

ISSN - 2279 - 0489

AN INTERNATIONAL MULTIDISCIPLINARY
HALF YEARLY RESEARCH JOURNAL

GENIUS

Single Blind Review / Double Blind Review

Volume - XIV | Issue - II | February - July 2026

ENGLISH PART - I



Peer Reviewed Refereed and
UGC Listed Journal No. 47100

Impact Factor / Indexing

2026 - 8.077

www.sjifactor.com

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18. Emerging Dimensions of Human Rights in Digital Constitutionalism: A Youth Perspective

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Abstract

The digital transformation of society has profoundly altered the relationship between the individual, the state, and technology, giving rise to the concept of digital constitutionalism. This emerging framework seeks to apply constitutional values such as liberty, equality, dignity, and accountability to the governance of digital spaces. Within this evolving landscape, youth occupy a central position as the most active users of digital technologies and as a generation whose rights and freedoms are increasingly shaped by digital infrastructures. This paper examines the emerging dimensions of human rights under digital constitutionalism from a youth perspective, focusing on how traditional constitutional guarantees are being reinterpreted to address contemporary digital challenges.

By adopting a doctrinal and analytical approach, the research emphasizes the need for rights-based digital governance that integrates youth voices into policy formulation and constitutional interpretation. The study argues that digital constitutionalism must evolve beyond regulatory control to ensure empowerment, inclusivity, and democratic accountability in the digital age. Ultimately, safeguarding emerging human rights in digital spaces is essential for protecting youth autonomy and for strengthening constitutional democracy in an increasingly technology driven world.

Introduction

The rapid expansion of digital technologies has fundamentally transformed modern societies, reshaping governance, communication, and the realization of human rights. Digital platforms, artificial intelligence, big data, and surveillance technologies increasingly influence how constitutional values are interpreted and applied. In response to these developments, the concept of digital constitutionalism has emerged as a framework aimed at extending constitutional principles such as liberty, equality, dignity, and accountability into the digital

sphere. It seeks to regulate the exercise of power by both state authorities and private technology corporations while ensuring the protection of fundamental rights in online environments¹.

Within this evolving constitutional landscape, youth occupy a pivotal position. As the most active users of digital technologies, young people are deeply affected by data-driven governance, algorithmic decision-making, and digital surveillance. At the same time, they actively shape digital culture through online participation, political engagement, and social movements. However, this heightened digital engagement also exposes youth to new forms of rights violations, including privacy breaches, online censorship, digital exclusion, and algorithmic discrimination.

Keywords:- Digital Constitutionalism; Youth Rights; Digital Equality; Data Protection and Privacy; Constitutional Governance

Objectives of the Study

- To examine the concept and evolution of digital constitutionalism in the context of human rights protection.
- To analyse the emerging dimensions of human rights in digital spaces, with special reference to youth.
- To study the impact of digital technologies, data governance, and artificial intelligence on the fundamental rights of young individuals.
- To evaluate issues of digital equality and the youth digital divide, including access to technology and digital inclusion.
- To assess the role of courts and constitutional interpretation in safeguarding youth rights in the digital age.
- To examine existing policy frameworks, data protection laws, and AI regulations from a youth-centric perspective.
- To identify key challenges and ethical concerns related to digital governance affecting youth.
- To suggest recommendations for strengthening youth-centric, rights-based digital constitutionalism.

Digital Equality and the Youth Digital Divide

Digital equality is an emerging dimension of human rights that emphasizes equal access to digital resources, technologies, and opportunities for all individuals. In the context of digital

constitutionalism, digital equality extends the constitutional principles of equality, dignity, and social justice into the digital domain. For youth, who increasingly depend on digital platforms for education, employment, and civic participation, unequal access to technology creates a significant digital divide that threatens the realization of fundamental rights. Digital equality ensures equal access to technology, internet connectivity, and digital skills for all young people. The youth digital divide refers to disparities in access and opportunities, often influenced by socio-economic status, geography, gender, and education, limiting participation in digital society.

Access to Internet, Devices, and Technology

Access to reliable internet connectivity and digital devices such as smartphones, computers, and tablets is a prerequisite for meaningful participation in the digital society. However, a large section of youth lacks affordable and high-quality internet services. Limited network infrastructure, high data costs, and dependence on shared or outdated devices restrict youth from fully engaging in online education, skill development, and digital communication. This lack of access undermines their ability to exercise digital freedoms and benefit from technological advancements.

Gender, Rural-Urban, and Socio-Economic Disparities

The youth digital divide is further intensified by structural inequalities. Gender disparities persist as young women often face restricted access to technology due to social norms, safety concerns, and unequal resource allocation within households. Rural youth experience infrastructural challenges, including poor connectivity and limited digital services, in comparison to urban areas. Socio-economic status also plays a crucial role, as economically disadvantaged youth struggle to afford devices, internet subscriptions, and digital training. These disparities reinforce existing social inequalities and result in unequal digital participation.

Impact on Education and Employment Opportunities

Digital inequality has a direct impact on youth education and employment prospects. The shift toward online learning and digital skill-based education disadvantages students without adequate access to technology, leading to learning gaps and higher dropout rates. Similarly, employment opportunities increasingly require digital literacy, online applications, and virtual interviews. Youth excluded from digital access face reduced employability, limiting social

mobility and economic empowerment. Thus, bridging the digital divide is essential to ensuring equal opportunities and safeguarding youth rights in the digital age.

1. Courts and Constitutional Interpretation

Courts play a crucial role in shaping digital constitutionalism by interpreting constitutional provisions to address emerging challenges posed by technology. In the absence of comprehensive legislative frameworks, constitutional courts have increasingly acted as guardians of fundamental rights in digital spaces. Through judicial interpretation, courts ensure that technological advancement does not undermine human dignity, liberty, and equality, particularly for youth who are most affected by digital governance and surveillance.

2. Judicial Responses to Digital Rights Violations

Judicial intervention has become central in addressing violations such as unlawful surveillance, data misuse, online censorship, and algorithmic discrimination. Courts have examined whether digital measures adopted by the state or private actors comply with constitutional principles of legality, necessity, proportionality, and accountability. By striking down excessive surveillance practices and arbitrary internet shutdowns, courts have reaffirmed that digital spaces are not beyond constitutional scrutiny. Judicial remedies such as guidelines, interim protections, and recognition of new digital rights have strengthened legal safeguards for individuals, especially young users vulnerable to data exploitation and online restrictions.

3. Expanding Scope of Fundamental Rights

Courts have progressively expanded the scope of fundamental rights to adapt them to digital realities. Traditional rights such as the right to life, freedom of expression, and equality are now interpreted to include privacy, informational autonomy, access to the internet, and digital dignity. This evolutionary interpretation reflects the living nature of constitutional law, ensuring that fundamental rights remain relevant in the face of technological change. Such expansion is particularly significant for youth, whose education, employment, and civic engagement increasingly depend on digital access and freedom.

4. Comparative Constitutional Approaches

Comparative constitutional jurisprudence highlights how courts across jurisdictions respond to digital rights challenges. While some courts explicitly recognize digital rights through constitutional interpretation, others rely on statutory and international human rights frameworks. Cross-jurisdictional dialogue among courts promotes best practices, reinforces universal human

rights standards, and contributes to the global development of digital constitutionalism. These comparative approaches help courts address emerging technological issues while balancing innovation with rights protection.

5. Policy Frameworks and Youth-Centric Digital Governance

Effective digital governance requires policy frameworks that protect fundamental rights while promoting innovation. Data protection and AI regulation laws play a vital role in safeguarding youth from privacy violations, data misuse, and algorithmic discrimination. These laws aim to ensure transparency, accountability, and ethical use of technology by both state and private actors, recognizing data protection as an essential component of human dignity in the digital age.²

Challenges and Future Prospects of Emerging Dimensions of Human Rights in Digital Constitutionalism: A Youth Perspective

One of the foremost challenges in digital constitutionalism is the gap between rapid technological advancement and existing legal frameworks. Laws and constitutional mechanisms often lag behind developments in artificial intelligence, big data, and digital surveillance, leaving youth vulnerable to privacy violations, data exploitation, and unchecked algorithmic decision-making. Weak enforcement of data protection laws and lack of regulatory oversight further aggravate these concerns.

Another significant challenge is digital inequality. Unequal access to the internet, digital devices, and technological skills disproportionately affects youth from rural, economically disadvantaged, and marginalized backgrounds. Gender-based digital exclusion also limits opportunities for education, employment, and civic participation, thereby undermining the constitutional principles of equality and social justice.

Ethical concerns in emerging technologies pose additional challenges. The use of artificial intelligence, facial recognition, and predictive analytics raises issues of consent, transparency, bias, and accountability. Youth are particularly susceptible to surveillance and profiling due to their extensive online presence, which may restrict autonomy and freedom of expression. Moreover, the dominance of private technology corporations creates power imbalances that challenge democratic accountability.

Despite these challenges, digital constitutionalism offers promising prospects for strengthening human rights protection. Courts and constitutional bodies are increasingly

recognizing digital rights such as privacy, informational autonomy, and access to the internet as extensions of fundamental rights. The development of comprehensive data protection and AI governance frameworks can further enhance legal safeguards for youth.

The future also lies in youth-centric digital governance, where young people actively participate in policymaking and regulatory processes. Promoting digital literacy, ethical technology design, and inclusive access can empower youth as informed digital citizens. Ultimately, a rights-based approach to digital constitutionalism can ensure that technological progress supports human dignity, democratic values, and the constitutional rights of future generations.

Conclusion

The study demonstrates that digital constitutionalism has emerged as a crucial framework for understanding and protecting human rights in an increasingly technology-driven society. As digital technologies reshape governance, communication, and social participation, traditional constitutional principles must be dynamically interpreted to remain effective. From a youth perspective, the digital sphere has become an essential space for education, employment, expression, and civic engagement, making the protection of digital rights central to contemporary constitutional democracy.

The research highlights that while digital technologies offer unprecedented opportunities for youth empowerment, innovation, and participation, they also pose significant risks in the form of privacy violations, digital inequality, surveillance, and algorithmic discrimination. Unequal access to digital infrastructure and skills continues to deepen socio-economic, gender, and regional disparities, thereby undermining the constitutional promise of equality and social justice. At the same time, emerging technologies such as artificial intelligence challenge existing legal frameworks, raising ethical concerns related to transparency, accountability, and human dignity.

Courts play a vital role in bridging these gaps by expanding the scope of fundamental rights and subjecting digital governance to constitutional scrutiny. However, judicial intervention alone is insufficient. There is a pressing need for comprehensive, rights-based policy frameworks that integrate youth voices into digital governance and ensure ethical regulation of technology. Strengthening digital literacy, enhancing institutional accountability, and promoting inclusive policymaking are essential steps toward safeguarding youth rights. Ultimately, aligning



technological progress with constitutional values will ensure that the digital future promotes human dignity, democratic participation, and meaningful empowerment for the youth.³

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End Notes

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