



InterAcción y Perspectiv

Revista de Trabajo Social

ISSN 2244-808X
D.L. pp 201002Z43506

Enero-Junio 2024
Vol. 14 No. 1

Universidad del Zulia
Facultad de Ciencias Jurídicas y Políticas
Centro de Investigaciones en Trabajo Social

ARTÍCULO DE INVESTIGACIÓN

El impacto de la transformación digital en la sociedad y el derecho a la educación

DOI: 10.5281/zenodo.10440273

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Resumen

En las últimas décadas, el fenómeno generalizado de la transformación digital global ha provocado alteraciones sustanciales en diversas dimensiones de la vida humana, entre las que destaca el ámbito de la educación. A medida que la sociedad experimenta una aceleración en el ritmo de vida y la creciente complejidad de los procesos sociales, se vuelve indispensable examinar el panorama cambiante de la protección de los derechos humanos. Este artículo realiza un examen riguroso de las repercusiones sociales de la digitalización en el derecho a la educación, con especial atención a las implicaciones para la sociedad en general. Si bien la era digital promete aumentar la accesibilidad a la educación, surgen críticas interrogantes sobre su congruencia con los principios fundamentales de derechos humanos. Este estudio analiza metódicamente las ramificaciones sociales de la digitalización, dilucidando tanto las oportunidades como los desafíos que presenta. Su objetivo principal es proporcionar un análisis con base científica que se extienda más allá del nivel individual, con el objetivo de informar estrategias y políticas basadas en evidencia que conduzcan a fomentar un futuro digital más inclusivo y equitativo dentro del contexto social más amplio. Esta investigación subraya la importancia vital de defender los derechos humanos en medio de los cambiantes paisajes sociales moldeados por la era digital.

Palabras clave: inteligencia artificial, entorno digital, defensa de los derechos humanos, sociedad, educación.

Abstract

Digital Transformation's Impact on Society and the Right to Education

In recent decades, the widespread phenomenon of global digital transformation has instigated substantial alterations within various dimensions of human life, prominently among them being the realm of education. As society experiences an acceleration in the pace of life and the growing intricacies of social processes, it becomes indispensable to scrutinize the evolving landscape of human rights protection. This article undertakes a rigorous examination of the societal repercussions of digitalization on the right to education, with a particular focus on the implications for broader society. While the

digital era holds the promise of augmenting educational accessibility, critical inquiries arise regarding its congruence with fundamental human rights principles. This study methodically dissects the societal ramifications of digitalization, elucidating both the opportunities and challenges it presents. Its primary objective is to provide a scientifically-grounded analysis that extends beyond the individual level, aiming to inform evidence-based strategies and policies conducive to fostering a more inclusive and equitable digital future within the broader societal context. This research underscores the vital importance of upholding human rights amidst the evolving societal landscapes shaped by the digital age.

Key words: artificial intelligence, digital environment, human rights advocacy, society, education.

Recibido: 30/08/23 Aceptado: 03/09/2023

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1.- Introduction

Since human rights as a philosophical concept are so influential that they are regulated and protected, despite their purely declarative nature, in most states, the source and purpose of human rights should determine the "strength and impact" of these rights. It's worth noting that human rights are the most general norms in the legal order, yet they have the most profound influence. This doesn't imply that human rights directly stem from natural law, as this topic is debated in the philosophy of law. From a practical and tangible impact standpoint, human rights should be backed by a normative value of such "weight" that its disregard would provoke strong objections. Such a value is human dignity (Office of the United Nations High Commissioner for Human Rights, 2019).

Human rights aim to give normative expression to the inherent dignity of individuals within a system of legal norms, not merely within a system of moral standards. This objective can be achieved by general norms that define other significant "layers" of dignity through specific human rights. Thus, the human rights system is a normative system closest to dignity, which is the source of all individual rights. Legal norms, unlike moral ones, entail legal sanctions for non-compliance. It's evident that the application of sanctions is imperfect in international law, although exceptions seem to be the human rights system and international criminal law, which protect against extreme human rights violations (Celeste, 2017). This is because human rights, directly related to dignity, express the truth about humans as rational beings endowed with dignity. Since human dignity, expressed through the normative system of human rights, underscores the truth about humanity itself, it holds the power to shape and craft subordinate norms. This emphasis on dignity and measures to safeguard it lends strength to human rights (EEAS, 2014). If human rights fail to express this evident truth about humans and don't protect dignity, becoming instead a political, social, or purely formal legal postulate, they lose this inherent "strength" and no longer provide effective protection for the individual.

Human rights represent a realm where an individual can exercise their freedom, understood as the capacity to act or possess a certain right or competency. In this context, the state is tasked with taking measures and ensuring the protection of this right by enacting norms in positive law (Garlick and Michal, 2022). Therefore, a human right is a type of freedom, right, or competency for which an individual can seek protection and expect it to be provided by the state. Every right, including human rights, comprises "bundles of rights" that make up that right. Defining the components of human rights bundles as: the capacity to act, entitlements, and competency, allows for the integration of all types of specific composite rights that constitute a particular human right (Custers, 2022). In the era of digitization and technological innovations, one of the key and inalienable human rights is the right to education (Razmetaeva, 2020). This process of societal transformation makes education the foundation for upholding human dignity and equality in the modern world. Technologies provide unique opportunities for expanding access to knowledge, improving teaching methodologies, and promoting holistic personal development (Suzor, 2018).

However, along with progress come new challenges. In the context of globalization and digital integration, the role of the state and commercial structures in ensuring equal access to educational resources for every citizen grows (Berners-Lee, 2020). This is not just a right, but an obligation of modern society to future generations.

The objective of this study is to examine the impact of digitalization on the individual's right to education in the contemporary world. In the subsequent sections, we will discuss both the positive and negative effects of digitalization on access to education, as well as national and international initiatives aimed at safeguarding the right to education.

2.- Methods

This study employed a multifaceted research approach to comprehensively examine the impact of digitalization on the right to education at the societal level. A thorough review of academic literature, reports, and relevant documents was conducted to establish the theoretical framework and identify key themes and trends in the intersection of digitalization and education. Multiple case studies were analyzed, focusing on regions with varying levels of digital infrastructure and educational development. These case studies allowed for contextualization and identification of region-specific challenges and opportunities. This methodological approach aimed to provide a comprehensive and evidence-based analysis of the societal impact of digitalization on the right to education, offering insights that extend beyond individual experiences and contribute to informed policy and strategy development.

3. Results and Discussion

The digital age brings changes to traditional teaching methods, offering new tools and opportunities for learning. This can be a decisive factor in overcoming social inequality and creating conditions for the realization of each person's potential. But it's important to remember that technological progress should serve people, not the other way around.

At the heart of the right to education lie the universal values of human dignity and equality. Education is a key tool that allows people to live with a sense of dignity and fulfill their ambitions and dreams. It promotes the creation of a society based on mutual respect, solidarity, and fairness.

Therefore, supporting and expanding access to education should be a priority for all states and social structures. The right of every person to education is not just a norm or recommendation, it's a fundamental condition for ensuring the sustainable development of society and preserving its cultural and intellectual heritage.

In a world where technologies change our lives at an incredible speed, the right to education becomes even more relevant and important. Regardless of social status, ethnic background, or place of residence, everyone deserves equal opportunities for learning and self-realization.

Human rights are universal, meaning they apply equally to everyone worldwide without time constraints. Everyone has the right to these human rights, irrespective of factors like race, ethnicity, skin color, gender, sexual orientation, disability, language, religion, political or other beliefs, national or social origin, birth, or financial status.

It's important to note that the universality of human rights in no way threatens the rich diversity of individualities or cultural differences. "Universality" and "uniformity" are not synonymous. Diversity envisions a world where everyone is equal and equally deserving of respect. Human rights act as a baseline standard applicable to everyone; each country or society has the prerogative to set and enforce higher or more specific standards. For instance, in economic, social, and cultural spheres, there is emphasis on gradually realizing these rights, but no clear stance on raising taxes to achieve this aim. It's up to each country and society to make policy decisions based on their internal conditions.

To properly define human rights and embed them in a normative framework, it's crucial to outline the objectives these rights aim to achieve. Each part of the legal system serves a particular purpose. Every legal institution plays a distinct role. The fact that legal systems across jurisdictions use similar normative decisions on a global scale indicates that specific mechanisms, institutions, and systemic solutions aim to fulfill the universal goal of the law, which is to manifest the idea of justice. Countries adopt normative solutions developed and applied in other nations. For instance, one can see this in the adoption of the French or German concept of copyright or the incorporation of civil law principles based on German law.

However, focusing on the right to be educated, it's essential to recognize that education is a fundamental human right that empowers individuals, nurtures their potential, and fosters social integration and personal development. Ensuring this right for all, regardless of background or circumstance, is crucial for a just and inclusive society. Each state has a responsibility to prioritize education and ensure that every citizen has equal access to quality learning opportunities throughout their lives.

While digitalization has brought numerous benefits to the education sector, there are also concerns and statistics that highlight potential negative effects, especially pertaining to the digital divide.

Not everyone has equal access to digital tools or the internet. The International Telecommunication Union (ITU) has provided data showing that as of 2021, 17% of the global population did not use the internet. In least developed countries, this number rises, with about half the population not using the internet (Cerf, 2012).

The United Nations Educational, Scientific and Cultural Organization (UNESCO) reported during the COVID-19 pandemic that over 826 million students worldwide did not have access to a computer at home, and 706 million lacked internet access at home. This posed challenges for remote learning.

A World Bank report raised concerns about the quality of online learning (Munoz-Najar, et al., 2022). Without the right pedagogical approaches and teacher training, digital learning might not be as effective as in-person instruction.

There's concern that increased dependence on digital platforms for education might lead to students missing out on developing interpersonal and social skills, which are often nurtured in traditional classroom settings.

Extended screen time, which comes with digital learning, has raised concerns about its impact on students' mental health and well-being (Twenge, et al. 2018). For instance, a study from JAMA Pediatrics indicated a potential correlation between screen time and decreased psychological well-being among adolescents (Hinkley, Verbestel, Ahrens, 2014).

With the rise of digital platforms for education, there have been increasing concerns about data privacy, cybersecurity, and the potential misuse of personal information (Bigo, 2019).

While these statistics and concerns underscore the challenges brought about by digitalization in education, it's also crucial to recognize the immense potential and benefits that digital tools can offer. Balancing the advantages with the challenges is vital to harnessing the full potential of digitalization for the right to education.

The digital era has addressed and alleviated several challenges related to education availability. Before the rise of digital learning platforms, access to quality education was often limited by geographical boundaries. Online education platforms, MOOCs (Massive Open Online Courses), and e-learning websites have made it possible for individuals

from remote areas or different countries to access courses from top universities and institutions without having to relocate.

Digital learning platforms often allow for asynchronous learning, enabling individuals to learn at their own pace and at times that are convenient for them. This has especially benefited working professionals, parents, or others who might have time constraints.

Traditional education, especially higher education, can be expensive. Digital platforms can offer courses at a fraction of the cost, making education more accessible to a larger group of people. Open educational resources (OER) provide free or low-cost access to high-quality learning materials.

Digital tools and platforms often come with interactive multimedia resources, including videos, quizzes, simulations, and gamified content, catering to different learning styles. This personalized learning approach can be more engaging and effective for many learners.

Many online platforms offer course subtitles, translations, or resources in multiple languages, ensuring that language is not a significant barrier to accessing quality education.

Previously, access to top experts or educators in a field might have been limited to certain institutions or regions. Digital platforms allow educators and experts from around the world to share their knowledge with a global audience.

The rise of platforms like Coursera, Udemy, and LinkedIn Learning means that individuals can continuously upgrade their skills in line with market demands, without having to enroll in long-term courses or programs.

Digital tools have facilitated global collaboration. Students can work on projects with peers from around the world, fostering a global perspective and understanding.

For those with disabilities or special learning needs, digital tools, including assistive technologies, provide resources tailored to their needs, ensuring inclusive education.

Advanced analytics in digital platforms offer students real-time feedback on their performance, helping them identify areas of improvement immediately.

The role of the state in providing access to education in the digital era has significantly evolved and expanded. While its core responsibility of ensuring equitable access to quality education remains intact, the methodologies, tools, and strategies have undergone major shifts due to digitalization. The state plays a crucial role in establishing the necessary digital infrastructure, ensuring reliable internet connectivity, especially in rural and underserved regions, and making digital devices available to schools and students who might not afford them. Additionally, the state ensures that the development of digital content, such as e-textbooks and online courses, aligns with national educational standards.

With education transitioning more towards online or blended learning models, it's vital for the state to facilitate regular professional training for teachers to effectively

leverage these digital platforms. Clear regulations and quality standards are essential in an era marked by a proliferation of online education platforms, maintaining the education's quality and relevance. Furthermore, the promotion of digital literacy goes beyond merely providing access to digital tools; it encompasses ensuring that students, educators, and the broader community are equipped with the skills to navigate the digital landscape efficiently.

Equity and inclusion remain paramount. The state must be proactive in averting a potential digital divide where certain groups, especially the marginalized or economically disadvantaged, might lack access to digital education resources. This could mean introducing subsidies, grants, or launching specific community-driven initiatives. Given the vast amount of data generated by digital education platforms, states also shoulder the responsibility of ensuring data protection and upholding students' privacy rights. Collaborative endeavors with the private sector, especially tech companies and e-learning platforms, can further enhance the state's educational offerings.

The real-time data that digital platforms offer allows the state to consistently assess the effectiveness of the education system and refine it accordingly. Lastly, in a rapidly changing digital landscape, the state has a pivotal role in promoting lifelong learning, ensuring that its citizens can continuously upgrade their skills and remain competitive in the global arena. The state's role in the digital era is multifaceted, acting not just as a provider, but also as a regulator, facilitator, and innovator, all aimed at harnessing digital tools to elevate the educational experience for all its citizens.

The Global Partnership for Education (GPE) is a leading international organization that collaborates with countries to strengthen their education systems, aiming to ensure that every child receives a quality basic education (GPE, n.d.). It focuses on the poorest and most vulnerable communities, ensuring that girls, children with disabilities, and those living in conflict-affected areas have equal access to schooling. Similarly, Education Cannot Wait (ECW) was launched at the World Humanitarian Summit in 2016 with a mission to provide immediate and sustainable education for children and youth in crisis situations (ECW, n.d.). ECW bridges the gap between humanitarian response and development, ensuring continuity of education during emergencies. Another significant initiative is the United Nations Educational, Scientific and Cultural Organization (UNESCO) which, through its Education 2030 Framework for Action, emphasizes inclusive and equitable quality education and lifelong learning opportunities for all (UNESCO, 2015). UNESCO works with countries worldwide to build robust education policies and practices that cater to the needs of the most marginalized. Moreover, the Malala Fund, founded by Nobel laureate Malala Yousafzai, champions every girl's right to 12 years of free, safe, and quality education. The fund advocates at both local and global levels to dismantle barriers to girls' education. Collectively, these initiatives play a pivotal role in addressing inequities and ensuring universal access to education globally.

Ensuring the universal right to education is a multifaceted challenge that states and multinational unions face. One of the critical issues is infrastructure and accessibility,

especially in developing countries where many regions lack the necessary infrastructure for schools or have structures that may be unsafe or lacking basic amenities. Additionally, there's the challenge of providing qualified teachers, as many areas suffer from a shortage of trained educators, resulting in overcrowded classrooms and diminished quality of instruction. The curriculum and educational content need to be relevant, inclusive, and culturally sensitive, avoiding biases or outdated information. In the era of digitalization, while online education offers opportunities, it also highlights the digital divide, with many students lacking access to the necessary technology or internet connectivity. Moreover, ensuring that education is affordable and eliminating hidden costs that can deter enrollment is vital. Conflict zones present unique challenges, with children often being deprived of education due to ongoing violence. Last but not least, special attention must be given to marginalized groups, including girls, children with disabilities, and those from minority backgrounds, to ensure they have equal access to quality education.

Conclusions

While digitalization has significantly addressed many challenges in education availability, it's essential to recognize that it also introduces new challenges, like the digital divide. Ensuring equitable access to the benefits of digital education remains a key consideration.

In conclusion, the journey towards universal education is marked by multifarious challenges that span across infrastructure, teacher availability, curriculum relevance, digital divides, affordability, geopolitical conflicts, and the unique needs of marginalized groups. While the digital era has ushered in innovative solutions, it has also revealed stark disparities in access and quality. States and multinational unions, as stewards of education, must work collaboratively and innovatively to address these issues. The quest for universal education isn't just about literacy or numeracy but upholding the dignity of every individual and ensuring a just, equitable, and progressive society. As we reflect on these challenges, it's essential to remember that the future of our global community hinges on our commitment to leaving no child behind.

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