

ECONOMIC FOUNDATIONS OF THE FIFTH GENERATION OF HUMAN RIGHTS: A LEGAL-CONSTITUTIONAL PERSPECTIVE

Viktoriia Prodan¹, Veronika Berch², Yurii Bysaha³

Abstract. Global crises, market volatility and the increasing interdependence of national economies highlight the need for a new conceptual model balancing individual rights with economic efficiency, sustainable growth and macroeconomic stability. This study aims to analyse the fifth generation of human rights primarily through an economic lens, identifying the key economic factors that have shaped their emergence in the context of globalisation and technological transformation. The methodology incorporates comparative, historical, systems-structural and forecasting approaches, alongside methods of analysis and synthesis. This study examines the fifth generation of human rights in light of structural changes in the global economy, such as digitalisation, artificial intelligence and the platform economy. Particular focus is placed on rights with an economic basis, such as access to digital resources, data participation, economic security, and protection from technological displacement. The evolution of human rights is reconsidered in terms of economic efficiency, institutional design and distribution mechanisms. The findings show that the fifth generation of human rights is closely linked to global economic security, new forms of inequality and the transformation of production and consumption systems. Legal and constitutional mechanisms are considered secondary tools that support the institutionalisation of rights driven by the economy. The conclusions highlight the need to conceptualise the fifth generation of human rights as an economic category that reflects the transformation of global economic systems. Further research should focus on evaluating the effectiveness of economic mechanisms in implementing these rights.

Keywords: economic relations, artificial intelligence, fifth generation of human rights, legal aspects, constitutional law.

JEL Classification: K10, K38, O33

1. Introduction

The concept of human rights is continuously transforming in response to the evolution of economic systems, technological progress and structural changes in global markets. As a 2018 European Parliament study noted, the expansion of human rights necessitates a constant rethinking of traditional approaches to their classification and implementation, particularly in response to large-scale socio-economic transformations. In this context, human rights are increasingly functioning as instruments embedded in economic systems rather than as legal constructs alone. The historical shift from civil and political rights to economic, social and collective rights illustrates the increasing

interconnection between economic development and human prosperity. This progression reflects the adaptation of institutional frameworks in response to structural economic shifts, such as globalisation, financial integration, and technological innovation. Currently, scholars are identifying the emergence of a fifth generation of human rights associated with the digital economy, artificial intelligence, and global economic interdependence. Bondia (2014) emphasises that these transformations mark a new phase in the development of human rights, reflecting fundamental changes in the organisation of economic and social systems. These rights now encompass access to digital infrastructure, participation in data-driven economies

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¹ State University "Uzhhorod National University", Ukraine (*corresponding author*)

E-mail: prodan.v.i@gmail.com

ORCID: <https://orcid.org/0009-0008-3805-5150>

² State University "Uzhhorod National University", Ukraine

E-mail: veronika.berch@gmail.com

ORCID: <https://orcid.org/0000-0002-3837-4724>

³ State University "Uzhhorod National University", Ukraine

E-mail: bysaha343@gmail.com

ORCID: <https://orcid.org/0009-0001-5340-8531>



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and protection against economic risks arising from technological disruption. The importance of this issue is reinforced by international policy priorities. In its strategic agenda for the UN Human Rights Forum (2025), the European Union highlights the need to integrate economic, technological and environmental considerations into the human rights framework. The agenda emphasises the interdependence between economic security, technological development and human well-being. This demonstrates the practical need for a new, economically grounded conceptual understanding of human rights. In the context of globalisation, the relationship between economic systems and human rights is becoming ever more apparent. Access to resources, participation in global markets and equitable distribution of economic benefits are emerging as key factors in human development. In turn, legal and constitutional mechanisms primarily act as institutional tools that formalise and stabilise these economically driven processes.

The object of the study is the system of socio-economic relations that arise during the formation and development of the fifth generation of human rights, in the context of globalisation and technological transformation.

The subject of the study is the economic patterns, principles and mechanisms that underlie the emergence and implementation of the fifth generation of human rights, and the institutional frameworks that support their realisation.

The purpose of the study is to analyse the fifth generation of human rights from an economic perspective, determining the key economic factors that influence their formation and development.

To achieve this goal, the following tasks are defined:

- To analyse the evolution of human rights through the transformation of economic systems.
- To identify the economic nature and content of the fifth generation of human rights.
- To investigate the key economic drivers, including digitalisation, globalisation, and technological change, that shape these rights.
- To assess the role of institutional and legal mechanisms as supportive tools in the implementation of economically grounded rights.

2. Methodology

The research methodology is based on an integrated economic approach that combines comparative economic analysis, the historical-economic method and system-structural analysis. It also incorporates elements of institutional and economic forecasting, as well as methods of analysis and synthesis. These methods aim to reveal the economic nature of the fifth generation of human rights and the mechanisms by which they

are formed within the context of the transformation of global economic systems.

The comparative method is primarily used for comparative economic analysis, enabling differences to be identified between stages of human rights development in relation to dominant economic models. Classical rights, for example, are associated with market formation and the protection of individual economic freedoms, whereas modern rights reflect the growing importance of redistribution, collective goods and technological externalities. Comparing different regional approaches shows that contemporary institutional frameworks are increasingly incorporating digital and economic factors, such as access to data, technological infrastructure and economic security.

The historical method is employed in its historical-economic dimension, examining the evolution of human rights in relation to changes in economic systems – from industrial capitalism to the digital and platform economy. This approach demonstrates that structural economic shifts, including globalisation, digitalisation, and the growing importance of intangible assets and data as economic resources, have driven the emergence of the fifth generation of human rights.

The system-structural method is used to analyse human rights as part of a broader socio-economic system, in which the different generations of rights correspond to particular stages of economic development. Within this framework, the fifth generation of human rights is considered an element of a complex system, which is shaped by the interactions between markets, technologies and institutions. Particular attention is given to the role of economic institutions in ensuring access to resources, reducing inequality and mitigating the risks associated with technological change.

This forecasting method is used to evaluate the economic impact of the development of the fifth generation of human rights. It enables key trends to be identified, such as the expansion of digital rights, the growing significance of economic security, and the necessity of addressing technological unemployment and market concentration. The analysis emphasises the increasing significance of institutional mechanisms in adapting economic systems to emerging forms of inequality and risk.

Methods of analysis and synthesis are employed to generalise existing theoretical approaches and construct an integrated conceptual framework. Analytical tools are used to identify key economic drivers such as transaction costs, distribution mechanisms and market failures, while synthesis enables a comprehensive understanding to be formulated of the fifth generation of human rights as an economically determined phenomenon. Legal and constitutional mechanisms are

considered complementary instruments that formalise and support these processes.

The application of these methodologies enables the interpretation of the fifth generation of human rights not only as a normative construct, but primarily as a reflection of transformations in global economic systems, resource distribution, and institutional development.

2. Recent Research Studies

The concept of the fifth generation of human rights is based on the transformation of global economic systems, rather than solely on the evolution of legal doctrines. The shift from traditional civil and political rights to emerging rights is closely tied to structural changes in production, distribution and technological development. In this context, human rights emerge as a means of regulating access to resources, opportunities and participation in an increasingly complex economic landscape shaped by globalisation, digitalisation and innovation. The concept of the fifth generation of human rights is based on the transformation of global economic systems, rather than solely on the evolution of legal doctrines. The shift from traditional civil and political rights to emerging rights is closely tied to structural changes in production, distribution and technological development. In this context, human rights emerge as a means of regulating access to resources, opportunities and participation in an increasingly complex economic landscape shaped by globalisation, digitalisation and innovation.

In order to strengthen the economic dimension of the study, it is crucial to refer to the key theories that explain the relationship between institutions, inequality and economic development.

For instance, Daron Acemoglu and James A. Robinson (2012) show that inclusive economic institutions are fundamental to sustainable development because they provide widespread access to resources and opportunities. In the context of the fifth generation of human rights, this approach lends support to the notion that rights pertaining to digital access, data participation and economic security serve as mechanisms for mitigating institutional inequality in the digital economy.

Similarly, Joseph E. Stiglitz (2012) emphasises that market imperfections and asymmetries of information cause increasing inequality in modern economic systems. His analysis highlights the need for institutional corrections to ensure the fair distribution of economic benefits, which is directly correlated with the emergence of rights aimed at protecting individuals from technological displacement and unequal access to economic resources.

Additionally, Douglass C. North (1990) asserts that institutions are instrumental in shaping economic performance by mitigating uncertainty and transaction costs. From this perspective, the fifth generation of human rights can be seen as part of an evolving institutional framework that enables adaptation to new economic realities, especially in the context of digital transformation and global interdependence.

The seminal work of Alston (1982) represented a pivotal moment in the scientific interpretation of the development of human rights, as it provided a comprehensive basis for the emergence of the third generation of so-called solidarity rights. This generation encompasses the right to development, peace, a safe environment, and participation in the common cultural heritage of humanity. Alston raised the question of whether the expansion of the system of rights does not lead to the dilution of international legal standards. However, he also recognised that new generations of rights are a natural reaction to the increasing complexity of global interdependence. His approach initiated the methodological framework through which modern researchers interpret the fifth generation of human rights as a logical progression in the globalisation of legal spaces, where individual interests are inextricably linked with global economic and technological processes. Alston's ideas about collective obligations and international mutual responsibility formed the conceptual basis of the economic and legal aspects of the fifth generation of rights, combining market freedom with social justice guarantees.

Ukrainian researcher Turianytsia (2022) made a fundamental contribution to modern theory by conducting an epistemological analysis of the process of forming new generations of rights and distinguishing between the fourth and fifth generations. While the fourth generation is associated with the development of bioethical and technogenic rights, the fifth generation, according to Turianytsia, reflects a new phase of interaction between humans, the state, and artificial intelligence. He interprets the fifth generation as a system of post-industrial rights, combining economic stability, technological security, digital equality, and the protection of personal autonomy. Turianytsia emphasises that modern legal science must transcend classical notions of freedom and equality because the fifth generation establishes a paradigm of responsibility – economic, environmental, and technological. This approach is particularly valuable in the Ukrainian context as it provides a philosophical basis for updating the constitutional model of human rights in response to 21st-century global challenges.

Petersmann's work (2001) was a kind of bridge between the humanitarian and economic dimensions of human rights. The author demonstrates that

international economic law and human rights are deeply intertwined: economic freedom is not only a market principle, but also an aspect of human dignity. Petersmann substantiates the concept of an 'economic constitution', whereby global economic institutions should be guided by human rights principles. This means that the state and supranational bodies must ensure economic stability through both market mechanisms and humanistic standards of justice. From the perspective of the fifth generation of human rights, this concept is of crucial importance as it establishes the economic and legal foundation for emerging rights, including the right to fair participation in the digital economy, access to technology, and protection from algorithmic discrimination.

Understanding the historical and philosophical foundations of the fifth generation requires an examination of Bondia's (2014) study. In it, the scientist outlines the fifth generation as the fifth historical revolution in the development of human rights, marking the transition from an anthropocentric to a planetary legal paradigm. He argues that humanity is entering a phase in which human rights transcend national and even purely human frameworks to encompass issues such as collective security, ecological survival, technological sovereignty, and global economic justice. Bondia emphasises that the fifth generation is a revolution of interdependence, where the rights of individuals coexist with the rights of communities, peoples, and future generations. This approach reflects a new dimension of solidarity, extending not only between people, but also between societies, states, and the planet as an ecosystem.

Another work by Petersmann (2012) presents the further development of the economic and legal dimension of the fifth generation. In this work, the author analyses changes in the structure of international economic law, emphasising that modern economic integration should develop in the context of 'global economic constitutionalism'. Petersmann also argues that human rights should form the basis of international economic agreements, trade rules, and financial policy. He introduces the concept of 'new generation economic rights', combining freedom of enterprise, social security, access to global markets, and equality of opportunity in the digital economy. According to this concept, the fifth generation of rights is a synthesis of human rights and economic rationality, whereby every economic norm must meet standards of dignity, justice, and sustainable development.

In her article, Svanberg (2021) addresses the issue of balancing human rights and economic security in the context of a pandemic. She demonstrates how, in times of crisis, the economic interests of the state clash with the human rights to life, health and social protection. She also argues that the COVID-19 pandemic has catalysed new approaches to human rights, making

human security – an integral category encompassing health, economic stability, digital ethics and psychological well-being – the main priority. This research strengthens the economic and legal basis of the fifth generation of human rights by revealing the need for a new balance between rights, economics, and collective responsibility in extraordinary circumstances.

A key generalisation of this approach was made by Ramcharan (2002), who, for the first time, provided a systematic substantiation of the concept of 'human rights as the basis of human security'. The author demonstrates that, in the 21st century, the primary objective of international law is to safeguard individuals from the state and to guarantee the conditions necessary for their economic, social, and spiritual survival amidst global risks. Ramcharan considers human security to be a multi-level system encompassing economic, environmental, food, informational and legal security. This approach has become the ideological basis of the fifth generation of human rights, integrating humanistic principles with modern challenges such as the digital economy, climate change and artificial intelligence.

Therefore, existing scholarly approaches suggest that the fifth generation of human rights should primarily be understood as an economically conditioned paradigm reflecting the transformation of global production systems, the distribution of resources, and technological development. This paradigm integrates economic, technological and institutional dimensions, with legal mechanisms functioning as supportive instruments that stabilise and formalise these processes. The fifth generation of human rights provides a framework to ensure access to economic opportunities, reduce structural inequalities and manage the risks associated with digitalisation and global interdependence. Combining traditional principles of freedom and equality with the new requirements of economic efficiency, technological inclusion and sustainable development, it forms a comprehensive platform for modern socio-economic systems.

4. Research Results

The evolution of human rights is reflected in the structural changes that have occurred in global economic systems, particularly in the context of globalisation, technological change and growing inequality (see Table 1).

Table 1 provides a structured overview of the evolution of human rights in relation to the transformation of economic systems. It shows that each generation of human rights reflects the dominant economic priorities, institutional arrangements and distribution mechanisms of a specific stage of economic development.

Table 1

Evolution of Human Rights in the Context of Economic Systems

Generation	Economic System	Key Economic Feature	Type of Rights
1st	Early capitalism	Market formation	Civil & political
2nd	Industrial economy	Redistribution	Social & economic
3rd	Global economy	Collective goods	Solidarity rights
4th	Digital economy	Information access	Digital rights
5th	Platform / data economy	Access & inequality	Economic-digital rights

Source: (Data provided by Alston (1982), Bondia (2014), and Petersmann (2001))

The first generation of rights emerged in the context of early capitalism and market formation. These rights focused on protecting the individual freedoms necessary for economic activity. The second generation of rights developed alongside industrialisation and the expansion of welfare states, emphasising redistribution, social protection and access to basic economic resources. The third generation is characterised by globalisation processes and the growing significance of collective goods, such as sustainable development and equitable access to global resources. The fourth generation is associated with the transition to a digital economy, in which access to information and communication technologies is a vital economic factor. The fifth generation of human rights is shaped by the platform and data-driven economy. Central issues here include digital inequality, access to technological infrastructure, participation in data flows and protection from systemic economic risks, such as market concentration and technological unemployment.

Table 1 shows that the evolution of human rights is not just a legal process, but is also driven by fundamental changes in economic systems. This approach lends weight to the argument that the fifth generation of human rights should primarily be understood as an economically conditioned phenomenon that reflects changes in global production, distribution and access to resources.

The emergence of the fifth generation of human rights is driven not only by the internal development of legal doctrines, but also by shifts in production, distribution, and access to resources. In this sense, human rights act as a means of regulating participation in economic systems that are shaped by digitalisation, platform economies and global interdependence (Alston, 1982; Bondia, 2014; Turianytsia, 2022).

Contemporary economic data confirms the extent of these changes. Global inequality remains significant, with wealth and income being highly concentrated across countries and social groups. This limits equal participation in economic systems (Our World in Data, 2024). Meanwhile, the rapid growth of the digital economy, which accounts for around 15% of global GDP (approximately 16 trillion USD), highlights the growing importance of digital infrastructure as a vital economic resource (International Data Corporation

[IDC], 2025). However, access to this infrastructure remains uneven. In many low- and middle-income countries, for example, only around 50% of the population is online. In the poorest countries, this figure is as low as 20%. This reflects a persistent global digital divide (Organisation for Economic Co-operation and Development [OECD], 2024). The fifth generation of human rights is characterised by its economic nature. It focuses on access to digital infrastructure, participation in data-driven economies and protection from systemic risks, such as technological unemployment and market concentration. As Petersmann (2001, 2012) argues, the interaction between human rights and international economic systems reflects the need to align market efficiency with equity and inclusion principles. In this context, economic justice becomes a functional requirement for sustainable economic development, as well as a normative principle. Contemporary global trends further reinforce this transformation. Digital technologies are emerging as a key driver of economic growth, with the IT and digital services sectors experiencing much faster expansion than the rest of the economy and generating employment at significantly higher rates (World Bank, 2023). At the same time, however, the benefits of this growth are unevenly distributed. Large segments of the global population lack access to the digital tools that are essential for participating in modern labour markets and achieving economic mobility (World Bank, 2024). These structural imbalances emphasise the necessity of implementing mechanisms that redistribute opportunities and reduce inequality within the global economy (Chase-Dunn & Nagy, 2022). In this context, the fifth generation of human rights can be understood as an economically driven framework reflecting the evolution of global economic relations. Its focus is on ensuring access to resources, reducing inequality and adapting institutional structures to technological change. Legal mechanisms play a secondary role in this framework, serving to formalise and stabilise economically driven processes.

Thus, the fifth generation of human rights marks a shift from a predominantly normative paradigm to an economic one, with the focus shifting towards distribution, access and participation within evolving global economic systems. This shift in focus is crucial

for addressing contemporary issues such as inequality, digitalisation and sustainable development in an increasingly interconnected world.

5. Conclusions

In line with the defined research objectives, the study shows that the development of human rights is closely linked to changes in economic systems. The transition between generations of rights reflects the shift from an industrial to a post-industrial and digital economic model. This confirms that the development of human rights follows changes in production, distribution and access to resources.

1) It has been established that the fifth generation of human rights is predominantly economic in nature. It is defined by access to digital infrastructure, participation in data-driven economies and protection from systemic risks, such as technological unemployment and market concentration. This highlights the central role of economic inclusion and equality.

2) The analysis identifies the key economic factors that are shaping these rights: digitalisation, globalisation and technological change. While these processes intensify global interdependence, they also generate new forms

of inequality and asymmetry in access to economic opportunities. This makes economic security a core element of modern human rights.

3) It has been proven that institutional and legal mechanisms play a supportive role in ensuring the formalisation and stability of economically driven processes. Their effectiveness depends on their ability to promote inclusive economic development and reduce structural imbalances. Studies of economic determinants have confirmed that globalisation, the expansion of digital markets and the growing influence of transnational economic actors have a significant impact on the formation of new rights. Global crises, including pandemics and geopolitical instability, have exposed the vulnerability of existing economic systems, highlighting the need to strengthen economic security mechanisms at national and global levels. Against this backdrop, the fifth generation of human rights serves as a framework for adapting economic systems to emerging risks and challenges.

Further research should focus on empirically assessing economic mechanisms for implementing the fifth generation of human rights. This should include a comparative analysis of digital inclusion, inequality indicators and access to economic opportunities across different regions and economic systems.

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