DOI https://doi.org/10.30525/978-9934-26-677-5-31

DIGITALIZATION CHALLENGES FOR UKRAINE'S POLITICAL AGENCY IN THE PROCESS OF EUROPEAN INTEGRATION

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The modern global order is undergoing a profound transformation driven by the rapid advancement of digital technologies and artificial intelligence. In this context, the traditional understanding of political agency – the capacity of a state to exercise autonomous strategic decision-making – is being redefined. For Ukraine, this transformation occurs at a critical historical juncture, where the demands of national security and wartime resilience intersect with the strategic necessity of European integration.

As Ukraine aligns its digital landscape with the European Union's acquis Communautaire, it faces a unique dual challenge. On one hand, digitalization serves as a cornerstone of state stability and a bridge to the European Single Market. On the other hand, the increasing reliance on algorithmic systems and global technology corporations introduces new forms of asymmetric interdependence. This shift points toward the emergence of an "algorithmic social contract", where the interaction between the state, the citizen, and technology platforms is mediated by automated processes that often transcend national borders [1].

The core problem lies in maintaining Ukraine's political subjectivity while navigating the regulatory frameworks of the EU, such as the EU AI Act [2] and the Digital Services Act [3]. How can a state ensure its digital sovereignty when critical political decisions are increasingly influenced by the logic of global platforms? This paper aims to analyze the challenges digitalization poses to Ukraine's agency, exploring how the transition to an algorithmic governance model impacts the country's path toward EU membership. By examining the tension between security-driven digital expediency and democratic normative standards, we seek to outline a strategic framework for Ukraine's empowered participation in the European digital space.

The traditional concept of the Social Contract, rooted in the Enlightenment, assumes a direct relationship between the state and the citizen based on transparency, representation, and the rule of law. However, the

current era of post-democratic transformation introduces a third, non-human actor into this equation: the algorithm. As digital platforms and AI systems increasingly mediate political decision-making, we witness the birth of what can be termed the "*algorithmic social contract"*.

In this new framework, the legitimacy of political power is no longer derived solely from electoral mandates but is increasingly tied to the efficiency of data processing and digital service delivery. For a state like Ukraine, which has pioneered "state-as-a-service" models, this shift is particularly evident. Yet, it poses a significant challenge to political agency: when algorithms – often developed by global private corporations – determine the visibility of information, the allocation of resources, or the assessment of security risks, the boundary between public policy and corporate logic becomes blurred.

This "algorithmic turn" signifies a transition where the logic of the code begins to supplement, and sometimes replace, the logic of the law. In a post-democratic context, this can lead to "technocratic displacement", where complex political choices are reframed as neutral technical tasks. For Ukraine's European integration, this means that the struggle for agency is not just about adopting EU regulations, but about ensuring that the automated systems governing society remain accountable to democratic institutions rather than being black-boxed within proprietary software.

The current transformation of the state must be analyzed through the lens of post-democracy, a concept famously articulated by Colin Crouch [4]. In a post-democratic society, while the formal institutions of democracy remain intact, the actual center of gravity in decision-making shifts toward technocratic elites and global corporations. Within this framework, the "algorithmic social contract" emerges as the digital manifestation of this shift, where political deliberation is increasingly replaced by data-driven management.

Complementing this is Lawrence Lessig's seminal thesis that "Code is Law" [5]. In the digital realm, the architecture of software and algorithms dictates the boundaries of what is possible, often more effectively than traditional legal statutes. For Ukraine, as it integrates into the European digital space, this creates a profound challenge: how to maintain political agency when the "code" governing its digital infrastructure is increasingly proprietary or regulated by external supranational entities.

The transition to an algorithmic contract implies that the state's legitimacy is now tied to its digital efficiency. However, as Crouch warns, this focus on efficiency can hollow out the democratic substance of political decisions [4]. For Ukraine, the task is not merely to digitize bureaucratic processes but to ensure that the "code" remains transparent and subservient to the democratic

"law", preventing the erosion of sovereignty in the face of global technological dependencies.

As Ukraine pursues full membership in the European Union, its digital agency is shaped by the "Brussels Effect" – the EU's unique ability to set global regulatory standards. Integrating into the European Single Market requires more than just technical compatibility; it demands a deep normative alignment with the EU's vision of Digital Sovereignty and human-centric technology.

1. The Regulatory framework: Ukraine must navigate a complex web of legislation, including the EU AI Act and the Digital Services Act (DSA). These instruments represent Europe's attempt to reclaim the "algorithmic social contract" from private platforms and place it back under the rule of law.
2. The Harmonization paradox: While Ukraine's rapid, wartime digitalization (driven by military necessity and administrative agility) has created a world-class digital ecosystem, it occasionally clashes with the EU's precautionary approach to data privacy and algorithmic transparency.
3. Digital agency within the Union: The challenge for Ukraine is to avoid becoming a "norm-taker" – a state that simply adopts Brussels' rules – and instead become a "norm-shaper". By leveraging its unique experience in digital resilience, Ukraine can contribute to the EU's strategic autonomy, asserting its agency through its practical expertise in managing digital governance under extreme conditions.

Ukraine's digital transformation during the full-scale invasion represents a radical shift in the traditional Social Contract. The state has effectively integrated high-tech solutions into its core functions, creating a unique model of digital resilience. However, this experience also reveals deep-seated vulnerabilities regarding political agency. The survival of Ukraine's digital infrastructure has been inextricably linked to the support of global technology corporations such as Starlink (SpaceX), Microsoft, and Palantir. This partnership has resulted in a state of "asymmetric interdependence". While these platforms provide critical capabilities for defense and governance, they also introduce a new form of "external" algorithmic influence. When a state's communication or intelligence systems depend on the proprietary algorithms and corporate policies of foreign entities, its political agency is exercised within a framework dictated by private actors. This highlights a core challenge of the "algorithmic social contract": the blurring of boundaries between national sovereignty and corporate strategic interests.

A central challenge for Ukraine's European integration is the security-democracy paradox. In wartime, the state prioritizes "digital expediency" – rapid, centralized, and often opaque algorithmic decision-making for national security and defense. However, the European Union's normative framework demands high standards of transparency, accountability, and human-centric

control. Ukraine faces the complex task of maintaining democratic agency: ensuring that the algorithmic tools used for security do not become permanent instruments of post-democratic surveillance, but instead remain aligned with European democratic values.

Despite these challenges, Ukraine has emerged as a living lab for digital governance, leveraging the *Diia* ecosystem and mil-tech innovations to manage a state under extreme conditions. This experience transforms data into a strategic asset, shifting Ukraine from a passive recipient of European norms to an active contributor to the EU's collective strategic autonomy. Ultimately, Ukraine's integration hinges on a balanced "algorithmic social contract" that protects citizens' rights, utilizes corporate innovation, and preserves state autonomy. A transparent, accountable digital governance model will both facilitate EU accession and safeguard Ukraine's political agency within a shifting global order.

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