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DIGITAL RIGHTS

AND DATA PROTECTION IN THE AGE OF ARTIFICIAL INTELLIGENCE: A GLOBAL REVIEW

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DERECHOS DIGITALES Y PROTECCIÓN DE DATOS EN LA ERA DE LA INTELIGENCIA ARTIFICIAL: UNA REVISIÓN GLOBAL

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ABSTRACT

This article analyzes digital rights and data protection in the context of artificial intelligence, addressing the main legal, ethical, and social challenges arising from its use in contemporary society. In an environment characterized by digital transformation and the growing dependence on technologies based on the large-scale processing of information, privacy has become a fundamental element for the protection of human dignity and the exercise of fundamental rights. The study examines how artificial intelligence, by relying on the collection and analysis of vast amounts of data, generates significant risks such as digital surveillance, algorithmic discrimination, and the lack of transparency in automated decision-making. Furthermore, the research is based on a review of academic contributions from various international authors, which allows for the identification of theoretical approaches and critical perspectives on regulation, ethics, and data protection in the digital age. These contributions, together with guidelines and documents issued by international organizations, constitute a relevant foundation for the development and strengthening of legislative frameworks in the field of digital rights. On the other hand, it is highlighted that data protection is not only a legal challenge but also a social and ethical one, as it involves aspects such as trust, equity, and digital education. Finally, it is concluded that ensuring digital rights requires a comprehensive, multidisciplinary approach that is capable of continuous adaptation to technological advancements.

Keywords:

Digital rights, data protection, artificial intelligence, privacy, digital ethics, human rights, technological regulation.

RESUMEN

El presente artículo analiza los derechos digitales y la protección de datos en el contexto de la inteligencia artificial, abordando los principales desafíos legales, éticos y sociales derivados de su uso en la sociedad contemporánea. En un entorno caracterizado por la transformación digital y la creciente dependencia de tecnologías basadas en el procesamiento masivo de información, la privacidad se consolida como un elemento fundamental para la protección de la dignidad humana y el ejercicio de los derechos fundamentales. El estudio examina cómo la inteligencia artificial, al sustentarse en la recopilación y análisis de grandes volúmenes de datos, genera riesgos significativos como la vigilancia digital, la discriminación algorítmica y la falta de transparencia en la toma de decisiones automatizadas. Asimismo, la investigación se fundamenta en la revisión de aportaciones académicas de diversos autores a nivel internacional, lo que permite identificar enfoques teóricos y perspectivas críticas sobre la regulación, la ética y la protección de datos en la era digital. Estas contribuciones, junto con los lineamientos y documentos emitidos por organismos internacionales constituyen una base relevante para el desarrollo y fortalecimiento de marcos legislativos en materia de derechos digitales. Por otro lado, se destaca que la protección de datos no es únicamente un desafío jurídico, sino también social y ético, ya que involucra aspectos como la confianza, la equidad y la educación digital. Finalmente, se concluye que garantizar los derechos digitales requiere un enfoque integral, multidisciplinario y orientado a la adaptación constante frente a los avances tecnológicos.

Palabras clave:

Derechos digitales, protección de datos, inteligencia artificial, privacidad, ética digital, derechos humanos, regulación tecnológica.

INTRODUCTION

Currently, the world is undergoing an unprecedented digital transformation, driven by the rapid development of advanced technologies that have redefined the way people interact, work, and access information. Among these technologies, artificial intelligence occupies a central role due to its ability to process large volumes of data, automate decisions, and generate predictive patterns that directly impact multiple spheres of human life. However, this technological progress has raised significant challenges regarding the protection of personal data and the respect for fundamental rights, leading to a global debate on the need to establish appropriate regulatory frameworks to govern its use.

In this context, digital rights have emerged as an extension of traditional human rights, adapted to the virtual environment in which everyday activities take place. These rights include, among others, the right to privacy, personal data protection, freedom of expression online, and equitable access to technology. The growing dependence on digital systems has increased people's vulnerability to the misuse of their personal information, making it essential to strengthen protection mechanisms that ensure control over data and its responsible use. As noted by the Office of the United Nations High Commissioner for Human Rights (2025), privacy in the digital age constitutes an essential component for the protection of human dignity and the exercise of other fundamental rights.

The advancement of artificial intelligence has intensified these challenges, as its operation is based on the collection and analysis of large amounts of personal data. This process, although efficient from a technological perspective, can generate significant risks such as mass surveillance, algorithmic discrimination, and automated decision-making without proper human oversight. According to Gouda (2024), the use of these technologies raises important ethical dilemmas related to transparency, fairness, and accountability in data processing. In this sense, artificial intelligence not only represents a tool for innovation but also a factor that can amplify existing inequalities if not properly regulated.

Likewise, the issue of data protection in the digital age has been widely addressed by international organizations and academic studies, which agree on the need to develop comprehensive approaches that combine legal regulation, technological innovation, and ethical principles. The Organisation for Economic Co-operation and Development (2022) highlights that rights in the digital age must be protected through public policies that promote transparency, accountability, and the responsible use of technology. Similarly, the European Parliament (2020) has emphasized the importance of regulations such as the General Data Protection Regulation, which establishes clear standards for the processing of personal information and the protection of users against potential abuses.

However, the regulation of artificial intelligence and data protection is not uniform at the global level. There are significant differences among the legal frameworks adopted by different countries, which create challenges for the international governance of technology. While some regions have developed advanced and robust regulatory systems, others still face structural limitations that hinder the effective implementation of data protection policies. This regulatory diversity highlights the need to move toward international cooperation that allows for the establishment of common principles and ensures equitable protection of digital rights worldwide. In this regard, Khazanchi & Saxena (2025) point out that the protection of human rights in the digital age requires a global approach that integrates both theoretical and practical perspectives to address emerging challenges.

On the other hand, it is important to consider that data protection is not limited solely to the existence of legal frameworks but also depends on social and economic factors. Limited access to technology, low levels of digital literacy, and structural inequalities may restrict people's ability to exercise their rights in the digital environment. In this context, education and social awareness play a fundamental role in empowering individuals and promoting the responsible use of technology. As noted by Maizi (2026), regulatory challenges related to artificial intelligence are not only associated with legal aspects but also with the need to develop institutional and social capacities that enable its proper implementation.

Furthermore, the use of artificial intelligence raises questions about legal liability in cases of rights violations. The complexity of automated systems makes it difficult to identify responsibility in situations where harm results from the use of algorithms. This issue has generated significant debate in the legal field, where efforts are being made to determine how to adapt traditional legal principles to new technological realities. Consequently, the regulation of artificial intelligence must address not only data protection but also aspects related to liability, ethics, and technological governance.

The protection of digital rights in the age of artificial intelligence represents one of the greatest challenges of the 21st century. The ability of societies to balance technological innovation with the protection of fundamental rights will be decisive for the future of humanity. Ensuring privacy, data security, and respect for human dignity is not only the responsibility of governments but also of technology companies, institutions, and citizens themselves. In a world where data has become a strategic resource, its protection stands as a key element in building more just, equitable, and sustainable societies.

This article aims to provide a global review of digital rights and data protection in the age of artificial intelligence by analyzing the main legal, ethical, and social risks associated with its use. It also examines the different regulatory

approaches adopted in various regions of the world to identify best practices and common challenges. Through this analysis, the article seeks to contribute to the academic debate and provide a comprehensive perspective that facilitates understanding of the complex relationship between technology and human rights.

METHODOLOGY

This study was conducted using a qualitative approach of a descriptive and analytical nature, aimed at examining the main challenges related to digital rights and data protection in the age of artificial intelligence. The research was based on a systematic review of academic literature and relevant institutional documents published primarily between 2018 and 2026, with the objective of identifying trends, regulatory approaches, and emerging issues across different geographical contexts.

To this end, recent scientific sources were selected, including articles from indexed journals, reports from international organizations, and specialized works in digital law, technology, and ethics corresponding to the 2018–2026 period. The selection criteria focused on thematic relevance, the timeliness of publications, and their contribution to the analysis of the relationship between artificial intelligence, privacy, and human rights.

The methodological process involved the collection, organization, and critical analysis of information, enabling comparisons between different regulatory frameworks and theoretical approaches developed in recent years. In addition, an interpretative analysis strategy was employed to identify convergences and divergences in the reviewed literature, facilitating the construction of a comprehensive conceptual framework based on contemporary studies.

Finally, the research adopted a global perspective, considering the diversity of legal and socioeconomic contexts within the period of analysis (2018–2026), to provide a broad and comprehensive understanding of the phenomenon under study. This approach made it possible not only to describe recent developments in the field but also to propose reflections aimed at improving the protection of digital rights in an ever-evolving technological environment.

DEVELOPMENT

The development of artificial intelligence has significantly transformed the way personal data are managed, processed, and used globally. This phenomenon has led to a highly interconnected digital environment in which information has become a strategic resource of great economic, political, and social value. In this context, the protection of personal data has become a fundamental element in ensuring respect for digital rights and human dignity, particularly in light of the growing power of technological platforms and automated systems.

One of the main challenges in the digital age is the massive collection of data, known as “big data,” which enables organizations to analyze large volumes of information to generate detailed profiles of individuals. Although this process is useful for improving services and optimizing operations, it also raises significant concerns regarding privacy. The ability to collect, store, and analyze personal data without the full knowledge or consent of users can lead to invasive practices that violate fundamental rights. In this sense, privacy shifts from being an individual concern to becoming a structural issue that affects society.

Furthermore, artificial intelligence introduces new risks associated with automated decision-making. Algorithms can influence critical areas such as access to employment, financial services, education, and even judicial systems. However, these systems are not always transparent or easily understood by users, which makes accountability more difficult. The so-called “black box” of algorithms represents a key challenge, as many automated decisions are based on opaque processes that hinder the identification of potential biases or errors. As various studies have highlighted, the lack of transparency can lead to algorithmic discrimination, disproportionately affecting certain social groups.

In this regard, the ethical dimension of artificial intelligence becomes particularly relevant. The use of these technologies should be guided by fundamental principles such as fairness, justice, transparency, and accountability. Nevertheless, in practice, many technological applications prioritize efficiency and profitability over the protection of human rights. This creates an ongoing tension between innovation and regulation, in which governments must play an active role to ensure that technological development aligns with democratic values and respect for human dignity.

From a legal perspective, data protection has evolved significantly in recent decades. One of the most influential regulatory frameworks is the European Union’s General Data Protection Regulation, which has established international standards for privacy and control over personal information. This regulation introduces key principles such as informed consent, data minimization, purpose limitation, and the right to forget, all of which aim to empower users and provide them with greater control over their data. However, the implementation of such regulations presents challenges, particularly in contexts where institutional capacities are limited.

At a global level, the regulation of artificial intelligence and data protection shows considerable diversity. While the European Union has adopted a rights-based approach, other countries such as the United States rely on a more sector-specific model based on industry regulations. Meanwhile, some Asian countries have developed hybrid models that combine technological innovation with state control. This diversity reflects cultural, political, and

economic differences, but also highlights the lack of international consensus regarding the governance of artificial intelligence.

Another relevant aspect is the role of the private sector in managing personal data. Large technology companies have access to vast amounts of information, granting them significant power over users. In many cases, these companies operate across multiple jurisdictions, complicating the enforcement of national regulations. Therefore, it is essential to establish mechanisms of corporate accountability to ensure compliance with ethical and legal standards in data processing. As noted by recent studies, clearly defining responsibility in the use of advanced technologies is crucial to prevent legal gaps that may negatively affect citizens.

On the other hand, artificial intelligence also offers significant opportunities to improve data protection and strengthen digital rights. Technologies such as advanced encryption, biometric authentication systems, and fraud detection tools can contribute to enhancing information security. Likewise, the responsible use of these technologies can facilitate efficient data management and improve decision-making in key sectors such as healthcare, education, and public administration. In this sense, the challenge does not lie in limiting technological development, but in ensuring that its implementation is guided by strong ethical and legal principles.

From a social perspective, data protection is closely linked to digital education. A lack of knowledge regarding the use of technology and the risks associated with handling personal information can increase users' vulnerability. Therefore, it is essential to promote digital literacy programs that enable individuals to understand their rights and exercise effective control over their data. Social awareness plays a crucial role in building a culture of data protection that encourages responsible practices at both the individual and collective levels.

Furthermore, it is important to consider the impact of artificial intelligence in contexts of inequality. In many developing countries, economic and technological limitations hinder the implementation of effective data protection policies. This situation may create digital divides that deepen existing inequalities, leaving certain groups in a more vulnerable position. In this regard, international organizations have emphasized the need to promote inclusive policies that ensure equitable access to technology and the protection of digital rights.

Another key issue is the growing concern over digital surveillance. Both governments and private entities may use advanced technologies to monitor individuals' behavior, which poses serious risks to privacy and freedom of expression. It has been highlighted that mass surveillance can undermine democratic principles if clear limits and adequate oversight mechanisms are not established. In this context, regulation must ensure a balance between security and fundamental rights.

Finally, the relationship between artificial intelligence, digital rights, and data protection requires a multidisciplinary approach. The complexity of these issues demands the participation of governments, private sector actors, academia, and civil society. Cooperation among these stakeholders is essential to develop sustainable solutions that allow society to benefit from technological advancements without compromising human rights.

The development of artificial intelligence has created a digital environment full of opportunities, but also significant risks. The protection of personal data and digital rights has therefore become a key element in ensuring responsible technological development. Addressing these challenges requires not only strong legal frameworks but also an ethical and social commitment that supports the creation of a safer, more inclusive, and equitable digital future.

The study of digital rights and data protection in the age of artificial intelligence has generated a broad body of academic literature that helps to understand the complexity of this phenomenon from multiple perspectives. Various authors have examined the legal, ethical, and social challenges arising from the intensive use of data-driven technologies, highlighting the need to adapt traditional regulatory frameworks to an ever-evolving digital environment.

In this context, recent research agrees that the protection of privacy, the regulation of algorithms, and the safeguarding of fundamental rights are essential pillars for the development of responsible technological systems. The following contributions from specialized literature provide a solid theoretical framework for analyzing digital rights in the contemporary context.

In this regard, De Freitas (2026) offers a key contribution by analyzing the regulatory challenges of artificial intelligence, focusing on the relationship between data protection, civil rights, and landmark legal cases. The author emphasizes that current legal systems face difficulties in keeping pace with rapid technological change, resulting in regulatory gaps that may undermine citizens' rights. Furthermore, she highlights that judicial decisions involving algorithmic systems are beginning to establish important precedents, demonstrating the need for more flexible and dynamic regulatory frameworks.

Building on this analysis, Angerhofer et al. (2024) explores the ethical and legal implications of privacy in the age of artificial intelligence, emphasizing that the large-scale processing of personal data raises serious concerns regarding informed consent and transparency. The authors argue that users are often unaware of how their data is being used, which weakens their ability to maintain control over their personal information. Additionally, they point out that automated systems can reproduce structural biases, leading to discrimination and inequality, thus reinforcing

the need to integrate ethical principles into the design of technological systems.

In turn, Luftman et al. (2026) provides a global perspective on the transformation of legal systems resulting from the incorporation of artificial intelligence. Their work demonstrates how different countries are reforming their legal frameworks to address emerging technological challenges, albeit in an uneven manner. This comparative approach makes it possible to identify regulatory trends as well as existing gaps between regions, highlighting the urgency of advancing toward international legal harmonization to ensure the protection of digital rights in a globalized context.

In a complementary manner, Gunuganti (2018) provides a fundamental conceptual basis by analyzing the evolution of privacy and data protection in the digital age. The author argues that the protection of personal information has shifted from being an individual right to becoming a collective concern, due to the impact of digital technologies on society. This perspective allows privacy to be understood not only as a right but also as an essential element for social stability and trust in digital systems.

Similarly, Martin & Zimmermann (2024) examine the psychological implications of artificial intelligence on the perception of privacy, noting that the constant sense of surveillance can influence individual behavior. The authors argue that trust in digital platforms largely depends on transparency and the perception of security, which means that data protection is not only a legal issue but also a social and psychological one.

Furthermore, Kaur et al. (2026) address emerging legal challenges in data protection, emphasizing the need to develop more robust and adaptive regulatory frameworks. The authors identify key issues such as accountability in the use of algorithms, cross-border data transfers, and the difficulty of applying traditional laws to complex digital environments. In this regard, they propose the creation of comprehensive legal frameworks that combine regulation, oversight, and effective enforcement mechanisms.

On the other hand, Ababneh & Aljarrah (2024) analyzes the role of artificial intelligence in data protection within digital asset systems, highlighting its benefits in terms of security and efficiency. However, they also warn that the use of these technologies may introduce new risks if adequate controls are not established, reinforcing the need for balanced regulation that promotes innovation without compromising privacy.

In this context, Pasat (2025) offers a critical reflection on digital rights, pointing out that artificial intelligence poses significant challenges to the protection of fundamental rights such as privacy and freedom of expression. The author emphasizes that legal systems must evolve to ensure that these rights are upheld in the digital environment, which requires a thorough revision of existing legal frameworks.

Likewise, Agarwal (2025) examines legal obstacles at the intersection of artificial intelligence and privacy, highlighting the lack of regulatory harmonization as one of the main challenges. The author notes that the diversity of regulatory approaches complicates the effective protection of personal data, thereby requiring greater international cooperation.

Similarly, Sharma & Lone (2024) explore the challenges posed by big data, emphasizing that the large-scale collection of information may infringe on users' privacy if clear limits are not established. The authors stress the importance of implementing control mechanisms that ensure transparency and accountability in data usage.

In line with this, Laulhé Shaelou & Razmetaeva (2024) analyze the relationship between artificial intelligence and human rights from the perspective of the rule of law, highlighting that regulation must be grounded in democratic principles and the protection of fundamental values. This approach underscores the importance of integrating ethical considerations into technological governance.

For their part, Nonju & Ihua-Madueyini (2024) examine how artificial intelligence is transforming privacy laws, emphasizing the need for continuous updates to legal frameworks to keep pace with technological developments. The authors argue that regulation must be both flexible and proactive.

Additionally, Taha (2023) provides an international perspective on the protection of human rights, highlighting the responsibility of States to ensure their enforcement in the digital environment. The author underscores the importance of international cooperation in addressing global challenges.

In the same vein, Awwal-Bolanta & Anakanire (2024) emphasize the need to balance technological innovation with privacy protection, noting that legal frameworks must continuously adapt to technological advancements.

Likewise, Ricciardi Celsi & Zomaya (2025) stress the importance of ethics in the management of artificial intelligence, proposing that ethical principles should be integrated into all stages of technological development.

Finally, Mantelero (2018) proposes human rights impact assessment as a key tool for regulating artificial intelligence, highlighting the importance of analyzing the social effects of new technologies prior to their implementation.

The reviewed studies agree that artificial intelligence has profoundly transformed the management of personal data, creating both opportunities and challenges for the protection of digital rights. Overall, the literature highlights that the massive use of data and automated decision-making have increased risks to privacy, particularly due to a

lack of transparency, the potential for bias, and the difficulty of assigning responsibility within complex systems.

Furthermore, it is evident that existing legal frameworks are insufficient to keep pace with technological advancements, which has driven the need for more flexible, adaptive, and internationally coordinated regulatory approaches. In this regard, the importance of harmonizing legal frameworks across countries is emphasized to ensure effective data protection in a globalized environment.

On the other hand, studies emphasize that data protection is not only a legal challenge but also an ethical and social one, as it involves aspects related to trust, the perception of security, and equity in access to technology. Digital education and user awareness are presented as key elements for strengthening control over personal information.

Furthermore, it is recognized that artificial intelligence represents not only a risk but also an opportunity to enhance data security through advanced technological tools. However, its implementation requires a balance between innovation and regulation, ensuring that technological development is grounded in ethical principles and respect for human rights.

The reviewed literature also agrees that the protection of digital rights in the current era requires a comprehensive and multidisciplinary approach, involving governments, the private sector, academia, and civil society. Only through cooperation and the implementation of inclusive policies will it be possible to ensure a safe, fair, and sustainable digital environment.

CONCLUSIONS

The analysis developed throughout this study demonstrates that the protection of digital rights in the current context is not merely an isolated legal challenge, but rather a structural issue that defines the relationship between technology, power, and citizenship in the 21st century. The expansion of artificial intelligence has reconfigured the traditional boundaries of privacy, placing personal data at the center of economic and political dynamics that transcend borders and regulatory systems.

In this scenario, it has been observed that existing regulatory frameworks, although relevant, are insufficient to address the complexity and rapid pace of technological advancements. Regulatory fragmentation at the global level, combined with differences in institutional capacities among countries, results in unequal protection of digital rights, thereby increasing the vulnerability of large segments of the population. This reality highlights the urgent need to move toward international cooperation mechanisms that enable the establishment of common standards and ensure effective and equitable protection.

Similarly, the study shows that the risks associated with the use of artificial intelligence extend beyond the loss of privacy, affecting broader areas such as individual autonomy, social equity, and transparency in decision-making processes. The opacity of automated systems and the difficulty in assigning legal responsibility underscore the need to rethink traditional legal principles considering new technological realities.

Nevertheless, it is also recognized that artificial intelligence holds significant potential to enhance data security and improve the efficiency of various social systems. This dual nature: as both a source of risk and opportunity, requires the adoption of a balanced approach that does not hinder innovation while ensuring strict respect for fundamental rights.

Furthermore, it has been identified that the protection of digital rights does not depend exclusively on state regulation, but also requires the active participation of multiple stakeholders, including the private sector, academia, and civil society. Building a secure digital environment involves not only adequate legal frameworks but also a culture of technological responsibility grounded in ethical principles and respect for human dignity.

Finally, this study concludes that the future of digital rights will depend on the ability of societies to integrate technology within a framework of governance that is just, inclusive, and sustainable. In a world where data has become one of the most valuable assets, its protection cannot be considered secondary, but rather a central element in ensuring freedom, equality, and justice in the digital age.

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Conflicts of Interest:

The authors declare no conflicts of interest.

Author Contributions:

Akbar Nemati, Nélida Reis Caseca-Machado: Conceptualization, data curation, formal analysis, investigation, methodology, supervision, validation, visualization, original draft writing, and writing, review, and editing.

Ethical statement:

The study was based on the analysis of documentary sources and publicly available data, and therefore did not involve the direct participation of human subjects. No personally identifiable information was handled.