovereignty. An inductive approach was used to summarise current trends in digital platforms, algorithmic governance, and cross-border data processing, while a deductive approach was used to identify general trends in the transformation of human rights in the digital economy. The systems approach allows us to recognise that individual economic sovereignty is only one element of a complex legal and economic system in which state bodies, private digital platforms, and international regulatory mechanisms interact. In addition, a functional approach was used to examine how effectively legal norms ensure individuals' actual economic autonomy and how effectively legal protection systems influence decision-making algorithms. Thus, important decisions were made on improving legal policy, including incorporating digital elements into human rights frameworks and adapting legal regulation to modern technological needs. *This article aims* to develop a comprehensive theoretical and legal understanding of economic sovereignty of the individual as a fifth-generation element of human rights, defining its content, structural dimensions and distinctiveness in the context of digitalisation, platform economy and algorithmic management, in the Ukrainian legal order, to ensure effectiveness. Implementing individual economic autonomy in the digital economy. *The results.* Given the changing nature of economic relations in the era of digitalisation, the platform economy, and algorithmic governance, research demonstrates the importance of personal economic sovereignty as a conceptually important component. Digital infrastructure and algorithmic solutions enhance access to economic opportunities, which means that traditional socioeconomic rights cannot fully guarantee genuine individual autonomy. According to proponents, economic sovereignty entails an improved legal position and the ability to independently implement economic strategies, control resources, and manage digital identity and personal data as valuable economic assets. Its key features are described as financial independence, privacy, non-discrimination in algorithmic systems, protection of platform economy workers' rights, and access to digital infrastructure. While laws are important, economic sovereignty also depends on technological conditions, commercial platforms, and the effectiveness of legislative guarantees. Strengthening data protection, ensuring automated judicial decisions, and regulating platform labour procedures all demonstrate that Ukrainian legislation must adapt to the digital economy. Clearly, concepts of personal economic sovereignty are crucial to rethinking human rights in the digital age and developing a human-centred legal order. *Conclusion.* As human rights evolve in the digital economy, one significant legal concept is individual economic sovereignty. Data control, algorithmic governance, and access to digital infrastructure are some of the newer topics included in this material, which expands beyond more conventional socioeconomic rights. Recognising rights formally is only half the battle; technological systems and legal protection mechanisms must also be in working order for this sovereignty to be enforced. One way to make sense of the new kinds of digital reliance and freedom restrictions is to include individual economic sovereignty in the human rights discourse of the fifth generation. Here, existing legal institutions should be adapted to contemporary technological circumstances, and new legal regulations should strive to guarantee people's true economic autonomy.

Keywords: digitalisation, platform economy, algorithmic governance, personal data protection, digital identity, data governance, financial autonomy, platform employment, algorithmic discrimination, privacy, cross-border data flows, digital taxation, legal regulation, digital infrastructure, human-centric legal policy.

JEL Classification: B22, E22, E24, J24, O15

1. Introduction

Rethinking long-held views on the scope and nature of human rights has led to the current state of legal research in response to the challenges posed by technological progress and globalisation. While digitalisation is transforming the economy, it has traditionally been viewed in terms of social and economic rights. Platform-based market organisation, algorithmic resource management, and the increasing value of data as an independent asset are some of the

new features. The focus has therefore shifted from clarifying rights to exploring how to incorporate them into digital systems.

The effectiveness of the private technical systems that currently control administrative procedures, financial services, businesses, and workplaces is critical to achieving personal economic independence. Big data processing, rating systems, digital identities, and algorithms have provided individuals with new opportunities to control or influence their financial

behaviour. These changes highlight the discrepancy between an individual's financial capacity and their legal status.

Thus, the concept of personal economic sovereignty has recently become increasingly controversial. This view assumes that individuals will control their behaviour, wealth, and access to markets. Here, the focus is not on legal protection, but on being able to defend one's rights against states, transnational corporations or online platforms. Socio-economic rights are not accepted.

In addition, the concept of "fifth generation human rights" is emerging. This concept encompasses the rights made possible by technology, digital technologies, and the development of new social organisations. This paradigm reflects the need to protect people in a world where non-state organisations control important economic transactions in foreign countries. This includes the protection of individual economic sovereignty.

This issue has gained greater importance due to recent changes in national legal systems, such as in Ukraine. In these countries, due to economic digitalisation, the development of financial technologies, and integration into European law, the protection of economic rights and freedoms is becoming increasingly challenging. By studying economic sovereignty in these contexts, we can learn more about how human rights have developed theoretically and what systemic constraints prevent the full realisation of these rights in the modern economic system.

2. The Concept of Human Rights, Generations, and Economic Sovereignty of the Individual as an Element of the Fifth Generation

Following Karel Vasak's generational approach, the concept of "generations of human rights" has traditionally been associated with three distinct groups of rights: civil and political rights, which refer primarily to the negative obligations of the state; socio-economic and cultural rights, which include positive obligations of the state in the opposite direction; and joint or collective rights, which comprise the third group (Domaradzki et al., 2019, p. 425-426). This category is deeply rooted in Western philosophy and has also been refined in contemporary Ukrainian human rights jurisprudence. This provides a fundamental basis for analysing how the legal status of individuals has changed over time.

However, this concept has been further shaped by scientific and technological progress, especially the digitisation of social relations. Contemporary Ukrainian legal theory distinguishes two distinct generations of rights: one covers the legal phenomena of the digital age, while the other is more closely related to bioethics and somatic rights. The "right to be

forgotten", Internet access, personal data protection, digital self-determination, and new rights related to neurotechnology and future generations are all part of this (Koval & Melnyk, 2024, p. 7). At the same time, it must be emphasised that there is no single, comprehensive international treaty codifying the features of the fifth-generation human rights doctrine. However, their scientific significance has not changed. The opposite is also true: the framework allows for the identification of unregulated areas of regulation and new social dangers emerging in the digital realm. The interpretation of existing rights, such as the right to privacy, freedom of speech, labour rights, non-discrimination, and adequate legal protection, transforms these threats into legal categories. Human rights guaranteed in the real world should also be protected in virtual ones, according to the new strategy of the United Nations (United Nations Human Rights Council, 2012).

Here, individual economic sovereignty emerges as an important component of the next generation of human rights. The development of digital platforms, algorithmic systems, and data processing infrastructures is a key factor facilitating its occurrence. These factors increasingly shape individual economic activity, determine labour and financial resources, entrepreneurial prospects, and consumer markets.

In this article, individuals' economic sovereignty is defined as their inalienable legal status and their actual ability to develop and implement their own economic strategies, such as employment choice, entrepreneurial activity, and management of their own income, savings, and investments. At the same time, an important part of this sovereignty includes control over the economically important intangible assets of the digital age, particularly digital identifiers and personal data, including the right to influence their collection, use, dissemination, correction or deletion.

First, this perspective draws on theoretical concepts that interpret "individual sovereignty" as an expression of personal agency in interactions with the state and other authorities, where the focus on the individual is taken as an example of the democratic nature of the legal system (Christman, 2003). Second, it aligns with contemporary digital rights theory, which argues that being able to control one's data and online identity is a prerequisite for living freely in an interconnected world (Floridi, 2019, p. 1-2).

An important difference between classical second-generation economic rights and individual economic sovereignty is the dynamic nature of constraints and interconnections. Economic sovereignty in the digital age relies on private infrastructures and algorithmic devices, which traditionally deliver socioeconomic rights aimed at eradicating inequality through active state intervention. Users are increasingly aware of the evaluation, ranking, and profiling systems that determine their ability to get loans, search for jobs

on platforms, make electronic payments, or simply show up in markets (International Labour Organization, 2021).

Key aspects of individual economic sovereignty include: privacy protection as a condition of autonomy, access to digital and financial infrastructure, indiscriminate functioning of algorithmic systems, guarantee of labour rights in the platform economy, control of data as an economic resource, and Privacy protection by privacy platforms. The transnational nature of the issue is significant as it relates to data transfer, digital market regulation and the transition to a global tax model (OECD, 2024).

While the digitalisation of financial transactions creates new opportunities for individuals, it also creates new security challenges. Virtual assets and decentralised financial instruments complicate government control over financial flows and can create risks associated with terrorist financing, illicit economic activity, and cross-border financial manipulation. All of this can have a negative impact on the economic security of the country and each individual (Abakumova et al., 2026).

3. Dimensions of Economic Sovereignty of the Individual and Directions of Legal Policy in Ukraine

Instead of viewing economic sovereignty as a vague concept, it is necessary to examine it as a complex legal concept with many facets that takes the form of many institutional and regulatory frameworks. The potential for effective legal policymaking is contingent upon identifying the important "nodes" of regulatory law and the critical aspects of individual economic sovereignty.

To begin, the concept of "data as an asset" takes on added importance in the context of the internet economy. In areas such as advertising, access to financial services, and information intermediation, the utilisation of data for profiling, decision-making, and resource allocation is becoming more and more important to individual economic autonomy. While OSCE norms highlight the risks of excessively regulating and limiting the digital world (OECD, 2024), Council of Europe guidelines specifically address the extent to which algorithmic systems impact the enjoyment of human rights (Council of Europe, 2018).

A key component of personal economic sovereignty thus becomes the matter of data control. Data, according to European legal tradition, is subject to a distinct privacy protection framework rather than traditional property law. Protecting rights and freedoms, especially the right to privacy, during automated data processing is a major purpose of The Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data (CETS No. 108) (Council of Europe, 1981), which is in effect alongside the modernised CETS legislation. This reasoning is borne

out by national laws that safeguard personal information and by the constitution, which forbids the gathering, use, and disclosure of private information without the person's consent.

Financial autonomy, or the capacity to self-manage one's financial resources, is an additional critical component. National constitutional law and European norms, especially Protocol No. 1 to the European Convention on Human Rights (Council of Europe, n.d.), provide guarantees of property rights, which form the basis of this. Meanwhile, additional dangers associated with scoring, account blocking, and identity problems are introduced by digitalising payment infrastructure. As a result, financial technologies must be developed with anti-discrimination features, procedural fairness, and an effective appeal process.

Contemporary European human rights jurisprudence demonstrates that the protection of economic rights extends beyond the traditional safeguarding of property interests and increasingly encompasses broader guarantees of legal certainty, effective judicial protection, and the consistent application of Convention standards in economic and civil matters. The case law of the European Court of Human Rights plays a significant role in shaping national legal systems, protecting various forms of property and economic interests, and strengthening the rule of law through the development of common standards applicable to both individuals and legal entities (Tsal-Tsalko, 2023).

One of the infrastructure requirements for economic sovereignty is access to digital services and the Internet. This is now an absolute must for engaging in labour, commercial, and consumer relations; it's not an optional extra. Both the United Nations Resolution on the promotion, protection and enjoyment of human rights on the Internet (United Nations Human Rights Council, 2016) and the ideal of open and non-discriminatory Internet access are directly embodied in documents of the Council of Europe (Council of Europe, 2014). Expanding Ukraine's use of electronic communications is well within the law, but it has to be more in line with international human rights norms.

Importantly, the platform economy is changing the nature of labour interactions. Algorithmic management is defined by the International Labour Organisation as the utilisation of digital technologies for the purpose of organising, monitoring, and evaluating labour. When algorithms decide things like job prospects, pay rates, and job security, it raises the question of how open and contestable these systems are. Workers' rights, such as the ability to request an explanation for and an appeal of automated judgments, are at the forefront of European efforts to control platform employment (International Labour Organization, 2021). These new types of employment also need adjustments to the constitutional protections for equal pay, safe working conditions, and the right to work.

Recent research indicates that the growing adoption of artificial intelligence in the workplace has intensified concerns about job security among employees, particularly in occupations characterized by higher exposure to automation and technological substitution. At the same time, individual factors such as digital competencies, adaptability, and readiness to engage with new technologies play an important role in reducing resistance to AI-driven transformation. Organizational studies further demonstrate that companies with stronger technological readiness, supportive management practices, and clearly defined implementation strategies are more likely to integrate AI successfully and invest in its long-term development, thereby enhancing both organizational performance and workforce resilience (Soulami, et al., 2024).

Here, privacy takes on monetary as well as personal importance. Because it is hard to freely influence economic decisions and behaviour without safeguarding the private realm, this is an essential condition for autonomy. Respect for private life is guaranteed by the European Convention on Human Rights (Council of Europe, 1950), and the likelihood of intrusion in this area is limited by national constitutional rules. The Foundation incorporates the data protection framework set up by CETS No. 108 to strike a balance between processing data and protecting individuals' rights.

The issue of algorithmic governance and non-discrimination constitutes a separate dimension. Council of Europe Recommendation CM/Rec(2020)1 establishes the need for algorithmic systems to comply with human rights and the principles of the rule of law, including transparency, accountability, and predictability. It also notes the need for risk assessment, improved digital literacy, and strengthened institutional oversight (Council of Europe, 2020).

The increasing integration of artificial intelligence into administrative decision-making highlights the growing importance of transparency, accountability, and procedural safeguards within public administration. Contemporary legal scholarship demonstrates that AI systems are increasingly used to support and structure administrative processes, offering opportunities for greater efficiency, consistency, and accuracy. At the same time, the use of algorithmic systems raises significant legal concerns related to transparency, reviewability, automated uncertainty, and the protection of individual rights, requiring administrative law to adapt its traditional procedural guarantees to the realities of AI-assisted governance (Almada, 2023).

At the same time, the modernised CETS223 protocol incorporates individual safeguards against automated decisions that have a significant impact on an individual, underpinning the concept of "algorithmic

fairness" (Council of Europe, 2018). OSCE documents additionally draw attention to the dangers of algorithmic bias and the digital divide.

The cross-border nature of data processing constitutes another dimension of economic sovereignty. CETS No. 108 emphasises the need to reconcile privacy protection with the free flow of information across borders, while CETS also emphasises the need to reconcile privacy protection with the free flow of information across borders. In practical terms, this means that individuals' economic autonomy depends on how their data is protected when engaging in international financial transactions, using cloud services or participating in global platforms.

The tax issue of the digital economy, while traditionally discussed at the level of states and corporations, also directly impacts the economic sovereignty of the individual. The distribution of the tax base determines social policy funding, the level of economic justice, and competitive conditions. OECD initiatives, particularly the "two-legged" solution to tax avoidance in the digital economy, demonstrate a commitment to global coordination as well as the protection of personal data in tax proceedings (OECD, 2021).

Social protection is an ultimate element of the system. Constitutional guarantees of social security provide a basic level of economic stability for individuals. However, in the digital economy, there is a risk of exclusion of certain groups from the social protection system, especially in the case of platforms or precarious employment. International approaches from the ILO and European initiatives confirm the need to adapt social security systems to new types of activities.

Aggregating these dimensions allows us to develop a range of legal policy directions. First and foremost, it requires integrating the digital component into the system of socio-economic rights, including guarantees of protection against automated decisions and ensuring effective appeal procedures. Strengthening the institutional capacity of personal data protection regimes and supervisory bodies, implementing algorithmic guarantees in public administration and the platform economy, and building digital inclusion and literacy are also important.

Special consideration should be given to regulating platform employment, covering the status of workers, transparency of algorithms, and social protection. The development of financial technologies must be accompanied by guarantees of non-discrimination and privacy protection, and the implementation of international tax standards must be guided by "privacy by design" principles.

At the same time, the current limitations of the concept must be considered. Fifth-generation concepts of human rights and individual economic sovereignty are not universally included in treaties, making them primarily doctrinal. Furthermore, empirically

assessing the level of realisation of these rights requires appropriate indicators and comprehensive research. Finally, economic autonomy is in danger of being reduced solely to digital factors, while it continues to be based on the classical institutions of property rights, labour, competition and social policy.

4. Conclusion

Human rights and individual legal status must be rethought in light of the current economic sphere transformation brought about by digitisation, platformization, algorithmic governance, and global data flows. The idea of personal economic sovereignty takes on added theoretical and practical weight in these contexts. It is a reflection of the fact that people have economic rights that have been officially defined, but it also reflects their actual capacity to manage their own resources, data, labour potential, and digital identity, as well as their resistance to arbitrary intervention from private and public technological actors. Economic sovereignty, then, is best understood as a more robust form of legal autonomy that takes into account the realities of the information era.

The research demonstrates that the rise of qualitatively new dangers, which the traditional system of second-generation socio-economic rights does not adequately address, justifies the incorporation of economic sovereignty into the fifth-generation human rights document. When it comes to economic rights, the focus has always been on the state's positive responsibilities in areas like social security, labour, and resource redistribution. However, when it comes to the digital economy, economic sovereignty adds reliance on private digital infrastructures, algorithmic solutions, and platform intermediaries. Individuals are becoming more and more vulnerable as scoring, rating, and profile systems dictate their work opportunities, financial service access, market involvement, and even their visibility in the economic space.

Meanwhile, personal economic independence is an abstract concept. Several interrelated dimensions come together to form the concept of financial autonomy, protection of labour rights in a platform economy, privacy as a prerequisite for free economic behaviour, control over personal data as an economic resource, accessibility to digital and communications

infrastructure, guaranteeing non-discrimination in algorithmic systems, and the sustainability of mechanisms. Legal norms, technology system architecture, private platform responsibility, and the efficacy of legal protection procedures are all factors that influence people's real economic positions in the modern economy.

This is an especially pressing concern in the Ukrainian context because of the country's rapid economic digitisation, advancements in financial technology, and incorporation into the European legal system all happening at the same time. Regulations controlling personal data, electronic communications, and financial services are already part of the national legal system, together with fundamental protections for property rights, labour rights, privacy, and social security. Their very presence, though, does not necessarily mesh well with the requirements of algorithmic government and the platform economy. This calls for a comprehensive reevaluation of legal policy to incorporate digital aspects into socioeconomic rights frameworks, fortify data protection mechanisms, lay out processes for contesting automated decisions, and provide unique protections for individuals exposed to nonstandard types of work.

While doing so, keep in mind the boundaries of this idea. Not a single international treaty has addressed the theoretical categories of individual economic sovereignty or fifth-generation human rights. In order to put them into practice, we need to create quantitative and qualitative measures to measure people's economic autonomy in different settings. There is a substantial methodological danger in limiting economic freedom solely to the digital setting, even though this approach is based on the classical institutions of social policy, labour, competition, and property rights.

Human rights in the modern era can be better understood through the lens of individual economic autonomy. Its value resides in the fact that it finds patterns of dependence and limitations on freedom that were not fully reflected in the law before, and in that it integrates conventional legal protections with the novel difficulties of the digital economy. Legal policy-making has historically relied on this idea to promote actual, as opposed to theoretical, economic autonomy for individuals, wherein technical progress is seen as a means to increase rather than limit personal freedom.

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