

Artificial Intelligence and Algorithmic Citizenship: Legal Risks of Discrimination in Public Governance

PhD. candidate **Luiza-Florentina CURELUȘĂ**¹

Abstract

The increasing use of artificial intelligence and algorithmic systems in public governance is gradually transforming the traditional relationship between individuals, citizenship, and the state. Citizenship is no longer shaped exclusively by formal legal status and political membership, but increasingly by data-driven classifications, digital profiles, and automated decision-making processes that may influence access to rights, public services, social benefits, education, employment, and migration procedures. This development has contributed to the emergence of the concept of algorithmic citizenship, which reflects the growing mediation of citizens' rights, opportunities, and social inclusion through computational systems. This article examines the legal and social implications of algorithmic citizenship, with particular emphasis on the risks of discrimination, inequality, and social stratification generated by artificial intelligence systems. The research employs a doctrinal and analytical methodology based on the examination of relevant international and European legal instruments, including the OECD Recommendation on Artificial Intelligence, the United Nations Global Digital Compact, the Council of Europe Framework Convention on Artificial Intelligence and Human Rights, Democracy and the Rule of Law, and Regulation (EU) 2024/1689 on artificial intelligence. The analysis is complemented by selected examples concerning the use of algorithms in education, employment, facial recognition, social protection, and migration-related procedures. The study demonstrates that algorithmic systems may improve administrative efficiency and reduce certain forms of human subjectivity, but they may also reproduce or intensify existing social biases when they rely on incomplete, distorted, or historically discriminatory data. Their opacity may further restrict the ability of affected individuals to understand, contest, or obtain effective remedies against automated decisions. The article concludes that artificial intelligence should remain compatible with the legal guarantees attached to citizenship. Algorithmic decision-making must therefore be governed by transparency, accountability, human oversight, equality, non-discrimination, and effective access to remedies. Without adequate legal and institutional safeguards, technological innovation risks weakening, rather than strengthening, the protection of citizens' fundamental rights.

Keywords: *algorithmic citizenship; artificial intelligence; public governance; fundamental rights; discrimination; social stratification; automated decision-making; human oversight.*

JEL Classification: K24, K38, O33, Z13

DOI: 10.62768/PLPA/2026/15/2/06

¹ Luiza-Florentina Curelușă - Doctoral School of Law, Titu Maiorescu University of Bucharest, Romania, <https://orcid.org/0009-0009-2008-3345/curelusaluizaflorentina@gmail.com>.

Please cite this article as:

Curelușă, Luiza-Florentina, „Artificial Intelligence and Algorithmic Citizenship: Legal Risks of Discrimination in Public Governance”, *Perspectives of Law and Public Administration* 15, no. 2 (June 2026): 277-288.

Article History

Received: 05 March 2026

Revised: 17 April 2026

Accepted: 24 May 2026

1. Introduction

Equality represents a multifaceted concept, with profound social implications and obvious repercussions regarding the emerging legal and social theories. Its implications in the matter of reconfiguring the citizenship notion are also argued at the doctrinal level, where T.H. Marshall claims that „*there is a kind of basic human equality associated with the concept of full membership of a community or [...] of citizenship*”², opinion which is doubled by the one of John Rawls who, in one of his writings states that „*in a just society the liberties of equal citizenship are taken as settled*”³. But we arrive in contemporaneity where, under the auspices of the emergent theories, the entire scenery of rights and liberties, as a basis of citizenship reconfigures, giving birth to certain trajectories which are prone to destabilize the citizenship rights basis itself, as it was granted and legally enshrined.

In order to specifically identify the source of the eventual inequalities, starting from the influence of the digital environment upon the individuals and their rights, it is necessary to focus our attention not on the citizenship institution in the classical way, of „*permanent political and legal link between a person and the state, proving the person's affiliation to that state*”⁴, but on the way in which citizenship crystallizes under the auspices of digitalization and the introduction of algorithms in certain processes regarding citizens.

The impact of artificial intelligence reflects a contemporary situation in which several processes put under the dome of technology can cause fundamental problems. One of them involves the manner in which the algorithms could affect human rights, seen as „*natural givens of individuals [...] accompanying the human being from the first forms of social manifestation*”⁵, especially when their use by some actors, including the state ones, ends up destabilizing a climate of security the citizenship status, *per se*, implies. As stated in doctrine, „*the affirmation and promotion of human*

² T. H. Marshall, *Citizenship and Social Class and Other Essays* (Cambridge: Cambridge University Press, 1950), 8, <https://s3.us-west-1.amazonaws.com/p-library/books/b22baab2fe1f967c2346fb58c091c630.pdf>.

³ John Rawls, *A Theory of Justice*, rev. ed. (Cambridge, MA: The Belknap Press of Harvard University Press, 1999), 3, <https://www.cita.or.id/wp-content/uploads/2016/06/John-Rawls-A-Theory-of-Justice-Belknap-Press-1999.pdf>

⁴ Marieta Safta, *Drept constituțional și instituții politice* [Constitutional Law and Political Institutions], vol. 1, *Teoria generală a dreptului constituțional. Drepturi și libertăți* [General Theory of Constitutional Law: Rights and Freedoms], ed. a 9-a, rev. (Bucharest: Hamangiu, 2025), 201.

⁵ Maria-Beatrice Berna, *Dreptul internațional al drepturilor omului. Fundamente teoretice și jurisprudențiale* [International Human Rights Law: Theoretical and Jurisprudential Foundations] (Bucharest: Hamangiu, 2025), 12.

rights represents a triumph of the ideals of the human being [...] and they pave the way for the individual as *homo civitas*”⁶ and any interference in their sphere means a weakening of the citizenship status, known as exponent of the socio-political space in which it flourishes.

When acquiring the citizenship status, each individual receives the guarantee of a secure climate of his rights and liberties, the state being the one contributing to this desideratum. Still, what happens when technology intervenes, sometimes seems to go beyond the already known parameters, especially since the principles already consecrated in the sphere of acquiring the citizenship status, namely *ius sanguinis* and *ius soli*, seem to no longer entirely correspond, of course, not at a formal level, but in the context of shaping new perceptions and theoretical trajectories associated with the idea of citizenship.

If the benchmark according to which we would have normally qualified the possibility of accessing this status implies „the blood link”, respectively the „right of the soil”, under the impact of technology a new horizon in categorizing this status appears in doctrine.

We are referring to „*ius algoritmi*” a concept which was approached and developed extensively by John Cheney-Lippold who determines the emergence of a new status, the one of the individual who populates the digital environment, whose operations can surprisingly be susceptible of quantification, a notion which, in short, designates „*citizenship rights according to algorithmic logic*”⁷.

Basically, what comes through is the idea according to which we come to be perceived through numbers, figures, data that tend to define us in a transcendental space, in an unknown in which every move can produce possible repercussions in the field of our rights and correlative obligations.

This way, we acquire a double identity, marked not only by what each of us represents in relation to belonging to the state, but also by what is reflected in our attitude in the online space or simply by what results from our actions, the options we exercise, the social pathway or the involvement in several activities. Not being certain of the effective impact of this approach on the individual, as a citizen, due to the dynamism with which technology manifests nowadays, what has to be taken into consideration is that the fullness of the actions manifested at the digital level is concretized in an extensive data valorisation process. The data is extracted and stocked, being algorithmically filtered, fact that can outline digital portraits, as it is underlined in the specialized literature, which can be assigned to each user and can eventually contribute to creating a new identity – this time in the digital environment.⁸

⁶ I. M. Anghel, *Politica externă a României cu privire la Basarabia reflectată în activitatea diplomaților săi* [Romania's Foreign Policy on Bessarabia as Reflected in the Work of Its Diplomats] (Bucharest: Editura Universul Juridic, 2016), 366; Aurora Ciucă, *Persoana fizică în dreptul internațional public. Prolegomene* [The Individual in Public International Law: Prolegomena], 2nd ed., rev. and expanded (Iași: Editura Lumen, 2017), 42.

⁷ John Cheney-Lippold, “Jus Algoritmi: How the National Security Agency Remade Citizenship,” *International Journal of Communication* 10 (2016): 1722, <https://ijoc.org/index.php/ijoc/article/view/4480/1618>.

⁸ Federico Tomasello, “Digital Civics and Algorithmic Citizenship in a Global Scenario,” *Philosophy &*

Starting from an idea which was attributed to the English philosopher Francis Bacon who states in one of his writings that „*knowledge is power*” we position ourselves in relation to the subject matter of this paper and wonder if the algorithmic citizen, defined as „*a subject whose claims to rights, representation, and social inclusion becomes more and more mediated by computational networks*”⁹ actually becomes an instrument of exercising power, through which the one who best wields the digital meanders ends up owning unexpected powers which are also cultural, political and economic¹⁰.

What happens when citizens become the object of applying algorithms? Whether we are talking about the complexity of the migration phenomenon, interoperability for border securing or other social benefits which might be conferred based on statistics obtained due to the interconnection of various information by which citizens individualise themselves at a societal level, the presence of emerging technologies in obtaining the necessary results for managing these processes involves discussion.

Even if algorithms, by definition, encompass a logical rigor which confers a certain stability, the specialized literature has also pointed negative perceptions regarding the matter, especially in terms of the „*implicit bias associated with the engineering of the algorithms underlying AI-driven predictions*”¹¹ and which „*might inadvertently inveterate discrimination patterns*”¹².

Starting from what the citizen status implies and taking into consideration the technological progress and also the theorization of the new concepts and mechanisms strongly related with artificial intelligence, the aim is to emphasize those areas in which the citizen's protection might become obscure, multifaceted or even prone to weakening, evoking this way the most relevant areas in which rights and liberties are being threatened.

2. The Intersection Between Artificial Intelligence Regulatory Frameworks in Regard to the Human Rights Problematic and the Use of Algorithms in the Sphere of Citizens

In a world which is strongly marked by social splitting, where the differences which appear between individuals have the power to profoundly influence their path towards achieving their goals, the reality transposed by the impact of artificial intelligence in the sphere of the policies embraced and implemented by some states

Technology 36, article 39 (2023): 2, <https://doi.org/10.1007/s13347-023-00638-3>.

⁹ Ritika Goswami, “The Algorithmic Citizen: How AI Is Rewriting Rights, Representation and Responsibility,” *International Social Research Nexus (ISRN)* 1, no. 3 (2025): 1-14, 2, <https://doi.org/10.63539/isrn.2025022>.

¹⁰ Jenna Burrell and Marion Fourcade, “The Society of Algorithms,” *Annual Review of Sociology* 47 (2021): 217, <https://doi.org/10.1146/annurev-soc-090820-020800>.

¹¹ Davide Zecca, “Algorithmic Predictions and Migratory Flows,” in *Digital Citizenship in the European Union Framework: Political, Economic, Sociological, and Legal Issues*, ed. Raffaele Torino (Rome: Roma TrE-Press, 2024), 279, <https://doi.org/10.13134/979-12-5977-403-3>.

¹² *Ibidem*.

seems an additional burden, hard to be filtered. The citizen, as an exponent of a politically, economically and socially organized space becomes the target of certain operations which, at a first sight, do nothing but pinpoint the adherence to the progressive vision of the new technologies, which are perceived as utensils used to reach change, evolution, clarity, the states advancing these instruments of the digital space while trying to raise efficiency of the governmental processes and reduce as much as possible the emergence of mental templates while providing services.¹³

Evidently, the artificial intelligence systems are not perfect, fact that cannot be assumed about any other level which is permanently developing, especially when the dynamism by which artificial intelligence imprints contemporaneity is so obvious.

Under the pretence of the facilities brought, the artificial intelligence systems based on the use of algorithms have invaded the strategies of some states which are increasingly resorting to them in order to portray statistics, to interconnect databases, to bring into operation time-consuming procedures or to relieve processes which were once exclusively based on the contribution of specialized human resource.

Starting from an opinion stated in the doctrine according to which „*one of the biggest concerns about ‘the rise of AI’ has been a correspondent loss of human agency*”¹⁴, these systems have not been immune from critics, being attentively analysed under the spectre of their possibility to raise suspicions regarding the *modus operandi* of algorithms so that „*while well-designed algorithms can help address biases in human decision-making, algorithms can themselves lead to biased outcomes*”¹⁵.

Therefore, it is clear that the absence of a well-structured legal framework, oriented towards respecting the human rights and liberties, applicable to these systems would do nothing but hijack the real purpose of the process implementation, the state being, in essence, a guarantor of rights which contributes to the safeguarding of the citizen status through the elaborated and implemented legal levers, thus eliminating the risk of its weakening.

A relevant awareness marker regarding the impact of emergent technologies is reflected by the principles outlined under the auspices of the Organisation for Economic Cooperation and Development (OECD) which, due to the efforts initiated in 2019, reflected under the dome of the further revised recommendations, the last one being in 2024, has elaborated a series of intergovernmental standards aimed, as also stated in the Recommendation of the Council on Artificial Intelligence, at cultivating a climate of trust regarding the use of artificial intelligence, oriented also towards

¹³ Dario Sidhu, Beatrice Magistro, Benjamin Allen Stevens, and Peter John Loewen, “Why Do Citizens Support Algorithmic Government?,” *Journal of Public Policy* 44, no. 3 (2024): 659–677, 659, <https://doi.org/10.1017/S0143814X24000114>.

¹⁴ Janna Anderson and Lee Rainie, “Artificial Intelligence and the Future of Humans,” Pew Research Center, December 10, 2018, <https://www.pewresearch.org/internet/2018/12/10/artificial-intelligence-and-the-future-of-humans/>; Mike Zajko, “Artificial Intelligence, Algorithms, and Social Inequality: Sociological Contributions to Contemporary Debates,” *Sociology Compass* 16 (2022): e12962, 2, <https://doi.org/10.1111/soc4.12962>.

¹⁵ Sidhu et al., “Why Do Citizens Support Algorithmic Government?,” 661.

„reducing economic, social, gender and other inequalities”¹⁶. Right from the preamble, the Recommendation points the fact that artificial intelligence can create societal disruptions, manifested through generating inequalities, having explicit implications both in the sphere of human rights but also in the data-protection field.¹⁷

In a similar approach, under the auspices of a recent document elaborated under the UN umbrella – Global Digital Compact – adopted in 2024 – the commitment towards respecting human rights in the view of using digital technologies, is reconfirmed, an objective of the cooperation instrument being the one according to which „the users can safely benefit from digital technologies and are protected from violations, abuses and all forms of discrimination”.¹⁸

Moreover, apart from eliminating these disruptions, another tier points at the volumes of data that reach out being manipulated while using intelligent systems, attentively referring to the necessity of a proficient regulation in the field of data protection and privacy, in order to eliminate all the risks associated to these domains.¹⁹

Progressively moving towards the human rights protection system developed by the Council of Europe, we notice the Recommendation CM/Rec(2020)1 of the Committee of Ministers to member States on the human rights impacts of algorithmic systems which emphasizes the obligation of the states „to refrain from human rights violations, including through algorithmic systems and [...] to establish effective and predictable legislative, regulatory and supervisory framework that prevent, detect, prohibit and remedy human rights violations”²⁰.

Furthermore, the constant interest towards this boom of the dynamic phenomenon of the artificial intelligence revealed a treaty-level significance document adopted by the Council of Europe – the Framework Convention on Artificial Intelligence and Human Rights, Democracy and the Rule of Law. The guidelines of this important document among the protection instruments elaborated in the context of the emergence of new technologies evoke an obvious concern regarding the risks that the digital domain can generate regarding the idea of discrimination but also in matter of the possible implications of artificial intelligence systems upon generating or deepening inequalities. In the eye of the legislator, the situation of women and vulnerable persons is brought to the forefront, as well as the manner in which the

¹⁶ Organisation for Economic Cooperation and Development (OECD), *Recommendation of the Council on Artificial Intelligence*, OECD/LEGAL/0449, sec. 1, adopted May 22, 2019, amended May 3, 2024, <https://legalinstruments.oecd.org/en/instruments/OECD-LEGAL-0449>.

¹⁷ *Ibidem*, Preamble.

¹⁸ United Nations General Assembly, *Global Digital Compact*, annex I to *Pact for the Future*, G.A. Res. 79/1, U.N. Doc. A/RES/79/1 (September 22, 2024), para. 22, accessed March 20, 2026, https://www.un.org/global-digital-compact/sites/default/files/2024-09/Global%20Digital%20Compact%20-%20English_0.pdf.

¹⁹ *Ibidem*, para. 37.

²⁰ Council of Europe, Committee of Ministers, *Recommendation CM/Rec(2020)1 of the Committee of Ministers to Member States on the Human Rights Impacts of Algorithmic Systems*, adopted April 8, 2020, at the 1373rd meeting of the Ministers' Deputies, preamble, <https://search.coe.int/cm?i=09000016809e1154>.

rights of these expressly enshrined categories, along with their engagement in the social-economical, cultural and political space might be endangered by artificial intelligence.²¹

The aforementioned Convention establishes clear principles, evoking in Article 7 the importance of respecting human dignity and individual autonomy while approaching AI mechanisms, the idea of transparency in Article 8 but more importantly, related to the topic subject of this paper, reiterates in Article 10 the fact that the parties should have in mind throughout the entire period of using artificial intelligence systems to respect the idea of equality, discrimination being strictly forbidden.²²

The present paper does not intend to evoke in an exhaustive manner the incident legal framework, but of paramount importance for the present analysis are also the EU regulations found at the intersection between the use of algorithms and the foundation of human rights.

Starting from the „ethics guidelines for a trustworthy AI” elaborated by the Independent High-Level Expert Group on Artificial Intelligence, which was set up by the European Commission in June 2018, it is important to emphasize the main trajectories which, in their opinion, can lead to establishing a climate of trust regarding the use of artificial intelligence. Thus, respecting human rights represents an important pillar in this process, the accents being put on human dignity, freedom of the individual, equality, non-discrimination, and citizen’s rights respectively.²³

A European instrument in the artificial intelligence domain which recalls in its content the importance of the previously shortly-mentioned guiding landmarks is Artificial Intelligence Act, document which, among others, gives the opportunity of a terminological appropriation of the technical concepts incident in the sphere of AI and proposes several directions regarding a human rights-oriented use of AI. The AI Act sets clear benchmarks in terms of high-risk AI systems and, with relevance for the present topic, emphasizes those contexts which exceed the permitted frame. This way, there are mentioned those situations in which intelligent systems might be used in order to give credit scores or evaluate the creditworthiness of natural persons, respectively in the context of providing or revoking social benefits which were granted to certain categories of people. These aspects might, according to the legislator, overwhelmingly impact their social stability climate, thus tending to an interference in the sphere of certain fundamental rights such as non-discrimination or the right to social protection or to the outline of certain profiles which, in a similar way, might represent signs of exceeding the legal framework conferred by the

²¹ Council of Europe, *Council of Europe Framework Convention on Artificial Intelligence and Human Rights, Democracy and the Rule of Law*, CETS No. 225 (Vilnius, September 5, 2024), preamble, <https://rm.coe.int/1680afae3c>.

²² *Ibidem*, Chapter III, Articles 7-8, 10.

²³ European Commission, High-Level Expert Group on Artificial Intelligence, *Ethics Guidelines for Trustworthy AI* (Brussels, April 8, 2019), 10–11, <https://digital-strategy.ec.europa.eu/en/library/ethics-guidelines-trustworthy-ai>.

European instruments designed for human rights protection.²⁴

In a similar way, there is also an emphasis on other segments where an improper use of the high-risk qualified systems can generate inequalities or discrimination and these reflect, in the optics of the European AI regulatory instrument, also in the educational area or that of vocational training – when the use of these systems appears while evaluating the learning-outcomes of a person or his or her distribution towards an educational institution, or as far as the recruitment and selection processes in the work field are concerned.²⁵

The artificial intelligence systems are also present in the sphere of the migration phenomenon, in the context of processing asylum applications or while managing the procedures that emerge at the state borders, the legislator also qualifying them as high-risk systems due to the fact that an estrangement from their legal purposes might generate vulnerabilities, especially upon the directly concerned persons whose course depends on the immediate use of those systems, therefore generating a violation of their rights to free movement, interference in their private life, discrimination or deficiencies as far as data protection is concerned.²⁶

3. Short Considerations Regarding Some Algorithmic Processes, Discrimination and Social Stratification

As we have observed in the previous section, the legislator has given careful consideration both at an international and European level to the implications of artificial intelligence in the human rights domain, portraying a vast legal framework of the several levels prompted by this phenomenon. However, the use of algorithms remains a given fact, several state actors resorting to various mechanisms in their way of digitalizing the ongoing processes in plenty of public interest domains, fact that generates the most diverse challenges against maintaining a climate of trust towards these new technologies and the sphere of rights, in equal measure.

From a practical standpoint, the artificial intelligence systems based on algorithms spark controversy when using them in those processes which involve citizens and the regulatory efforts have led to complex instruments meant to prevent any missteps. As per the Artificial Intelligence Act, for example, an artificial intelligence system is characterized by the fact that it can perform deductive operations, including by carrying out previsions which can impact both the virtual environments and the physical ones.²⁷ This way, for instance, sorting and classifying become inherent components of algorithmic systems, as they contribute to „enabling

²⁴ Regulation (EU) 2024/1689 of the European Parliament and of the Council of June 13, 2024, Laying Down Harmonised Rules on Artificial Intelligence and Amending Regulations (EC) No. 300/2008, (EU) No. 167/2013, (EU) No. 168/2013, (EU) 2018/858, (EU) 2018/1139, and (EU) 2019/2144 and Directives 2014/90/EU, (EU) 2016/797, and (EU) 2020/1828 (Artificial Intelligence Act), OJ L, 2024/1689, July 12, 2024, recital 58, <https://eur-lex.europa.eu/eli/reg/2024/1689/oj/eng>.

²⁵ *Ibidem*, para. (56) and (57).

²⁶ *Ibidem*, para. (60).

²⁷ *Ibidem*, para. (12).

the automation of risk-based prioritization processes in which algorithms are applied to a regulated population to sort and classify individual entities within that population"²⁸.

What happens, though, when the use of algorithms takes a different shift, raising suspicions regarding the fairness of the detected results? The „algorithmic discrimination” notion appears when „*algorithms, relying on distorted or partial data, produce results that can discriminate against certain individuals or groups*”²⁹. Delving into the specialized literature, a relevant example that comes to surface is the one that took place in UK in 2020 where, due to the COVID-19 pandemics, algorithms were used in the educational system, more exactly in the context of eliminating, from objective reasons, certain on site assessments, which led to the implementation of „*an algorithm to forecast grades according to students’ previous performance and the school’s historical record*”³⁰. With reference to the systems focused on using algorithms in the sphere of facial recognition it has been emphasized in the specialized literature that they have raised „*deep issues of civil liberties, consent and race profiling*”³¹. At the same time, in Austria there have been attempts to use algorithms in the process of classifying individuals while looking for a job, but the mechanism was qualified as being illegal due to the fact that it implied a procedure which involved assigning inferior grades to women and disabled persons.³²

As stated in the specialized literature certain categories of persons who are exposed to different social policies or who are confronting with a stringent lack of jobs are frequently targeted in applying algorithms.³³ This way, it is obvious that a deviation from the legal framework and the legal purpose of using algorithms can generate the premises of social stratification, starting from the idea that „*inequality is the outcome of the distribution of social rewards, whether material or symbolic*”³⁴, especially since it was stated in a doctrinal opinion that „*predictive algorithms*

²⁸ Karen Yeung, “Algorithmic Regulation: A Critical Interrogation,” *Regulation & Governance* 12, no. 4 (2018): 505–523, 512, <https://doi.org/10.1111/rego.12158>.

²⁹ Pio Alfredo Di Tore, Fabrizio Schiavo, Monica Di Domenico, and Giuseppina Rita Mangione, “Algorithmic Citizenship: Fostering Democracy, Inclusion and Explainability in the Era of Artificial Intelligence,” in *Mind, Body, and Digital Brains*, ed. Flavia Santojanni, Gianluca Giannini, and Alessandro Ciasullo, Integrated Science, vol. 20 (Cham: Springer, 2024), 265–275, 268, https://doi.org/10.1007/978-3-031-58363-6_17.

³⁰ Luciano Floridi et al., “AI4People—An Ethical Framework for a Good AI Society: Opportunities, Risks, Principles, and Recommendations,” *Minds and Machines* 28, no. 4 (2018): 689–707, <https://doi.org/10.1007/s11023-018-9482-5>; Goswami, “The Algorithmic Citizen,” 5.

³¹ Joy Buolamwini and Timnit Gebru, “Gender Shades: Intersectional Accuracy Disparities in Commercial Gender Classification,” *Proceedings of Machine Learning Research* 81 (2018): 1–15, <https://proceedings.mlr.press/v81/buolamwini18a.html>; Goswami, “The Algorithmic Citizen,” 6.

³² András Szigetvari, “Datenschutzbehörde kippt umstrittenen AMS-Algorithmus,” *Der Standard*, August 20, 2020, <https://www.derstandard.at/story/2000119486931/datenschutzbehoerde-kipt-umstrittenenams-algorithmus>; Sidhu et al., “Why Do Citizens Support Algorithmic Government?,” 661.

³³ Naim Mukabbir, “Predictive Algorithms and Social Inequality: A Sociological Analysis of Bias, Governance, and Digital Surveillance,” *British Journal of Multidisciplinary Studies* 3, no. 1 (2025): 40–48, 41, <https://doi.org/10.32996/bjmss.2025.4.1.4>.

³⁴ Georgeta Ghebre, *Metamorfoze sociale ale puterii* [Social Metamorphoses of Power] (Bucharest: Renaissance, 2007), 121.

operate within, rather than outside, social stratification systems, thereby contributing to the structural reproduction of inequality”³⁵.

4. Conclusions

Fundamentally, we cannot pass indifferently by the possible repercussions that artificial intelligence, through its particular mechanisms, more specifically by involving algorithms in various processes, can produce at a societal level. As it results from the performed legal analysis, the existent legal framework proposes a series of coordinates which, at least for the moment, evoke in a sonorous manner, the problematic of respecting human rights. By indicating the areas in which the interference of intelligent systems in general and algorithms in particular, might lead to the violation of rights, an increased concern regarding the promotion and protection of the fundamental rights can be noticed. However, we are witnessing a dynamic phenomenon, which, without comprehensive management as prescribed by regulations can mark the pathway of the citizen, as we saw it occurred in the previously mentioned situations.

Tracing the benchmarks drawn at the debut of this paper, we tried to emphasize the most recent and relevant legal instruments in the artificial intelligence domain, especially stressing out those interferences with the possibility that the systems developed under the dome of emergent technologies might generate several violations in the sphere of rights to the point where they can lead to discriminatory situations. It is true that using algorithms can coexist with the citizen status but they should not become „executioners” of the benefits that citizens have or regarding the exercise of their rights. Therefore, we are of the opinion that through the existing legal, economic and social levers, intertwined with the new technologies, the citizen has to be given the certainty of a full guarantee of his rights, even in the face of the influx of artificial intelligence in the majority of the areas related to his or her existence. In the absence of such an approach we risk to transform the sane purposes on which the emergent theories are based on into real enemies of the citizens’ rights.

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³⁵ Mukabbir, “Predictive Algorithms and Social Inequality,” 41.

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