Empowerment of Law through Technology

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Abstract: It is possible to define human rights as – "the bare minimum of equal and inalienable rights that every human must have in order to be a part of the global human community regardless of ethnicity or religion or any other factor". The Indian Constitution similarly recognizes these rights as numerous fundamental rights and ensures that men and women have the same rights without any discrimination, yet the actual state of human rights in India cannot be claimed to be sufficient. An attempt has been made in this article to establish legal concerns and issues relating to human rights in light of the fast growth of technical means of communication – a current scenario analysis is provided to show that new legal concerns have arisen due to technological advancements. The purpose of this article is to examine the link between human rights and the development of new technologies and highlight several considering legal and ethical considerations into consideration.

Keywords: *Law, Technology, Human Rights, Ethics.*

1. Introduction

It may be difficult and a cause of dispute to determine where the boundaries of human rights and freedoms lie, and the advancement of science and technology only adds to the complexity. Just because rights and freedoms are recognized does not mean that someone can successfully defend oneself against infringement of these rights[1]. Many countries' economic and social systems have grown as a result of recent technological advancements. It's now easier than ever for individuals to interact across continents, either for pleasure and sociability or for commercial purposes, thanks to improvements in technology.

Using search engines like Google, anybody can get information on just about anything in a matter of seconds. As a result of this newfound freedom and accessibility, people from all over the world may engage in a broad range of activities, including learning, working,

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[1] Charles Ess, 'At the Intersections between Internet Studies and Philosophy: Who Am I Online?' (2012) 25(3) Philosophy & Technology

and socializing, all from the comfort of their own homes. Human rights, however, face a new set of challenges in this regard, including privacy and security concerns. Delac argues that the fields of law and human rights are falling behind the pace of technological advancement. This article, therefore, focuses on a topical legal issue at the junction of human rights and technological growth.[2]

1.1.   New Multi-Sectoral Realities on Human Rights: Opportunities and Challenges

New multidimensional realities for human rights work are created by the ubiquitous nature of technology. Sharing experiences, diversifying approaches, and collaborating across disciplines and industries provides fresh options to widen the area of research. As a result, it is necessary to identify and dismantle the current "silos" that isolate policymakers from technology developers and "conventional" human rights players.

This is true not just in the field, but also inside foundations, where divisions can arise owing to disagreements about framing or the isolation of short-term activity within discrete thematic areas. It's critical to improve communication on surveillance, privacy, and censorship problems. Constructing an information and communication rights infrastructure that takes into consideration the vast range of technological know-how is a challenging task that calls for close collaboration.

The development and implementation of user-centered technologies for human rights defenders can help bring together actors striving to design new tools, build on open-source platforms, and assure security and usability[3]. Technical, legal, and popular languages and cultures all fall under the category of cross-sector work. In addition, as technological devices become more generally available and allow any citizen to document injustices, enormous streams of data from many sources will require careful analysis and the construction of processes to assure the legitimacy and trustworthiness of newly acquired information.

Technology integration professionals that bring together technical and social science knowledge as well as archive expertise and subject-matter knowledge are necessary for a

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[2] G. Delac, M. Silic, & J. Krolo, 'Emerging security threats for Mobile Platforms' (2010) Proceedings of the 34th International Convention, IEEE Dobrin 1468
[3] S. Arifkhanova, 'Manipulation of Social Consciousness through Mass Media' (2010) Social Psychology

successful implementation of data management tools. Analyzing the successes and failures of previous joint projects can provide valuable information for current and future endeavors. The actor's technical comfort zones have been a concern in the past.

Human rights defenders with decades of expertise have been seen at times as paternalistic by technologists who provide risky tools[4]. Traditional human rights defenders are wary of the digital realm because they are used to long and arduous battles and campaigns. There have been attempts to bridge these gaps in the past that have been deemed unproductive, such as large-scale training. Some of the more effective approaches involve teaming up with nongovernmental organizations (NGOs) that specialize in bridging the knowledge gap between the field and the technical aspects of the work. The challenge for grant making will be to increase cross-sector and geographic collaboration, as well as the degree of knowledge[5].

Donors are expected to help increase cooperation in a sector that has been inherently segregated and confined due to miscommunications and missed linkages between different professional cultures. Capacity building and effective bridge figures are crucial factors in this process of improving and long-term capacity building. Improved exchange of lessons acquired throughout the community in general and amongst contributors, in particular, might assist these initiatives.

2.   The Relationship between Human Rights and Technology Development

The Universal Declaration of Human Rights (UDHR) was a major social, political, and cultural event of worldwide significance when adopted by the United Nations in 1949.[6] A person's life is worthwhile if he or she completes the "minimum duties" outlined in the Universal Declaration of Human Rights, which summarizes society's progress toward human liberation in Western Europe and North America. There was a significant addition to the list of individual and collective civic, social, and cultural human rights after other organizations (particularly the European Community) adopted more texts of this type.

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[4] Samuel Dobrine & Archil Chochia, 'The Concepts of Trademark Exhaustion and Parallel Imports: A Comparative Analysis between the EU and the USA' (2016) 6(2) Baltic Journal of European Studies 28-57
[5] Charles (n 1)
[6] Dave Evans, 'The Internet of Things: How the Next Evolution of the Internet is Changing Everything' (2011) CISCO White Paper 1-11

A person's right to self-determination, security, freedom of expression and behavior, education, and a basic income are all included in this list of fundamental rights.[7] A person's basic human needs should be met at all times by the government. A semblance of human decency can only be maintained this way.

As stated in a resolution adopted by the United Nations General Assembly – "every human person and every people have the right to take part in and contribute to the advancement of humankind in all of its dimensions – economic, social, cultural, and political". Using technology to advance a person's right to social, economic, cultural, or political advancement requires adhering to the following principles:

- participation in the adoption oa new technology decision-making,
- involvement in the development of the subject technology, and;
- enjoyment of the development resulting from technology.

Free scientific research is reflected in the creation of new information technologies, which may be seen as an expression of the right to freely disseminate and freely receive knowledge. There are, however, a number of drawbacks to this. Information technology, according to Afrikhanova, is acting as a middleman between the source of information and the people who receive it, increasing the potential for brainwashing. A person may always double-check facts pertaining to his or her relationship with a nearby environment, for example.

2.1. Book Perspective

Texts in books are also capable of critical interpretation, which means they may be re-examined once a reader's own life experiences have been considered. The words shown on the screen vanish before the viewer has a chance to rationally analyze the value of the information, and the accompanying visual has a suggestive effect, impairing the viewer's ability to critically evaluate the value of the information.[8]

Television functions differently. As a result of its widespread dissemination, television has played an important role in creating a false perception of reality among its viewers, forcing

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[7] Francesca Ferrando, 'Posthumanism, Transhumanism, Antihumanism, Metahumanism, and New Materialisms Differences and Relations' (2011) 8(2) An International Journal in Philosophy, Religion, Politics, and the Arts 26-32
[8] Davis Evans (n 7)

them to accept an interpretation of events that, in reality, did not occur. Of course, a viewer has the option of changing the station or turning the TV off entirely. Because of this, most people will continue to be dependent on television in their daily lives. It is also up to the people responsible for the transmission of the information to provide the information that they deem necessary.

2.2.   Internet Perspective

To connect with others online, people create a "virtual identity" that might differ greatly from their actual one. The distinction between the real and the fictitious is blurred in cyberspace.[9] In many relationships, the reality of cyberspace is similar to the reality of dreams. To plan rationally, you need to know the difference between what is feasible and impossible. A fundamental concept of the Internet is total freedom of expression, thus there are no restrictions on what people may post or share. There is a wealth of culturally significant material available on the Internet.

However, there is a great deal of knowledge that is both pointless and even dangerous[10]. There are others who feel that this is a glimpse into the future of society. There is, however, the reality that any kind of action requires some sort of filtering or censoring; there are rules of restriction, standards of activity, and a distinction between good and evil, permitted, and prohibited. There is no activity if there is no division in the relevant system. There is no future for culture if today's Internet is a paradigm of how it will be in the future. That person also has no future, which is in violation of their human rights.

2.3.   Media Perspective

Graber and Dunaway consider mass media to be a strong phenomenon, yet no power is absolute, it must be controlled – otherwise, it becomes dangerous. At the conclusion of his life, Karl Popper, originator of the "open society" idea, said that if press freedom isn't curbed, it will destroy society's culture. As a result, a person who is part of the current system of mass communication is extremely susceptible to propaganda. Modern public relations and political campaigns employ this expression.

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[9] John Feather, *The Information Society: A Study of Continuity and Change* (Facet Publishing 2013)
[10] Ferrando (n 7)

PR professionals' main purpose is not to strengthen a person's reasoning talents, but rather to stifle their critical thinking. Because of this, the classic liberal and democratic ideal, where an individual makes decisions based on his or her own reflections free of any external pressure, appears less conceivable now than it did a century ago. Information technology has opened up new avenues for controlling human awareness and limiting individual freedom.

3. Social Cause

One of the hallmarks of the information society is the quick renewal of knowledge, which necessitates rapid adaptation of the social structures and organizations that house it, as well as the types and forms of communication that go along with it.[11] As a result, it is becoming more typical for social procedures to be completed in a very short amount of time. There are times when it might be difficult to weave together one's history and future into a narrative that acts as one's biography and basis, says Stieger.

Many habitual norms have been destroyed, social processes have changed in nature, it is difficult to integrate the past and the future, and various communication flows and systems of social interactions are all present in modern society, and this makes rational action planning difficult not only for groups but even for individuals.

It's becoming more common for people to get neurotic or mental diseases as their sense of self-identity becomes more fragmented and they can no longer answer the question of who they are. Electronic society is used in literature to allude to this new social state. A civilization in which new information technologies have a substantial influence on the operation of the economy, social life, and even a person's personal life is referred to as a post-globalization society by Francisca. Those who live in such a culture find it difficult to distinguish between what is theirs and what is not theirs.[12] As a result of this, it is likely that in a society like this, individual freedom will be more restricted in the interests of some social groupings.

Among the many concerns that arise when technology and human rights are intertwined is the subject of genetic alteration. As bio and nanotechnology advances, ideas for the

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[11] Anjum, 'A Historical Study of Contemporary Human Rights: Deviation or Extinction?' (2016) 4(2) Acta Baltica Historiae et Philosophiae Scientiarum 98-115
[12] Tanel Kerikmäe, Thomas Hoffmann, & Archil Chochia, 'Legal Technology for Law Firms: Determining Roadmaps for Innovation' (2018) 24(81) Croatian International Relations Review

design of the human body are being produced and debated in conjunction. This includes the creation of "made-to-order" infants with a certain set of characteristics, like intellect or strength. The notion of civic society, widespread involvement in political life, and equality before the law may be challenged as a result of this.

Transhumanism and immortal-ism are ideologies that draw support from a wide range of disciplines, including medicine, biology, genetics, sociology, computer science, and philosophy. These movements are motivated by the idea that modern science, particularly genetic engineering, nanotechnology, computer and information technology, and the human gene and nervous system, can make it possible for humans to live indefinitely without the need for human organs. Death will lose all significance in this scenario, which is tragic for the entire current civilization. But tampering with a person's most complicated genetic and neural systems may be exceedingly harmful, as well as unforeseeable. It's possible that such intervention will have consequences that are very comparable to the ecological catastrophe that resulted from nature's alteration through technological means.

Humanity has the option of creating a monster instead of a healthier creature. It's impossible to predict if a better human won't annihilate our existing culture and society, with its ideas about what's permissible and what's not, and the rights and obligations that make us human, no matter how complex and complicated the genetic and brain systems are to grasp. A more compassionate society used to be a fantasy for many people, but a society of improved humans will be anti-human.

Furthermore, it would be disastrous if trans-humanists were able to make the upgraded individuals eternal (which is another notion of the "trans humanists"). Because a community with a sufficient number of immortally upgraded members would be able to deal with any issues that arose, the need to create new humans would be gone. For a non-human civilization, the prospect of social and cultural regeneration is greatly diminished by the existence of an indefinite population of the same organisms. Care for children and the elderly (because there would be neither of these nor others), empathy for another person's difficulties (because those difficulties would almost certainly not exist), and romantic love, which includes consideration for the other person's needs and a recognition of the fragility of human life, would all be rendered meaningless.

As a result, the absence of death equates to the loss of significance in human existence. When we evolve into an "improved human", we're actually committing mass suicide as a species, since this new "human" is actually a killer of the old "human". It's pointless to discuss human rights in this circumstance, as they're nonexistent. This raises the following issues and concerns: when doing such tests, is it appropriate to rely on a subject's free will? Has the right to entirely free disposal of one's body been established? Is it possible to do a scientific study without violating someone's privacy?

4.   The Issues of Data and Privacy

When it comes to human rights - data protection and privacy is one area that is influenced by technological advancements. When doing financial transactions over the Internet or placing orders for products and services, you'll need a high level of security to protect your personal information, your credit card information, and any private information you might have. Chochia argued that before reaching its final destination, sensitive Internet data travels through a certain number of routers and servers. There is the possibility of information being intercepted even though routers do not typically keep track of the data that passes through them. Additionally, the receiver can update the information and get it in a different format. A dishonest user will always be able to take advantage of the Internet's built-in security flaws. There is always a trade-off to be made between the amount of security required and the effectiveness of network operations. Security measures may be perceived by certain users or consumers as a means of limiting access and effectiveness. Cryptography is one such method that may greatly increase security while yet allowing people full access to their data. For example, the Internet of Things (IoT) is a notion of linking real-world items to the internet, enabling people the ability to communicate with them from afar. Home appliances, automobiles, and watches are all "smart" gadgets. A "global Internet-based technical architecture" that facilitates the exchange of products and services in global supply chain networks is Weber's definition of IoT.

According to Evans - by 2020 CISCO predicts that there will be 50 billion gadgets linked to the internet. As a result, internet-enabled appliances, devices, vehicles, and gadgets will become more prevalent. Because the Internet of Things (IoT) continually gathers information on the use of linked products, it improves efficiency while simultaneously impacting user privacy. It's becoming increasingly harder to keep data secret.

The advantages of the Internet of Things (IoT) cannot be understated. Reduce energy consumption with smart home sensors, operate appliances from a smartphone, keep roads safe and traffic information current, and perform sophisticated medical diagnostics, to name just a few examples. Even though these technologies collect and share vast amounts of data, there should be modern and appropriate data protection procedures in place because of this. Encryption, or cryptography, is used to protect information transmitted over the Internet by transforming data into an encrypted form, from which the original information can only be decrypted using a key. As a result of this trust, manufacturers will benefit from the development and deployment of such systems.

Cloud computing is another emerging development that requires data and privacy analysis. In its definition, IBM describes cloud computing as "the provisioning of on-demand computing resources — from apps to data centers across the internet". Using the cloud has several advantages, including space savings and the flexibility to access data from any device, rather than keeping it on a physical device. Businesses and individuals are thus shifting part of their information to the cloud. Due to security concerns, sensitive information and mission-critical applications and systems are frequently maintained on-premises, limiting the expansion of the cloud computing industry.

5. Critical Observation

The main challenges of making cloud computing secure, are elucidated by Chen *et. al.*[13]. In order to keep the cloud's functionality intact while securing the user's sensitive data, it is necessary to utilize mechanisms that select which information may be released and to whom it can be exposed.

This is especially true when sharing data between multiple users at the same time. If you're using a computer network, you may run into issues with information transmission security. The integrity of the information is maintained; however, the secrecy of the information is compromised. The original message is altered or replaced entirely by another and forwarded to the intended recipient, authorship substitution, interruption of the message by its removal.

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[13] Deyan Chen & Hong Zhao, 'Data Security and Privacy Protection Issues in Cloud Computing' (2012) 1 International Conference on Computer Science and Electronics Engineering 647-651

It's important to note that these issues might have catastrophic implications. An e-mail can be sent on behalf of another individual, or a web server can appear to be an e-commerce site and receive credit card information while not really shipping any products to customers. Because of this, it can be argued that "security" in the context of data protection refers to a combination of the following issues:

- Authentication
- Integrity
- Secrecy

6.   Conclusion

The goal of this article is to identify legal difficulties and concerns relating to human rights in light of technological progress. Many issues were discovered after analyzing the link between these two fields of study A few of these difficulties are: mass media's ability to sway people's perceptions; internet users' struggles with identity and other psychological issues; the dangers of unfiltered information available on the internet; and the dangers an unchecked media poses to society.

Quick turnover of social structures and a high pace of knowledge renewal, as a danger to internet freedom, human genetic engineering poses grave risks and threatens to trigger a human rights catastrophe. It wasn't just about the security of personal information that was discussed. Even if technology has facilitated economic progress, improved commercial and personal communication, and promoted globalization, it is critical to assess the risks of this idea in light of human rights concerns.