

Chapter 12

Legal Challenges of Digital Transition

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ABSTRACT

In this chapter, we examine digital rights and principles in terms of their implementation in legislation and reality. Human dignity, privacy and fundamental rights, such as the right to privacy and data protection, are at risk in the digital transition. In view of this, the rapid pace of digitalisation must be closely monitored and supported by a legal framework. This also affects the broader social infrastructure, in particular education, the judiciary and state enforcement mechanisms. A human-centered approach to digital transition focuses on improving wellbeing by developing technologies that are tailored to people's needs, increase efficiency and make tasks easier — not just on economic growth or profit. This vision is at the centre of the EU agenda, but its implementation is still lacking. Evidence from the first and second reports on the EU's Digital Agenda highlight these challenges. We examine two areas of digital transformation in particular: higher education, which aims to promote digital knowledge and skills, and the digital translation of intercultural communication.

INTRODUCTION

Digital transformation and especially artificial intelligence (AI) impacts humanity. The impact is substantial and yet not understood. Science must face with the societal consequences of their scientific advances. The responsibility of the scientific

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community is to cope with the societal consequences of digital transformation, especially AI and potential effect to human lives.

Today's social sciences are increasingly concerned with researching how the rapid development of digital (information and communication technologies), which in some areas is already referred to as artificial intelligence, affects humans, their position and behaviour in society and the changes in values and attitudes that it has developed in the present civilization. Even more so because digital technology development is outpacing social development and because the newly formed social relations do not yet have a legal meaning and regulation, or this is lagging,

That is why it is even more important that development of digital technology is driven and at the service of humans, or if we are talking about AI, that it human centred, based on human cognitive abilities, and follow the starting points of humanism, human rights and social welfare.

This warning is even more important in the nowadays world with the neoliberal economic design, where things spontaneously flow differently: namely, that technical progress is an end, that it is solely in the function of greater economic efficiency and profit.

ARTIFICIAL INTELLIGENCE (AI) AS THE TOP OF DIGITAL TRANSITION

AI is not Intelligence at All

AI is the most advanced achievement of digital technologies development. The application of AI as digital tools is especially challenging from the point of view of greater risks to fundamental human rights and sustainable development violations. That is why the emphasis on the protection of digital rights and the principles is more and more important. The development of digital technologies must be human-oriented. The latter means that the fundamental goal of digital transition, including AI, cannot be economic effect and profit only, but primarily benefits for people, the community and sustainable development.

AI is not a thinking machine, but a high-performance data analyst. Therefore, it is not permissible for AI to make decisions that require judgment and weighing (e.g. medical, legal, artistic, political, business...) but only decisions that are the result of numerically accurate exact data).

Creative judgment is a component of intelligence in the general sense; this is the proof that AI is not intelligence at all, i.e. this term should be understood as popular and not as scientifically accurate. In the legal regulation of AI, this should

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