

Homo Digitalis in the EU and in Hungary

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ABSTRACT

Digitization has such a complex impact on public and private life, fundamental rights, competitiveness and public services, of which the article only examines the implementation of the EU digital transformation in Hungary. In the context of digitalisation, a significant issue is that the criteria for technical-technological standardization and legislation following the principle of democratic constitutionality differ, so Homo Digitalis is born in the midst of these contradictions. Increasing economic and social competitiveness, strengthening the well-being and legal protection of citizens in the implementation of the decades-long Digital Citizenship programs are linked in the EU strategy documents, while creation of the digital world in Hungary differs to some extent: the provisions on digitization are set out in 996 legal sources in force (November 2023) but the development of the emerging institutional, service and public funding system is incoherent, it does not adapt to the real social needs, digital literacy of citizens and digital penetration. Based on government strategies, Digital Hungarians want the e-Administration, e-Payment system and e-Identification available on their mobile phone from comfort, as they are roaming in social media according to surveys. But in the background, the Hungarian path of digital transformation differs from the principles of EU Digital Citizenship, and the new Act on digital services, adopted in December 2023 without public debate, provides the fullest possible state control on citizens, serves to collect and sell their data, in addition to selectively strengthening the ICT corporate world in the country.

Keywords: digital citizenship, digitalization in legislation, Hungary, digital transformation, European Union

I. INTRODUCTION

As we move into the digital age and more and more live in the context of digital environment, many different aspects of life need to be re-regulated, both internationally and nationally. Many scholars, including the authors of this paper, have been exploring the relationship between digitisation and the public sphere for years with representatives from different disciplines. Thus the researchers at the University of Szeged have been investigating the interactions between digitalisation and the public sphere for several years,¹ involving lawyers, political scientists, historians and communication researchers. It became clear to us quite early on that we did not want to develop a comprehensive definition of either digitalisation or the digital society, but perhaps as an indirect result of empirical research, we could provide a definition of sorts by negation. Our ambition is rather to describe some of the characteristics of *Homo Digitalis*, not in psychological terms, but on the basis of its socialisation, mainly on the basis of what has happened in Hungary. Why? Because our hypothesis is that the digital universe wants to fulfil individual needs and desires in a way that dehumanises and depersonalizes. Since many other contradictions are present in this universe, national/regional/supranational and global norms and values coexist, we will only examine the following in this paper:

- (a) what the relevance of *Homo Digitalis* is as created in the digital realm;
- (b) in contemporary Hungarian law, what kind of person is the digital Hungarian;
- (c) what idea of Digital Citizenship has been formed by the European Union documents, and
- (d) how Digital Citizenship is reinterpreted by power and legislative technicians in Hungary.

These are seemingly different questions, yet the conclusions can provide inspiration for further research.

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II. THE FABRICATION OF HOMO DIGITALIS

Three groups of people can be distinguished according to Kristóf Nyíri.² The first group includes those who *do not use the internet at all* (almost 1 million people in Hungary), the second group *communicates its own thoughts, when they reach a certain level of maturity*, to other isolated individuals who also have thoughts. The mature, thinking individual spends a certain period of time in the solitude of his books and thoughts, and then communicates out of it. They live off-line but occasionally go online. Finally, the third group, mainly the younger generation, has technical and financial *access to the web and lives on-line*, reading e-mails as soon as they enter their system, and is in fact in a state of continuous communication (the ‘webbed individual’), which means a completely different structure of thought, based on socialisation. The networked individual can get by on the Internet because he has learnt it, because he has grown up with it, because he feels at home on it.

David Riesman understood the categories of ‘tradition-directed’, ‘inner-directed’ and ‘other-directed’ not as personality traits, but as the impact of the dominant culture on society and the individual.³ The tradition-directed individual grows up in the oral society, the society of the printed book produces the typical inner-directed individual. Born in the age of mass communication, the individual is the externally directed type, with his or her contemporaries as the source of direction. Whether those he knows or those with whom he has only indirect contact, through friends or the mass media. This source is embedded in the individual’s personality so that he relies on them for guidance, his tendency to follow closely the cues he receives from others is unchanged throughout life. This way of relating to others produces strict behavioural conformity, but not through the pressure of prescribed rules of behaviour, as in the tradition-driven character, but rather through extreme sensitivity to the wishes and actions of others.

The meeting of these three types results in a ‘cultural clash’, for example because the dominant teacher population in secondary schools and higher education today has been socialised in the Gutenberg world in a typically abstract, reflective direction. This type of teacher now encounters a population that feels comfortable in a different culture. But there has been no breakthrough in schools, especially at the stage of content development. Only few schools have integrated computers or e-mail into normal curricular practice. The majority of teachers and the wider society do not use, cannot use or do not

² ‘Homo Digitalis – a 21. század embere. Nyíri Kristóffal beszélget Kőrösné Mikis Márta’ (1999) 7-8 Új Pedagógia Szemle <<https://ofi.oh.gov.hu/tudastar/homo-digitalis-21-szazad>> accessed 29 April 2024 190.

³ David Riesman, *The Lonely Crowd. A Study of the Changing American Character* (Yale University Press 1963).

want to use the new technology and methods, and in ten to twenty years' time Internet use will be part of everyday life. The current situation is partly due to a lack of technical connectivity and partly to high tariffs⁴. In OECD countries, a representative 2018 survey⁵ found that 53 percent of teachers regularly use ICT tools in the teaching-learning process, compared to 39 percent in Europe. The survey indicated that 51 percent of teachers in Hungary had received some training in the use of digital tools for teaching, compared to 56 percent in the OECD. What was missing from the training was a more significant provision of the resources needed to develop the digital infrastructure, digital responsibility, ethics and motivation for pedagogy. But Covid-19 brought changes also in the use of digital tools in this area.⁶

It's a big turnaround that the internet has brought the world of work and the world of learning into the same place. When children play and roam on the Internet, they are in the same environment as adults working, doing business, shopping. Therefore, the boundaries between child/young person/adult are blurred, and although the institution of the separated school system will remain for some time, it will play a very different role in a world where the Internet provides an organic learning environment. The task of the separated school will be to keep alive and transmit the best cognitive traditions of book culture in a world where the dominant medium of communication is the Internet, which will work against book culture, and will have a very different relationship to the whole world of learning. Clearly, in the twilight years of authoritarian pedagogy, children who are able to navigate freely on the Internet and achieve effective results can outperform their teachers from a very young age. Those who know more, who set an example with their own cognitive success, can influence others—regardless of age. In short, “creative and innovative pedagogical work, as well as conscious technical and education planning of, are indispensable to the development of ICT infrastructure.”⁷

The documents on the screen are simultaneous, always in the present, i.e. the digital world is a document of the moment, it does not carry its age, i.e. it has no temporal context. Nor does it have a spatial context, it is not possible, for example, to recall visually, as in the case of printed books, the evidence seen, say, at the “top of the page”. In other words, it is knowledge segmented in time, space and content that one can assemble in the digital world. The problem of how to counteract knowledge fragmentation is a pedagogical, psychological

⁴ (n 2) 193.

⁵ OECD, *TALIS II Results of 2018* (OECD 2018) vol 2.

⁶ Gabriella Kállai, 'IKT-eszközök az oktatásban' in Enikő Pásztor and László Varga (eds), *Neveléstudományi kaleidoszkóp*. (Soproni Egyetem Kiadó 2023) 75-83.

⁷ Kállai (n 6) 81.

and epistemological one. Thinking, deeply internalised in book culture, sees big connections, strives for coherence, is able to form and follow longer linear lines of thought, to compare texts, to detect contradictions or coherence between them, to draw logical conclusions, to think in context. In the digital medium, on the screen, the organisation of thought is completely different, because long, linear lines of thought cannot be communicated, and anyone who tries to do so will not find a reader, even in scientific communications, which have to be organised in units per screen. In fact, from early childhood to adulthood, from kindergarten to postgraduate education, well-designed empirical studies should observe how the absence or presence of printed text leads to changes in learning and thinking performance.⁸ We must seek the pedagogical environment that produces the most creative, innovative, politically and scientifically successful individuals in science and technology. Kristóf Nyíri's hypothesis is that this ideal environment will be *two-dimensional*: a *dual citizen* of the Gutenberg world and the McLuhan world⁹ will make up the best performing elite of the future. Of course, an intelligent university system would also have a role to play in the creation of an intelligent educator society. For the moment, these trends do not seem to be adequately reflected in higher education, either intellectually or technically. The main reason behind the decline in socially engaged activities is the fall in the average time spent on gainful productive work. The average time spent on learning and training has increased among people in their twenties, thanks to the expansion of higher education and the resulting expansion of the extension economy, but people in this age group continue to spend most of their free time in front of a screen. In the 15-19 age group, 40 percent of leisure time was spent on this activity, and 50 percent in the 20-29 age group.¹⁰ If teachers and trainers also have more free time, more time for self-learning, and good technical facilities and access, we can assume that their interest will be awakened, and their self-learning will become more intense. Although it is not possible to talk about a knowledge-based society and keep those who base knowledge in poverty at the same time—so without money, it is not possible.

A further element of the analysis is the regulatory environment and the role of the state in which the three types of people live.

News arrives fast, even from the other side of the world, and the technology behind it is not visible, nor is the Digital Society that is emerging with digital

⁸ (n 2) 195.

⁹ Marshall McLuhan, *The Gutenberg Galaxy: The Making of Typographic Man* (Toronto University Press 1962) is a pioneering study in the fields of oral culture, print culture, cultural studies, and media ecology. McLuhan makes efforts to reveal how communication technology affects cognitive organization, which in turn has profound ramifications for social organization.

¹⁰ Zoltán Bittner, *A 15-29 éves korosztály tevékenység szerkezete az időmérleg-vizsgálatok tükrében* (Pécsi Tudományegyetem Közgazdaságtudományi Kar 2013) 51.

devices, creating a new type of human network with different regulatory needs. From this perspective, digitalisation will have an impact on the legal system and legal thinking, not just on human relations.¹¹ Is it possible to have an effective regulatory impact on the digital universe through the tools of law without transforming them? Yes, if legal solutions that focus on the regulation of human behaviour cannot be applied to the digital world, because certain parts of the digital space are inaccessible, non-transparent and operate with legal instruments that are not created by democratic consensus. In contrast to the process management used in bureaucratic legislation, greater flexibility is needed, dynamic and managerial regulatory practices are required, technical standardisation, network dynamics. An example of this is the attempt to regulate Artificial Intelligence (AI).¹² A closer look reveals that the proposed legislation is twofold. One part is an evolution of existing legislation (consumer protection in the online space, product liability, reform of existing regulations in transport and other named areas). The other part is entirely new (rules on the incorporation of AI into products, software upgrades, machine learning, chain of liability, risk bearing from network interconnectivity). It follows that AI requires a renewal of the legal profession, an integrated, multi-disciplinary legal society. We cannot leave the responsibility for the operation of AI to researchers and engineers, but neither can we allow discrimination to increase because of AI applications. In other words, the very essence of purely technological regulation, the enforcement of behaviour by code and algorithms, will create systemic problems of coupling between traditional law and digital society.

A research difficulty is that there is a conflict between public and private interests: because people expect the state to actively protect them in cases of infringements between the public and the service provider, i.e. private parties, and the rule of law requires that the algorithms that facilitate the operation of platforms, for example, should be made accessible and controlled by those whose rights and obligations are affected.¹³ The State is itself a public service provider (either through its own organisation or by contracting a private company) and must therefore play the role of both regulator and service provider, i.e. public and private. However, the regulatory role (what is lawful and what is not, which should be sanctioned) cannot be privatised and transferred to market players. In this dual role, the state therefore needs flexible, open regulation to adapt to innovation but effectively protecting intellectual property rights and consumers

¹¹ Tamás Gyekiczky, *A digitális társadalom és a jogrendszerek kapcsolata* (Wolters Kluwer 2020).

¹² Tamás Gyekiczky, 'System Error? A jog rendszere és a Digitális Társadalom' Szabad Piac (2021) 52.

¹³ Attila Menyhárt, 'Az információs technológiai fejlődés hatása az állam szerepvállalásaira' in Bernát Török and Zsolt Zódi (eds), *A mesterséges intelligencia szabályozási kihívásai* (Ludovika Egyetemi Kiadó 2021).

from risks, while preserving freedom. This conflict of roles and interests is difficult to resolve in the field of digitalisation.

A further role conflict is that, in addition to compensation and sanctioning of infringements, prevention (e.g. filtering out harmful online content) entails restrictions on freedom, and the ex-post assessment of liability/compensation for these. In other words, the state has few real preventive regulatory instruments against online service providers, the content can in fact be controlled by the online service provider, which thus becomes an agent of the state, since the situation of the principal is dependent on the decisions of the agent. This means that the conflict of interests will be dominated by the interests of the agent rather than the consumer's legal protection, because the technologically rational solution will overshadow it. These asymmetries should be eliminated by legislation.

Algorithms should be optimised based on the interests of the online (market) service provider, thus almost eliminating discretion/evaluation in individual cases, the state essentially relinquishes direct control of social behaviour, leaving it to the online service provider, but expecting it to exercise this control. The state can only hold the online service provider to some extent accountable ex post. This leads to the privatisation of justice, and the transmission of legal policy and social values is replaced by the minimisation of risks for online service providers. This is how the responsibility for protecting private autonomy is transferred to online companies and service providers.

In the digital universe emerging from legislation, new actors, new public service methods, new languages are emerging, from digital public administration to health and education. As a kind of digital decade has begun in the European Union, this is facilitating the development of supranational regulation with the growth of international data/information flows and digitalisation, reinforcing the networking of law. However, traditional principles of law (e.g. human rights, equal treatment, respect for fair trial) and the functioning of the digital world cannot be reconciled by applying traditional legislative methods and principles (e.g. legislation should be democratic, transparent, fair, understandable), and technical regulation and standardisation can only partially meet the dual requirement. Should the regulatory concept of law be redefined, because it does not only regulate human behaviour, or should the scope of law be narrowed if it cannot embrace digitalisation? This is likely to lead to a hybridisation of the legal profession as well, because technical professionals will not be concerned with legal regulation, technological regulation will be the code/algorithm that will ultimately enforce behaviour in the digital/information society. In other words, it is clear that linking legal and digitisation systems can lead to systemic problems, given the different characteristics of the two systems.

And it is in this double squeeze, in this friction, that *Homo Digitalis* is born, who will soon be no longer at home in the Gutenberg galaxy, nor in the digital humanism with core principles¹⁴ that once sought to create a democratic, egalitarian and free normative system.

III. DIGITALISATION IN THE VISION OF EU

The EU has no specific regulatory powers on ICT in the founding treaties but can take appropriate measures for specific horizontal and sectoral policies (e.g. industrial policy, space, trans-European networks).¹⁵ The *Digital Agenda for Europe*, adopted in 2010, was the basis for creating a Digital Single Market through the coordinated development of elements of services and networks but it identifies 13 key performance targets.¹⁶ This has led to dozens of directives and programmes, but the European Parliament is also pushing for a comprehensive ICT strategy, facilitating legislation through various background studies, reports and parliamentary committee papers, in particular in the areas of data protection and the functioning of the internal market.

Notably, the eIDAS Regulation, adopted in 2014, creates a framework for digital identity and authentication, providing a clear legal framework for citizens, businesses, and public administrations.¹⁷ The eIDAS regulation was an important event in a series of EU regulations designed to help digitisation develop. Its main objective was to build trust and confidence in cross-border electronic transactions while improving the efficiency of online services and e-commerce platforms. This regulation is specifically targeted at providers of electronic identification (eID) and trust services and aims to remove existing barriers to the

¹⁴ Digital technologies should be designed to promote democracy, inclusion, privacy and freedom of speech, free expression of opinion, the dissemination of information, effective regulation, fairness and equality, accountability, and transparency of software programs and algorithms; governments should not leave all decisions to markets, rights and decisions must continue to be made by responsible humans; scientific approaches in a complex collaboration with technological disciplines in academic freedom; practitioners everywhere ought to acknowledge their shared responsibility for the impact of information technologies; vision is needed for new educational curricula, combining knowledge from the humanities in the age of automated decision making and AI, students should learn to combine information-technology skills with awareness of the ethical and societal issues at stake. 'Manifesto on Digital Humanism' (Vienna 2019) <<https://dighum.ec.tuwien.ac.at/wp-content/uploads/2019/05/manifesto.pdf>> accessed 6 May 2024.

¹⁵ See, Consolidated Version of the Treaty on the Functioning of the European Union [2012] OJ C326/47 Art. 28-30; 34-35; 45-66; 101-109; 114; 165-167; 173; 206-207; 179-190.

¹⁶ Commission, 'A Digital Agenda for Europe Brussels' (Communication) COM (2010) 245 final.

¹⁷ Regulation (EU) No 910/2014 of the European Parliament and of the Council of 23 July 2014 on electronic identification and trust services for electronic transactions in the internal market and repealing Directive 1999/93/EC [2014] OJ L257/73 (Regulation (EU) No 910/2014).

seamless use of trust services and eIDs across EU Member States. One of the key aspects of the eIDAS Regulation was the establishment of mutual recognition of eIDs issued by EU countries, provided that they meet the specified legal criteria and have been duly notified to the Commission. This recognition enables secure electronic transactions by ensuring that an eID issued in one Member State is valid and recognised in all other Member States. In particular, mutual recognition will be mandatory for eIDs that meet certain security levels, thus facilitating cross-border interactions and increasing trust in online services. The eIDAS Regulation provides for the interoperability of national eID schemes between EU Member States. This requires the development of a technology-neutral framework that does not favour any particular technical solution for the implementation of eIDs. The European Commission has adopted a number of measures defining procedural arrangements, technical specifications and operational requirements for electronic identification and trust services in line with the eIDAS Regulation. These measures include the specifications for the EU trust mark, the technical requirements for the assurance levels of eID means, the formats for trusted lists and the procedures for the notification of eID schemes. Such comprehensive guidelines are instrumental in promoting harmonisation and interoperability between the different national eID systems within the EU. In July 2020, the Commission opened a consultation to collect feedback on drivers and barriers to the development and uptake of eID trust services in the EU. The various stakeholders expressed support for measures to improve the effectiveness, accessibility and trustworthiness of digital identities across Europe. Following the consultation, the Commission proposed in 2021 a new Regulation establishing a framework for a European Digital Identity and amending the eIDAS Regulation. (EUDI regulation)¹⁸ In March 2021, the Commission proposed a way forward for the Digital Decade. This policy programme is guided by the Digital Compass 2030—a plan to achieve the digital transformation of the EU economy and society.¹⁹

The Digital Transformation has produced an untold number of documents, such as the Digital Europe Programme, plans to reinforce Europe's preparedness and resilience against cyber attacks by creating a Cybersecurity competence centre and network, the adoption of the Data Governance Act (DGA) or MEPs call for significant investments to close the digital skills gap in European population.²⁰

¹⁸ 'European Digital Identity (EUDI) Regulation' (*European Commission*, 30 April 2024) <<https://digital-strategy.ec.europa.eu/en/policies/eudi-regulation>> accessed 6 May 2024.

¹⁹ Decision (EU) 2022/2481 of the European Parliament and of the Council of 14 December 2022 establishing the Digital Decade Policy Programme 2030 (Text with EEA relevance) [2022] OJ L 323/4.

²⁰ 'Digital Transformation' (*News of European Parliament*, 2 May 2022) <<https://www.europarl.europa.eu/news/hu/press-room/20220502BKG28407/conference-on-the-future-of-europe-key-proposals-and-related-work-by-parliament/5/digital-transformation>> accessed 6 May 2024.

But unless efforts are stepped up, the goals of the *Digital Decade* announced for 2021 are at risk.

The goals include broadband everywhere in Europe, 80% of basic digital skills, and the basic digital intensity of 90% of European SMEs. In July 2022, the European Commission published Digital Ecosystem Skills Partnerships as part of the EU's digital literacy goals for the digital decade, thus increasing the skills and retraining of workers in many digital sectors. But in 2022, there was an urgent need to significantly accelerate digital development to meet the EU's goals for the digital decade.²¹ The problems are many: the differences between Member States in this area are very large, the progress of digital skills and infrastructure, and the number of IT professionals is far from sufficient to reach the 2030 target; the proportion of households covered by very high capacity networks (VHCN) is still 59% in 2021, but at high cost, in particular the extension of coverage in rural and remote areas, as well as, that 80% of the EU population has the basic digital skills that currently only 59% of adults have. And then we did not even say that the EU institutions were not sufficiently prepared for the growing number of cyber attacks, according to the European Court of Auditors' report. Another concern is that it is not possible to talk about digital transformation without digital inclusion, bridging the gap between rural and urban areas, is one of the most important aspects of digital inclusion.²² In 2022, Europeans accounted for only 37% will have access to high-speed internet. Digitization is more concentrated in urban centres, where a highly skilled workforce is located, to the detriment of more remote areas. According to a 2019 G20 policy report, this will exacerbate global inequality while limiting social cohesion. The OECD has consistently warned of the risk of digital clusters, arguing that the concentration of innovation activities in some companies can reduce market competition and increase welfare inequalities. This is because digitalisation is not just about profitability, but it can increase equal opportunities in the EU if technologies are used intelligently to improve the quality of life of all citizens. The EU *Digital Education Action Plan*²³ is useful for this if digital skills are adapted to life, because work or school-related training is limited to formal education. (96 percent of young Europeans aged 16-29 years use the internet daily, including social media and networks most of the time. But more than a fifth do not have even basic

²¹ Molly Killeen, 'Report: Digital Decade targets in jeopardy without scale-up of efforts' (*Euractive*, 30 March 2022) <<https://www.euractiv.com/section/digital/news/report-digital-decade-targets-in-jeopardy-without-scale-up-of-efforts/>> accessed 6 May 2024.

²² Theó Bourgerie-Gonse, 'No digital transformation without digital inclusion, MEP Says' (*Euractive*, 17 October 2022) <<https://www.euractiv.com/section/digital-inclusion/news/no-digital-transformation-without-digital-inclusion-mep-says/>> accessed 6 May 2024.

²³ EU Digital Citizenship Working Group: A multidisciplinary working group composed by EU Civil Society Organisations, Academics and think tank has been launched in January 2021 aiming to contribute to the debate around digital citizenship in the EU.

digital skills. It's no coincidence that the European Commission has set itself the goal of reducing this deficit, not just developing digital infrastructure, through its Digital Action Plan 2021-2027,²⁴ which builds on the 2018-2020 plan). Being digitally competent is more than being able to use the latest smart phone or computer software—it is about being able to use such digital technologies in a critical, collaborative and creative way. The European Digital Competence Framework for Citizens identifies 21 competences in five key areas, describing what it means to be digitally savvy. People need to have competences in each of these areas in order to achieve goals related to work, employability, learning, leisure and participation in society.²⁵

It is also worth mentioning the digitisation of justice systems, which is one of the main objectives of the European Union. In 2018 the European Commission presented a package of a Communication on the Digitisation of Justice, a proposal for a Regulation on the mapping of the state of digitisation and a proposal for a Regulation on a computerised system for cross-border communications in civil and criminal matters.²⁶ The COVID-19 pandemic has been a catalyst for accelerating the digitisation of justice and, as a result, the EU has stepped up its efforts by proposing a toolbox to support the use of digital tools by Member States. In line with the principles of subsidiarity and proportionality, this toolkit focused on the following areas: making digital the default option in cross-border judicial cooperation; combating cross-border crime; and improving access to information and IT tools for cross-border cooperation. The European Union intended to implement the programme gradually as part of the new impetus for European democracy and in line with the political priority of a Europe fit for the digital age. The European Union's efforts in the 2020s are reflected in the proposals to bring cooperation between Member States up to 21st century standards.²⁷ On

²⁴ See, 'European Education Area' <<https://education.ec.europa.eu/hu/focus-topics/digital-education/action-plan>> accessed 6 May 2024.

²⁵ The European Digital Competence Framework for Citizens. Publications Office of the European Union, Luxembourg, 2016. It was developed by the EU's Joint Research Centre on behalf of the Directorate-General for Employment, Social Affairs and Inclusion. This framework and related assessment tools are being used across Europe to help jobseekers identify and describe the digital skills they have acquired, support employment services to match skills with job vacancies, reform educational curricula, improve learning outcomes and support educators. <<https://ec.europa.eu/social/BlobServlet?docId=15688&langId=en>> accessed 6 May 2024.

²⁶ Commission, 'Proposal for a Regulation of the European Parliament and of the Council on a computerised system for communication in cross-border civil and criminal proceedings (e-CODEX system), and amending Regulation (EU) 2018/1726 COM (2020) 712 final.

²⁷ Commission, 'Digitalisation of justice in the European Union a toolbox of opportunities' (Communication) COM (2020) 710 final; Commission, 'Digitalisation of justice in the European Union a toolbox of opportunities' (Staff Working Document) SWD (2020) 540 final; Commission, 'Proposal for a Regulation of the European Parliament and of the Council on a computerised system for communication in cross-border civil and criminal proceedings

8-9 December 2021, recognising the potential of digital technologies to improve access to justice and the efficiency of judicial systems, the European Commission for the Efficiency of Justice (CEPEJ)²⁸ adopted an Action Plan on digitisation for better justice. The four-year plan aimed to reconcile the effectiveness of new technologies with respect for fundamental rights (in particular Article 6 ECHR)²⁹ to guide states and courts towards a successful transition to the digitalisation of justice. However, it should be noted that EU legislation, although quite dynamic, is a slower process when it comes to implementation, which is the responsibility of Member States. Despite all the efforts made, the European Union is currently still a place where judicial procedures, especially in cross-border relations, are mostly carried out in the traditional way.³⁰ The new rules,³¹ came into force on 16 January 2024 on the digitisation of justice will hopefully change this situation and significantly improve the efficiency of judicial cooperation and access to justice for citizens and businesses, as well as the quality and transparency of justice. The new Regulation will allow citizens and businesses to make requests or communicate with judicial authorities in cross-border situations. The European electronic access point, an interface for bringing small claims against a defendant in another Member State, will be set up on the European e-Justice portal. This will make it easier for consumers to obtain redress. In addition, the Regulation will allow parties to a civil or criminal case to participate in a court hearing by videoconference; citizens and businesses will also be able to pay court fees electronically. The European Commission and Member States will start implementing the regulation in 2024. It's hoped that this process will be faster than the implementation processes of the past and will bring the EU up to the standards of the 21st century.

In recent years, the courts have also been confronted with cases relating to digital transformation. At the European level in particular, the Court of Justice of the European Union (ECJ) and the European Court of Human Rights (ECtHR)

(e-CODEX system), and amending Regulation (EU) 2018/1726 COM (2020) 712 final.

²⁸ See, 'Council of Europe European Commission for the efficiency of justice (CEPEJ)' <<https://www.coe.int/en/web/cepej>> accessed 6 May 2024.

²⁹ 'Guide on Article 6 of the European Convention on Human Rights, Right to a fair trial' (*Council of Europe*, 2022) <http://www.echr.coe.int/documents/d/echr/guide_Art_6_eng> accessed 6 May 2024.

³⁰ The European Parliament is playing an active role in this process in its capacity as co-legislator. See: Commission, 'Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EU) No 910/2014 as regards establishing a framework for a European Digital Identity COM (2021) 281 final.

³¹ Regulation (EU) 2023/2844 of the European Parliament and of the Council of 13 December 2023 on the digitalisation of judicial cooperation and access to justice in cross-border civil, commercial and criminal matters, and amending certain acts in the field of judicial cooperation. [2023] OJ L2023/2844.

have ruled on several cases with a digital component.³² The decisions of the ECJ on this issue, should be the subject of a separate study, as the ECJ closely follows the decisions of the ECtHR and in many cases relies on them.³³ Space does not permit an in-depth examination of this issue, but it is worth mentioning that the ECJ has addressed digitisation issues in several cases, including copyright jurisprudence,³⁴ case law on conflicts between privacy, data protection and freedom of expression,³⁵ jurisprudence on online publication requirements,³⁶ and jurisprudence on interception of online communications.³⁷ As in so many other areas, the ECJ's jurisprudence is increasingly focused on examining EU regulation in response to the challenges of the digital age, in particular how the European Union can ensure full protection of fundamental rights in the face of the challenges of digitalisation.

In summary, digitalisation is not only about markets, competitiveness and consumers, but also about social cohesion, democratisation and culture. As the Digitisation Handbook succinctly sums up for citizens in a triple slogan: Be online, Prosper online and Have rights online.³⁸ And anxious voices are calling for decisive action for a stronger (and) digital Europe to preserve European values and prosperity.³⁹ The EU's policy agenda for the *Digital Decade 2030* sets out a roadmap, milestones and a follow-up timetable for implementation, precisely so that we can enjoy the freedom to travel, work, study, live and do business in EU Member States. However, it also warns that “digital transformation can only be successful if it goes hand in hand with improvements in democracy, good

³² See more: Stijn van Deursen and Thom Snijders, ‘The Court of Justice at the Crossroads: Clarifying the Role for Fundamental Rights in the EU Copyright Framework’ (2018) 49 *International Review of Intellectual Property and Competition Law* 1080; Tito Rendas, ‘Fundamental Rights in EU Copyright Law: An Overview’, in Eleonora Rosati (ed), *Routledge Handbook of EU Copyright Law* (Routledge 2021); Evangelia Psychogiopoulou, ‘Judicial Dialogue and Digitalization: CJEU Engagement with ECtHR Case Law and Fundamental Rights Standards in the EU’ (2022) 13 *JIPITEC*.

³³ Although Article 6(2) of the Treaty on European Union (TEU) requires the EU to accede to the ECHR, the EU has not yet done so. In this context, the Bosphorus Doctrine developed by the ECtHR also deserves special attention. *Bosphorus v Ireland* App no 45036/98 (ECtHR, 30 June 2005).

³⁴ Case C-469/17 *Funko Medien NRW v Bundesrepublik Deutschland* [2019] ECLI:EU:C:2019:623; Case C-516/17 *Spiegel Online v. Volker Beck* [2019] ECLI:EU:C:2019:625; Case C-476/17 *Pelham and others* [2019] ECLI:EU:C:2019:624.

³⁵ Case C-307/22 *FT v DW* [2023] ECLI:EU:C:2023:315, Opinion of AG Emiliou.

³⁶ Case C-78/18 *Commission v Hungary* [2020] ECLI:EU:C:2020:476.

³⁷ Case C-140/20 *G.D. v Commission of An Garda Síochána* [2022] ECLI:EU:C:2022:528.

³⁸ Janice Richardson and Elizabeth Milovidov, *Digital Citizenship Educational Handbook* (Council of Europe 2019) 144.

³⁹ ‘A Stronger Digital Europe. Our Call to Action towards 2025’ (*Digitaleurope*, 2019) <<https://www.digitaleurope.org/policies/strongerdigitaleurope/>> accessed 6 May 2024.

governance, social inclusion and better public services.”⁴⁰

IV. DIGITAL HUNGARIANS IN THE LAW

Long ahead of the European average, more than three-quarters of Hungarian consumers use Facebook every day, by far this is the most popular community platform among adult Internet users, according to a 2023 study by GWI and Publicis Groupe Hungary.⁴¹ The proportion of mobile internet users has already preceded those of computer users, podcasts and streaming platforms are emerging, and TV has remained a key tool, especially in media consumption for older generations. Compared to the world average, social media channels are 20 percent more used to communicate with friends and family, and Hungarians also look at commercial offers on them. The world’s largest research on digital consumers has been conducted in 52 countries, interviewing more than 2.7 billion Internet users, covering e-commerce, what consumers primarily look at when making a purchase, and what media types they are mainly informed about. Older people watch TV, young people use social media, so it is a clear pastime with a rate above 80% of daily internet use (nearly two-thirds of the total population is social media, nearly 40 percent are reading online news portals, 37% spend their internet time on music streaming and 35% on video streaming, complete with podcast listening). Recommendations between friends and personal acquaintances have the greatest impact on what brands and products they hear about and how they judge these, (35% discover new brands or products, especially those living in suburban areas, among high-income and baby boomers, but Generation Z’s ad blocking use also leads the ranking worldwide, with nearly half of young people filtering ads that are considered unsolicited on the net. Thus, administrative or administrative administration and browsing of state and public service websites are marginal in the data.

It seems as if the robust expansion of government digitization in public administration and the judiciary does not meet the needs of the population. Therefore, there was no echo of the postponement of the introduction of a nationally unified e-Administration system on the last day of August 2023.⁴² The government admitted that it could not write a generally applicable administrative program, and the outdated tax authority document filling program remained.⁴³

⁴⁰ Decision (EU) 2022/2481 of the European Parliament and the Council of 14 December 2022 establishing the Digital Decade Policy Programme 2030 [2022] OJ L 323/4.

⁴¹ ‘A TV még tartja a versenyt a közösségi médiával’ (*HVG*, June 21 2023) <https://hvg.hu/pr_cikkek/20230621_A_tv_meg_tartja_a_versenyt_a_kozossegi_mediaval> accessed 6 May 2024.

⁴² Government Decrees No.420 of 31 August 2023 and No. 451 of 19 December 2016.

⁴³ ‘Sandor Esik’ <<https://substack.com/@sandoresik>> accessed 1 September 2023.

To what extent does domestic legislation serve the needs of the population, consumers and customers—adapted to the level of digital penetration and knowledge, also due to traditional personal administration? How does it follow the principles of the EU digital transformation? The research therefore reviewed the legislation at the national level in search of the provisions on digitization.

By the November 2023, a minimum of 996 pieces of legislation and public policy documents in force (e.g. government programme decisions, national strategies, regulations on the internal division of labour in public administrations, i.e. internal standards that are not generally binding but only apply to employees in certain organisations) include digitalisation in some form of expression or word combination. Of these, there are *at least 200 statutory laws, 185 government decrees and 190 government resolutions on digitalisation issues somehow*. This is a considerable number of standards and does not include those that have been repealed in the meantime, nor those of passed by local municipals and the European Union. These thousand items of law is comparable to the production of national lawmaking, which is passed and published 10,000-90,000 pages of new legal sources a year (in the Hungarian official periodical of ‘Magyar Közlöny’).

What is it like to be a man of the digital universe? A *Digital Hungarian* is a being who enjoys doing business, who finds it an experience, and who wants to access and participate in the digital world so as not to miss out on the benefits of digital developments. Although there are digitally illiterate, low-competent, mobile-device-owning, vulnerable, segregated, smart-device-less, net-connected and even electricity-less residents - they still have the *right to e-administration* as a fundamental citizen right under the Act CCXXII of 2015 (that will be replaced in September 2024 by the new Act on Digital Citizenship⁴⁴ with mainly the same technical provisions). Regardless of time and space, without touch, *for convenience*, everyone has accession to business, life events, public services, and has the right to be properly informed about this. Other guarantees for equal chances are missing.

Analysing the provisions of the Hungarian legal framework related to digitalisation, the main issues of regulation in force are the following:

- (a) digital governance (e.g. provisions and strategy on digital threat mitigation, cybersecurity, sovereignty protection of the state and economic resilience);
- (b) digital public services (e.g. information portal to meet the digital information needs of Hungarians living abroad in order to promote Hungarian national

⁴⁴ Article 1: The aim of this Act is to create digital citizenship by establishing a user-friendly basis for the administration and provision of services in the digital space. In order to create simple, convenient and efficient service provision in the digital space, this Act ensures.

values/national heritage, to preserve/protect Hungarian culture, to cultivate the Hungarian language, to facilitate the administration of public affairs in Hungary and to facilitate the participation of Hungarians living abroad in democratic public life);

(c) establishment of various digital/virtual spaces (e.g. entering the digital gateway to the digital branding and advertising spaces, reading the digital billboard advertising or digital media campaign, using the digital work system, i.e. education and training outside the classroom that is organised in a digital work system, or one can move to the Digital Collaboration Space as a module of the learning system, to digital community of Miskolc and its agglomeration, to digital marketplace with digital payment instruments or to the Digital Agricultural Academy);

(d) digitisation of various data and documents (e.g. digitised copy of a paper public document, any mail, parcel or EMS item consisting of written, mapped, drawn, printed or digital information, using the digital Covid certificate);

(e) knowledge is transformed through digitisation (e.g. digital knowledge carriers for the creation of digital content that is related to cultural heritage, so digital cultural heritage through digital data repositories, digital learning materials for teaching theoretical material in closed e-learning, video content management);

(f) digital tools and methods for the transmission of information (e.g. digitisation of broadcasting, interactive digital television services via reverse transmission systems up to digital water meters).

Moreover, Digital Hungarian has a highly developed sense of language and knowledge of digital jargon otherwise he will not be able to cope with the *linguistic monsters* of the digital universe. For example only: direct digital control energy management system with energy saving function (DDC—Direct Digital Control Energy Management System), in relation to networks and interconnections (ISDN—digital network of integrated services—and EDI—electronic data exchange); the single digital radio communication system (EDR) to provide a government-related communication service, or the building information model (BIM)—obviously is clear for a special professional circle. Similarly, work related to the export and development of national/international state digital solutions may be part of the international administrative expert activity for a limited team. The analysis has also shown that in many cases they are not drafted with a commitment to quality legislation, so no regulatory impact assessment has been carried out, and there has been a failure to reduce administrative burdens and to draft clearly. The provisions on digital issues are full of confusing, ambiguous terms that require considerable prior knowledge and concentration on the part of the reader. Not only is the overall quality of legislative work within governance generally poor according to various indicators, but the adaptability of the legal system to digital business models is also weak in Hungary compared to other

OECD countries.⁴⁵

From 2015, the Digital Agenda for Well-being, a digital ecosystem-wide programme to ensure that all citizens and businesses are *digital winners* and avoid a digital divide in society, is a *public policy package for modernisation*.⁴⁶ This basic package was followed by the implementation measures and then the extension of the Digital Agenda and its action planning for 2017-2018. However, the grand vision of modernisation gradually evolved into strategies defining *digital (instrumental) development directions*, such as supports to digital start-ups, export development, child protection, a strategy for the digitisation of public collections, the digital health space or the Digital Education Strategy. The Programme as a series of public policy actions was discontinued at the end of July 2022 and replaced by the National Digital Citizenship Programme (2022-2026), the Public Administration and Public Services Development Strategy (2014-2020), the National Info-communication Strategy (2014-2020), but it is impossible to list them all. In fact, the *European Union's Digital Decade 2030* policy agenda (Digital Agenda) has been the driving force behind the instrumental (sometimes sectoral) documents, which prioritise access to key public services. This is how we arrived at a national strategic roadmap for 2023, with missing budget-calculations and a few days of public consultation.⁴⁷

V. DIGITAL CITIZENSHIP IN HUNGARY

The process of putting Hungarian public administration on an electronic footing and making online administration possible started in 2003.⁴⁸ Since then it has become a gradually expanding body of law, with quite a few contradictions but basically referring back to EU standards in the closure part of national laws.⁴⁹

⁴⁵ Krisztián Kádár, 'A jogalkotás minőségének vizsgálata a nemzetközi 'governance' indikátorrendszerekben' in Miklós Sebők, György Gajduschek and Csaba Molnár (eds.), *A magyar jogalkotás minősége* (Gondolat Kiadó 2020) 93-117; 477; 484 and 493.

⁴⁶ 'Digitális jólét program – Kiemelt publikációk' <<https://digitalisjoletprogram.hu/hu/kiadvanyaink>> accessed 7 May 2024.

⁴⁷ Government Resolution No.1189 of 10 April 2017; No. 1308 of 8 June 2017; No. 1456 of 19 July 2017; No. 1536 of 13 October 2016; Government Decree No. 127 of 8 June 2017; No. 103 of 30 March 2023; No. 104 of 30 March 2023.

⁴⁸ 'Digitális állam: jövő szeptembertől indul az eAlírás és az eAzonosítás' (*Jogászvilág*, 14 December 2023) <<https://jogaszvilag.hu/napi/digitalis-allam-jovo-szeptembertol-indul-az-ealiras-es-az-eazonositas>> accessed 7 May 2024.

⁴⁹ Regulation (EU) No 910/2014; Regulation (EC) No 223/2009 of the European Parliament and of the Council of 11 March 2009 on European statistics and repealing Regulation (EC, Euratom) No 1101/2008 of the European Parliament and of the Council on the transmission of data subject to statistical confidentiality to the Statistical Office of the European Communities, Council Regulation (EC) No 322/97 on Community Statistics, and Council Decision 89/382/ECC, Euratom establishing a Committee on the Statistical Programmes of the European

In 2024, the *Digital Citizenship* programme is launched, and all we see is that 13.9 billion HUF will be dedicated to experiential implementation in 2024 and 8.6 billion HUF per year from 2025.⁵⁰ The implementation of the many strategy documents is being carried out by an untold number of different agencies established by the government, which are being created, merged, subordinated to each other in a bogus. It is worth noting that the Digital Welfare Non-profit Ltd. has been replaced by the Digital Hungary Agency (as closed joint stock company) from 2023, with 12 subordinate Ltds, which is responsible for the programmes. The operative and responsible institutional basis has been yearly changed without transparent personnel and financial review.⁵¹

From September 2024, the *Digital Citizenship* programme will be extended, which will make it possible for everyone to manage their paperwork, ID cards and signatures on their mobile phones. According to Act CIII of 2023 on the digital state and certain rules for the provision of digital services, the Digital Citizenship will be implemented in several steps. Under the legislation, a central mobile application will be created and will be available to anyone, but its use will not be mandatory. Among the first things that will be possible will be birth and car registration, and later on moving, marriage, starting a business and obtaining a moral certificate. The aim is to make all administrative matters digital, so users will be able to prove their identity, settle their payments to the state with the click of a button, receive official letters later on the interface and receive public utility bills in the app. The law will gradually implement the framework application, the digital identity card service, e-Signature and e-Identification, which will be launched from 1 September 2024, the consent-based data service from 1 June 2025, and e-Post, e-Document Management and e-Payment from 1 January 2026.

What is the essence of *Digital Citizenship*? In the digital space, the digital citizen is given an identity and this user profile is used as the primary means of contact with the State. In other words, the number/code becomes the citizen behind which one can decide whether to use the services offered by digital citizenship, i.e. activate or inactivate one's user profile. (In the case of non-activation or inactivation, there is no provision on deleting the ID and linked personal data.) Digital Citizenship is based on the data managed in public registers, and the

Communities (Text with relevance for the EEA and for Switzerland [2009] OJ L087; Regulation (EU) No 2018/1724 of the European Parliament and of the Council of 2 October 2018 establishing a single digital gateway to provide access to information, to procedures and to assistance and problem-solving services and amending Regulation (EU) No 1024/2012 [2018] OJ L295/1.

⁵⁰ Government Resolution No.1344 of 31 July 2023 point 7.

⁵¹ Government Resolution No.1665 of 23 December 2022 and Government Resolution No.1344 of 31 July 2023 point 1.

sub-systems cooperate and automatically provide data to the extent necessary to provide digital services in the framework application. A complete profile of a digital citizen is thus created. (Art.4-5) However, there are doubts about the voluntary nature of digital citizenship, not only in practice but also in regulation. For example, a natural person may be obliged by statutory law to do an electronic transaction, a legal representative of a client may be obliged by any legal provision to communicate electronically, and if a person is required by legal provision to make a declaration, a declaration not made electronically will only be valid by exception. (Art. 19 in the Act CIII of 2023).

The purpose of the law is to “digitalise the relationship between the state and society, creating modern government digital interfaces and services”, according to the preamble, regardless of the fact that it will further deepen digital inequalities in society. The entire programme comes under the responsibility of the head of the Prime Minister’s Office, the minister who also oversees the secret services. While the government says it is all for the *convenience* of citizens, experts warn that the scheme itself is unconstitutional and open to privacy abuses. For example, the Association for Civil Liberties, sees it as a serious threat that the government has given only 3 days for commenting on the 36-page draft legislation, which allows for the interconnection of different databases (e.g. addresses, ID cards, social security numbers), including the transfer of civil data to market service organisations. In other words, the Digital Citizen scheme, launched in 2015, could create an identity profile of citizens by 2026, which could violate privacy rights, make users’ privacy transparent and create an unequal communication situation where the data subject is not aware of what the data processor knows about him/her. The parliamentary opposition also has criticised the fact that the digital citizenship service provider will not only transfer data to public bodies, but also to certain market players, such as banks and insurance companies, on a case-by-case basis⁵². Moreover, the NAIH (the Hungarian data protection authority) was not allowed to comment on the Bill, even though it should have been involved under the GDPR, and the programme without impact assessment has even led to amendment to the Fundamental Law,⁵³ stating that digital administration takes precedence and for digital citizenship the state will provide its citizens with a unique, permanent identifier (contrary to a long-respected ruling by the Constitutional Court).⁵⁴ It is a matter of concern that the Fundamental Law

⁵² Cf. the records of the relevant debate in the Parliament of Hungary (*Országgyűlési Napló*, 23 November 2023) 13528-29;

⁵³ ‘Az e-személyi veszélyei: nyitott könyv lesz az életünk?’ (*HVG*, 14 May 2015) <https://hvg.hu/itthon/20150514_Az_eszemelyi-veszelyei_nyitott_konyv_les> accessed 7 May 2024.

⁵⁴ 12th Amendment of Fundamental Law.

⁵⁵ Constitutional Court Decision No. 15 of 13 April 1991: The exercise of the right of informational self-determination is subject to the condition and the most important guarantee of purpose limitation. This means that personal data may only be processed for a specified and

itself gives the power to create detailed rules at the level of government decrees in this regulatory area for the processing of personal and non-personal data, and that the conditions for data processing will not be regulated by Acts that is required on personal data processing. Of course, it could be a huge business opportunity for the domestic IT sector and software development companies, as there are almost 4,000 different applications used in the public sector alone, all of which will have to be redeveloped to be compatible with the Digital Citizenship Programme (up to 2026).

So *citizens' convenience* takes precedence over legal protection and privacy because digital administration will be essentially mandatory for all, if the whole programme is realized, instead of inconvenient paper-based administration.⁵⁵

The whole programme will be overseen by a newly created body called the *Digital Services Supervisory Authority*, which will be governed by a government decree. However, the law also stipulates that anyone who makes a complaint to the Supervisory Authority will not have the usual rights of a client (e.g. no access to documents or evidence), and there will be no right of appeal against decisions taken in the official procedure. As the results of the system audit will not be known and the operational security of the digitisation of public administrations so far is poor (online administration of tax, vehicle registration, birth registration, etc. is often down for days), citizens' databases are not secure against sale or misuse.⁵⁶ The resulting data assets can be anonymised and legally

legitimate purpose. At all stages of processing, the purpose of the processing must be stated and authenticated. The purpose of the processing must be communicated to the data subject in such a way that he or she can assess the impact of the processing on his or her rights and make an informed choice as to whether to disclose the data; and exercise his or her rights in the event of a use other than for the purpose for which the data are intended. For the same reason, the data subject must also be informed of any change in the purpose of the processing. Without the consent of the data subject, processing for a new purpose is only lawful if it is expressly permitted by law for a specific data and processor. It follows from the purpose limitation that the collection and storage of data without a specific purpose, for 'stockpiling', for an unspecified future use, is unconstitutional. Thus, the Constitutional Court finds that the unrestricted use of a general and uniform personal identification number (ID number) is unconstitutional.

⁵⁵ "The aim is to create a new legal framework for the implementation of the National Digital Citizenship Programme, which will lay down the basic rules for the digitisation of the state, the provision of services and the use of services in the digital space, in order to provide citizens with simple, convenient and efficient online services." Reason for the Act. § 1.

⁵⁶ Just two examples: the new electronic system of birth registration in the country stopped working on its first day of operation. After 5 years of preparation, electronic birth registers replaced the traditional paper-based registers. Instead of four, events are now recorded in a single, personalised digital register. The Central Office for Public Administration and Electronic Public Services has implemented a 920 million forint upgrade with EU funding 'Leállt az anyakövezés' (*Népszava*, 3 July 2014) <https://nepszava.hu/1025943_leallt-az-anyakonyvezes> accessed 7 May 2024; The client gateway system has been shut down. The National Association

sold, and some personal data can currently be purchased from the civil registry.⁵⁷ If digital citizenship becomes operational and more and more services can be accessed through it, a very accurate profile of everyone's identity will be created, and this will have a significant market value.⁵⁸ It is no coincidence that the rules on electronic information security⁵⁹ and the use of national data assets⁶⁰ by public bodies have been comprehensively amended at the same time.

VI. CONCLUSIONS

The research has revealed that digitalization initially started as a *comprehensive social and modernization program*, but has now been transformed into a special, barely traceable range of tasks. Digitization has become an unspecified means of governance and administration, public service and market comfort, without public awareness of its social benefits, preconditions and effects on inequality in Hungary.

Although the Union has announced the Decade of Digitization and the Digital Citizenship Program and set a long time to implement their aims, the *public debate on the essence of regulation and digitization strategy* has not happened in Hungary. This is part of the hasty, power-technical legislation, in which a thorough analysis of the social and economic impact of the digitalisation in almost a thousand domestic laws was also lacking. Therefore, we do not know how the digital transformation

of Hungarian Accountants is protesting because Idomsoft Zrt.—the developer of the client gateway—replaced it so that the new one does not work. The tarhely.gov.hu site, the most important place for communication between the state and businesses, has become so slow that it is unusable. The change was not preceded by any meaningful consultation or testing. 'Kiakadtak a könyvelők – leállt az ügyfélkapu' (*Portfolio*, 28 March 2024) <<https://www.portfolio.hu/gazdasag/20240328/kiakadtak-a-konyvelok-leallt-az-ugyfelkapu-677543>> accessed 7 May 2024.

⁵⁷ Providing data from the register of inhabitants and addresses at the government office. See Act CXIX of 1995 on the Processing of Name and Address Data for Research and Direct Business Purposes and Act LXVI of 1992 on the Register of Personal Data and Addresses of Citizens; the application see in 'Adatszolgáltatás a személyes adat- és lakcímnnyilvántartásból' <https://www.nyilvantarto.hu/hu/adatszolgáltatatas_szemelyi> accessed 7 May 2024.

⁵⁸ Pálma Fazekas, 'Több tízmilliárdos üzlet és tökéletes kampányeszköz – minden adatunk Rogán Antal felügyelete alá kerülhet' (*Szabad Európa*, 7 February 2024); <https://www.szabadeuropa.hu/a/sztoriban_digitalis_allampolgar_naih_rogan_antal_informatika_adatvedelem_kubator/32805942.html> accessed 7 May 2024; Ákos Keller-Alánt, 'Rogán Antal beköltözni a mobilunkba: digitalis Kánaán vagy online rémálom?' (*Szabad Európa*, 6 February 2024) <<https://www.szabadeuropa.hu/a/rogan-antal-kormany-digitalis-allampolgarsag-mobil-megfigyeles/32790080.html>> accessed 7 May 2024.

⁵⁹ Act L of 2013 on the Electronic Information Security of State and Local Government Bodies.

⁶⁰ Act CI of 2023 on the System for the Utilisation of National Data Assets and on Certain Services. Accordingly, National Data Asset: the totality of public data, documents and cultural public data, as well as other personal and protected data held by public authorities, regardless of the form in which they are presented. (Art. 2.24).

affected customers' habits, access to law and public administration, how change administrative burdens, and the development of digital knowledge and skills are altered. Although residents, the elderly and young alike spend a lot of time on social media, most of them do not have a thorough digital knowledge, they have hardly shaped their general concepts of digital society, rather than digital devices and platforms are used as a substitute for the lack of human and community connections.

It is unfortunate that *digital governance* does not promote the exercise of democratic power, but the control of citizens, consumers and clients and further enhancement of the existing economic, social and cultural advantages of certain groups. There is no or minimal scope for the opportunities offered by digitalisation in the real publicity of data of public interest, in the context of referendums, electoral procedures, social consultations, professional debates, public strategies and draft legislation. Instead, letter-consultations and opinion polls out of the constitutional frames are preferred by government leaders. On the other hand, the digital transformation *does not promote access to existing fundamental rights and human rights*, as a fraction of all legal requirements deal with non-ideal or atypical digital consumers in terms of material, knowledge or lifestyle, and provides little resources to balance opportunities in digital knowledge, equipment, and equal treatment when accessing public services. At the same time, a perceptible goal is to collect and store the personal data as fully as possible and to connect the individual databases, and then to commercialize the national data assets. While there is no money for libraries as public spaces, for their digitization yes, there is no money for teachers, but for digital curriculum yes, there is no money for nurses, but there is for telemedicine. The *digital development is therefore incoherent* and does not necessarily respond to the needs of the population or business.

Digital Citizenship and Decade provides new market opportunities based on convenience services and government (software, network, app) orders for companies of digital services and ICT industry. But the *whole digitization process is less transparent*, especially in terms of the use of budgetary resources, because non-profit companies and private limited companies are not obliged *to account to the public for their operation*. These are in contractual relations with the ministers, so their developments (and tests, accreditation) are not accountable to the citizens, they cannot directly enforce any of their fundamental rights, as the agencies do not qualify as public service providers or authorities.

All these changes are incorporated into the text of the legislation *with such jargon* that it is hardly or not at all understood by non-professional, ordinary people. Although legal language is an artificial/technical language, the rules for clients, students or library visitors cannot be incomprehensible. If we take digital culture and governance seriously, it cannot be narrowed down to a pure issue of power

and public finance in the Member States, to deliver on a promise of convenience, because the *EU does not understand this in digital transformation*.