

Dirassat & Abhath
The Arabic Journal of Human
and Social Sciences



مجلة دراسات وأبحاث
المجلة العربية في العلوم الإنسانية
والاجتماعية

EISSN: 2253-0363
ISSN : 1112-9751

The Impact of Artificial Intelligence on Digital Rights

تأثير الذكاء الاصطناعي على الحقوق الرقمية

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تاريخ النشر: 2026/10/15

تاريخ القبول: 2026/09/18

تاريخ الاستلام: 2026/06/26

Abstract:

This research paper aims to highlight the dual impact of artificial intelligence on digital rights: while it has contributed to improving the quality and efficiency of digital services, facilitated access to information, and enhanced opportunities for sharing opinions and content in the digital space, it has, conversely, posed a significant challenge to these rights. The findings indicate that these rights have begun to lose some of their fundamental principles amid the widespread adoption of AI technologies, given the scale of digital violations—such as surveillance and spying—that now affect privacy and personal data, as well as certain systems that restrict freedom of expression in the digital environment. This necessitates the search for solutions that strike a balance between the development of artificial intelligence technologies and the preservation of digital rights.

Keywords: : Artificial Intelligence, Digital Rights

المخلص:

تهدف هذه الورقة البحثية الى ابراز التأثير المزدوج للذكاء الاصطناعي على الحقوق الرقمية والذي يقدر ما ساهم في تحسين جودة وكفاءة الخدمات الرقمية وأتاح امكانية الوصول الى المعلومة وعزز فرص مشاركة الآراء والمحتوى في الفضاء الرقمي، فانه في مقابل ذلك شكل تحديا صعبا في مواجهة هذه الحقوق، التي أظهرت النتائج المتوصل اليها أنها أضحت تفقد بعض مبادئها في ظل الانتشار الواسع لتقنياته بالنظر لحجم الانتهاكات الرقمية التي أصبحت تطال الخصوصية والبيانات الشخصية كالمراقبة والتجسس، فضلا عن بعض الأنظمة التي تعمل على تقييد حرية التعبير في البيئة الرقمية، وهو ما يستدعي البحث عن حلول تحقق التوازن بين تطوير تقنيات الذكاء الاصطناعي والحفاظ على الحقوق الرقمية.

الكلمات المفتاحية: الذكاء الاصطناعي، الحقوق الرقمية.

1. INTRODUCTION

In recent years, the world has witnessed remarkable technological advancements, particularly with the widespread adoption of the internet and its diverse applications. This progress has been epitomized by the emergence of artificial intelligence, which aims to program machines to mimic the human mind in terms of thinking, analysis, and even problem-solving.

This development has accelerated with the spread of various technologies that have helped enhance the efficiency and quality of services provided to people, who have also found themselves affected by this development as the scope of their exercise of legally guaranteed rights has shifted from the physical world to the digital realm, and faced new challenges regarding how to regulate and protect the exercise of these rights in the virtual world.

Because artificial intelligence is a double-edged sword, it has brought about a radical

transformation in the digital environment; while it has helped to strengthen and support the exercise of individuals' digital rights, it has also brought with it numerous challenges that could undermine the very essence of those rights.

This issue is therefore of paramount importance, given the rapid advancements in artificial intelligence technologies and the risks they pose to digital human rights.

To explore this topic in some detail, we have decided to raise the following issue: To what extent does artificial intelligence affect individuals' ability to exercise their digital rights?

The purpose of raising this issue is to identify the ways in which artificial intelligence affects digital rights, given the novelty of this topic and its close connection to human rights in the digital world, particularly in light of the growing risks of violations and infringements on privacy—factors that led us to choose this topic.

In addressing the issue outlined above, we have adopted a descriptive approach to outline the various elements related to artificial intelligence and digital rights, as well as the nature of their impact.

2. Defining the Concepts of Artificial Intelligence and Digital Rights

The technological advancements the world has witnessed since the 1940s have revolutionized information and communication technology. This revolution has accelerated with the widespread adoption of the internet in many areas of life, giving rise to new concepts such as artificial intelligence and digital rights terms that were previously unknown and are essentially the products of this development. Because the terms “artificial intelligence” and “digital rights” are relatively new, defining their concepts is essential, and this will be addressed in the following points.

2-1 The Concept of Artificial Intelligence

Since its inception, the term 'artificial intelligence' has consistently captured the attention of numerous scholars seeking to develop machines capable of simulating the human mind whether in comprehension, analysis, or problem-solving. However, the relative novelty of this concept, combined with the rapid proliferation and continuous evolution of AI technologies, has rendered the formulation of a definitive definition both complex and highly contested. Consequently, the subsequent sub-sections will address the origin and evolution of artificial intelligence, and define its meaning.

2-1-1: The origin and development of Artificial Intelligence

The emergence and development of artificial intelligence have gone through successive stages, beginning in the 1940s with the invention of the programmable digital computer, which in turn prompted scientists to consider the possibility of building an electronic brain¹. From there, research on artificial intelligence began to emerge in 1956 with a presentation on the subject at the Dartmouth Conference held at the Massachusetts Institute of Technology².

Researchers were optimistic about the potential developments in this field, which they unanimously agreed to call artificial intelligence, even though the credit for coining the term itself goes to John McCarthy³.

In 1965, Simon stated that machines would be capable of performing any task that humans could do within 20 years, but these predictions did not come to pass. Nevertheless, advances in computer technology during this period enabled faster data storage and processing. This coincided with scientists' development of machine learning algorithms, leading to the emergence of agencies in this field, such as the Advanced Research Projects Agency and the Artificial Intelligence Research Fund⁴.

With the launch of Japan's Fifth Generation Project in the 1980s to build intelligent computers, this period saw a resurgence in the artificial intelligence industry, and in 1987, the emergence of a new, independent field of study known as artificial intelligence was academically recognized. During this period, a large number of technologies and programs that fall under modern artificial intelligence systems were designed⁵, however, researchers during this time faced numerous complications that led to a decline in interest and funding in this field⁶.

Subsequently, thanks to technological advancements, artificial intelligence began to re-emerge starting in 2010 and experienced a widespread boom, leading to its application in numerous fields such as translation, healthcare, autonomous driving, and others. Thus, the concept of artificial intelligence has transformed from a mere dream into a lived reality, and numerous projects have been launched to improve human life, including, for example, the OpenAI project and the DeepMind project⁷.

2-1-2 What Is Meant by Artificial Intelligence

In the absence of a comprehensive and definitive definition of artificial intelligence a term that is still relatively new we will present some of the definitions that have been proposed. Some define it as: “the

ability of a program to correctly interpret external data, learn from that data, and use it to achieve specific goals and tasks through flexible adaptation”⁸.

Others have defined it as: “The ability of a machine to simulate the human mind through specially designed computer programs; it is a collection of intelligent systems capable of solving complex problems in a manner comparable to that of humans”⁹.

Some have also defined it as: “Certain behaviors and characteristics of computer programs that enable them to mimic human cognitive abilities and patterns of behavior. Among the most important of these characteristics are the ability to learn, to reason, and to respond to situations that were not programmed into the machine”¹⁰.

Others have defined it as: “The ability of a computer program to solve a problem or make a decision in a given situation based on a description of that situation; that is, the program determines the method to be followed to solve the problem or reach a decision by referring to the various inferential processes with which it has been programmed. This is considered a significant turning point that goes beyond what is known as information technology”¹¹.

In line with the definitions given above, John McCarthy defined it as: “A means of creating a computer-controlled device, or a program that thinks intelligently in the same way that intelligent humans do. Artificial intelligence is achieved by studying how the human brain thinks and how humans learn, develop, and function while attempting to solve a problem, and then using the results of this study as a basis for developing intelligent programs and systems”¹².

Based on the definitions provided above, artificial intelligence can be understood as the process of programming computers to learn, understand, analyze, and solve problems in the same way as the human mind.

2-1-3 Characteristics of Artificial Intelligence

The characteristics of artificial intelligence are as follows:

- The ability to plan and solve problems using logic.
- Recognizing different sounds and speech using a robot.
- The ability to learn continuously by utilizing software that facilitates this process automatically, without supervision or monitoring.
- The ability to process various types of information presented to it.
- The ability to quickly identify and analyze different data patterns.
- Finding solutions using cognitive abilities¹³.

2-2 The Concept of Digital Rights

The term “digital rights” refers to the rights and freedoms that individuals enjoy in the digital sphere as a result of keeping pace with rapid technological advancements and the widespread use of the internet and digital technologies. This has made them diverse universal rights and contributed to the emergence of a new category of digital rights, such as the right to digital privacy and the right to digital freedom of expression, among others.

To explain this section in some detail, we will address in the following points the definition of digital rights, their characteristics, and a description of their types.

2-2-1 Definition of Digital Rights

Digital rights are considered a new generation of human rights related to the internet. Although the concept is relatively new and definitions vary, it cannot be denied that they have garnered widespread international attention because they constitute a fundamental and vital part of human life. This prompted the United Nations to recognize these rights under a resolution issued by the Human Rights Council in 2012, which affirmed that the right to access the internet is a fundamental human right.

Before addressing the definition of digital rights, we must first define the term “digital,” which refers to “the process by

which any information or data—whether text, audio, or video—is stored and transmitted using computers and digital media, as this allows for the storage of vast amounts of data and its transmission at extremely high speeds¹⁴.

With regard to digital rights, there have been numerous definitions. In 1967, the legal scholar Al-Anoustani defined them as: “the right of individuals to determine when and how information about them is made available to others, with a focus on the right to privacy in the digital world; it is a new form of privacy that is directly related to information¹⁵.

Some have defined it as: “the rights that allow individuals to access, use, create, and even disseminate various digital media, such as computers and communication networks; this concept is particularly linked to the protection and exercise of existing rights, such as the right to privacy and freedom of expression, in the context of digital technologies¹⁶.

Others have defined it as: “The right to benefit from all services provided by the global information network, to ensure secure and continuous access to it, to facilitate the basic requirements necessary to enjoy these services, and to ensure that beneficiaries are not deprived of them in any way¹⁷.

DW ACADEMIE, on the other hand, has defined digital rights as: “human rights applicable in the digital sphere, which allow us to use the internet and digital technology freely and safely¹⁸.

Based on the definition provided above, we can say that digital rights are the rights that individuals enjoy in the digital space via the internet by accessing various digital media and using digital services in a secure manner.

2-2-2 Characteristics of Digital Rights

Digital human rights share the same characteristics as traditional human rights: they are fundamental, absolute, indivisible, and interdependent, and they are universal. They are also constantly evolving and cannot be waived or divided¹⁹.

2-2-3 Types of Digital Rights

Since digital rights are an extension of traditional human rights, this means that the rights individuals enjoy in the digital environment are the same as those they enjoy in the physical world, with the emergence of new types of digital rights driven by ongoing technological advancements and the widespread adoption of the internet. However, in this section, we will focus on two types of rights: the right to digital privacy and the right to digital freedom of expression, as these are the rights most affected by artificial intelligence technologies.

2-2-3-1 The Right to Digital Privacy

Credit for formulating the concept of the right to digital privacy goes to the American authors Milar and Wisten Alan, who helped highlight the distinction between the right to privacy in its traditional sense as a fundamental human right and the right to digital privacy, which emerged in the Internet age. Therefore, digital privacy refers to the need to protect individuals' data used in the digital realm, allowing people to use the internet without any threat to the confidentiality of their personal information²⁰.

The right to digital privacy is an extension of the right to privacy, but it differs in that it is closely linked to private electronic information and to the extent to which individuals can control its flow through information and communication technology²¹.

A report by the Office of the United Nations High Commissioner for Human Rights emphasized the importance of this right and its role in enabling individuals to enjoy and exercise other rights online. The report noted that digital privacy encompasses informational privacy and decision-making privacy, in addition to physical privacy; therefore, any discrimination in the enjoyment of this right in the context of data collection and processing will, in turn, affect other rights²².

With regard to defining the concept of the right to digital or information privacy, numerous definitions have been proposed.

Some have defined it as: “the prohibition against tampering with the information of individuals or institutions without their permission, whether stored on their computers or any other electronic devices they own on the internet²³.”

Some have defined it as: “The right of individuals to control their own data and personal information, and their right to prevent unauthorized access by third parties who might misuse it; this privacy requires the regulation of the collection, processing, use, and transfer of personal data²⁴.”

2-2-3-2 The Right to Digital Freedom of Expression

Digital freedom of expression is one of the cornerstones of digital rights; it embodies the individual’s right to communicate with others and to access information and ideas in all their forms and manifestations across the digital space, regardless of geographical boundaries²⁵.

Various human rights conventions have recognized the freedom of expression, as well as the right to access and exchange information and ideas with others through various means of one’s choosing, including those related to the Internet²⁶, and have held that freedom of expression encompasses, on the one hand, freedom of opinion and, on the other hand, the freedom to receive, impart, and disseminate information and ideas²⁷.

Digital freedom of expression has also received significant attention from the United Nations, which, through General Assembly resolutions such as Resolution 68/167 adopted in 2013 regarding the right to privacy, has affirmed that the rights of individuals outside the digital sphere enjoy the same protection within the digital sphere²⁸. It recognized that the exercise of the right to privacy is of paramount importance for the realization of the right to freedom of expression. Furthermore, in Resolution 69/166, it noted that any surveillance or interception of communications or the unlawful collection of personal information constitutes a violation of the right to privacy and may also undermine freedom of expression²⁹.

In the same vein, the Human Rights Council reaffirmed, through Resolution 39/6, the importance of freedom of expression and reiterated, in its resolution dated July 18, 2016, the need to promote, protect, and ensure the enjoyment of human rights online, emphasizing that the right to digital freedom of expression is of great importance³⁰.

3. Identifying the Positive and Negative Impacts of Artificial Intelligence on Digital Rights

Artificial intelligence is a double-edged sword: while it helps people better exercise their digital rights by offering a variety of technologies and facilitating faster access to information, it may, conversely, undermine the very essence of these rights, especially since the fundamental basis for the operation and development of artificial intelligence relies heavily on data stored through various methods, which constitutes a violation of human rights online.

Because this issue is of paramount importance today, it is necessary to identify the positive impacts of artificial intelligence on digital rights by highlighting how it can be utilized to promote these rights, while also taking into account its negative impacts on digital rights, as will be detailed in the following points.

3-1 The Positive Impact of Artificial Intelligence on Digital Rights

The fact that the emergence and development of artificial intelligence have coincided with the evolution of human rights in the digital environment has enhanced opportunities to benefit from its technologies, whether by facilitating access to information or the sharing of opinions, as well as by providing a secure digital environment that guarantees rights and protects them from various violations.

3-1-1: Identifying Various Digital Violations

Artificial intelligence systems are able to identify harmful content and work to remove it from social media platforms by relying on machine learning models programmed to process and filter vast amounts of data; AI

algorithms work to determine the intent behind digital content published on the internet³¹.

Artificial intelligence also enhances privacy through so-called differential privacy techniques, which aim to identify individuals' digital identities during the processing of big data, thereby facilitating access to various online services and strengthening the protection of digital identities³².

Artificial intelligence systems can also analyze social media data to help identify human rights violations and enable government agencies and technology companies to identify potential threats to human rights online³³. In addition, some social media platforms use mechanisms to block and remove content that incites violence or hatred, or to delete offensive images, videos, articles, and music tracks in order to protect copyright³⁴.

3-1-2 Access to Information

Artificial intelligence systems support digital freedom of expression by facilitating access to and dissemination of information through technologies that incorporate machine learning and intelligent retrieval capabilities. For example, individuals can now translate content into various languages using AI-powered machine translation technologies, thereby helping to break down language barriers and giving people access to information regardless of their geographical or cultural background³⁵.

Artificial intelligence also helps facilitate or enhance communication between people through social media, where individuals can share their opinions and content with others³⁶.

In addition to the above, artificial intelligence technologies use algorithms deployed by search engines to rank the search results displayed to users and create user profiles based on previous searches and data collected about the user. Through this ranking, search engines determine what type and source of news will appear among the top results, and this will have a significant impact on the information users receive³⁷.

3-2 The Negative Impact of Artificial Intelligence on Digital Rights

Given the widespread adoption of artificial intelligence technologies and the fact that their operation and development are primarily linked to the collection, processing, and storage of big data, this puts digital rights at stake due to the resulting infringement on individuals' digital privacy and the restriction of their right to digital freedom of expression, as will be explained in the following sections.

3-2-1 Violations of the Right to Digital Privacy

Artificial intelligence technologies require data in exchange for providing services; if users do not provide this data, they will not get what they want, which forces them to sacrifice their privacy by providing networks with their personal data in exchange for what they want³⁸ a situation that often leads to identity theft.

Furthermore, people's reliance on smartphone apps and the use of artificial intelligence to provide various services will leave their personal data vulnerable to breaches, and the situation worsens with increased internet connectivity, which expands the scope of surveillance by exploiting and storing their data for later dissemination and distribution without their consent³⁹.

Moreover, artificial intelligence applications pose a significant threat to individual privacy through facial recognition technologies or by using software to generate new images of human faces based on photos of other people. Furthermore, AI applications are now capable of creating and modifying voices to match people's real voices or producing videos using various techniques to make them appear authentic and more realistic⁴⁰.

In addition, artificial intelligence, when used in conjunction with malware designed to hack and compromise accounts on various websites, can crack passwords and threaten individuals' private accounts—particularly software used for online shopping, especially when email is involved⁴¹.

3-2-2 Violations of the Right to Digital Expression

Artificial intelligence can mislead individuals when it comes to accessing accurate and reliable information due to the proliferation of deepfake technologies that can blur the line between reality and fiction. AI technologies can also be used to spy on individuals, which constitutes a violation of privacy and, in turn, infringes on their right to digital expression⁴².

Furthermore, the use of artificial intelligence technologies to monitor social media platforms and filter content could lead to restrictions on the right to digital freedom of expression, particularly when opaque algorithms are used⁴³.

Moreover, the use of artificial intelligence technologies in the area of content moderation on social media platforms is considered one of the challenges facing freedom of expression, as it contributes to the spread of bias and discrimination⁴⁴.

4. RESULTS AND DISCUSSION

Accordingly, the conclusions reached at the end of this study are as follows:

- 1- Artificial intelligence is closely linked to digital rights, as it is one of the most influential technologies in the digital environment
- 2- Artificial intelligence has a dual impact, some of which is positive and some of which is negative
- 3- Artificial intelligence facilitates access to information, which enhances and supports the exercise of digital rights by individuals.
- 4- The reliance of artificial intelligence on big data—which serves as its fuel—is considered the greatest challenge facing digital privacy and personal data.
- 5- The lack of legal regulations for artificial intelligence systems puts digital rights at risk

These findings lead us to the following recommendations:

- 1- Work toward establishing uniform international legislation to regulate the operation and use of artificial intelligence systems

- 2- Strengthen systems for protecting digital rights in the digital environment to prevent any unlawful exploitation of individuals' personal data and ensure the preservation of their privacy

- 3- Leverage artificial intelligence technologies to facilitate access to information across various fields, ensuring the quality and efficiency of digital services

- 4- Subjecting the processing of big data by artificial intelligence systems to strict legal oversight to ensure a balance between their development and utilization on the one hand, and the protection of digital human rights on the other.

3. CONCLUSION

In conclusion, we can say that artificial intelligence has a dual impact on digital rights; for just as it promotes and supports these rights by facilitating access to information and addressing various digital violations, so too does it carry risks that undermine the very essence of these rights and restrict their exercise through violations of human privacy, unauthorized access to personal data, and its unlawful use, in addition to the possibility of sharing their content without their consent. This places digital rights before difficult and complex challenges that require the establishment of legal and regulatory frameworks to govern the exercise of these rights in the digital environment.

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