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ARTIFICIAL INTELLIGENCE AND THE REDEFINING OF CITIZEN RIGHTS IN THE AGE OF ALGORITHMIC GOVERNANCE

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Abstract:
The rapid expansion of artificial intelligence technologies, especially in relation to digital governance, the provision of public services and ensuring public security, has presented the traditional order of citizenship rights with new conceptual challenges. If in the classical view, citizenship rights were based on ensuring civil liberties, political rights and social protections against state authority, today intelligent systems and data-driven decision-making have become effective actors in limiting or developing these rights. In the era of algorithmic governance, the exercise of power is no longer based solely on human decisions or traditional legal frameworks, but is based on the architecture of intelligent systems and data processing. This development has given rise to theoretical and practical challenges in the field of citizenship rights. This article, with an analytical-conceptual approach and using library resources, while reviewing classical citizenship theories, examines the effects of algorithmic governance on key components of citizenship rights and seeks to explain the relationship between artificial intelligence and the fundamental components of citizenship rights and pay attention to rethinking in this area. Based on this analysis, a multi-layered model of guaranteeing citizenship rights is presented, which includes a normative, institutional, and technical layer. The proposed model shows that protecting citizens' rights in algorithmic government requires the convergence of normative principles, institutional structure, and technical design, and without this coherence, it will be difficult to guarantee citizens' rights in practice. This framework can be used as a basis for policymaking, standardization, and oversight of AI systems in public domains and government services.

Keywords: Citizens' rights, artificial intelligence, digital citizenship, algorithmic governance

Introduction:

Citizenship rights are one of the fundamental concepts in public law and modern state theory that regulates the relationship between the individual and public power. This concept refers to a set of rights, freedoms, and legal guarantees that individuals enjoy through membership in a political community and through which the legal status of citizens before the state is defined. Citizenship rights not only indicate the limits of public power intervention in the lives of individuals, but are also considered a criterion for measuring the legitimacy of the exercise of sovereignty and the quality of the rule of law in a legal system. Therefore, in classical literature, citizenship rights have been understood as a gradual mechanism for realizing legal equality and political participation in modern states. These rights have been developed and developed in close connection with principles such as the rule of law, equality before the law, and the accountability of public institutions. From this perspective, citizenship rights are not simply a set of individual rights, but rather a legal framework for regulating power, guaranteeing freedoms, and creating a balance between state authority and individual rights. This central position has made citizenship rights constantly subject to redefinition and rethinking in the face of social, institutional, and technological changes. The expansion of the use of artificial intelligence in public governance, especially in administrative and judicial decision-making processes, has presented new legal challenges to the traditional model of the exercise of public power and the relationship between

the state and the citizen. In systems of algorithmic governance, decisions that directly affect the rights, freedoms, and legal status of citizens are increasingly made by automated and non-transparent systems, raising fundamental questions about the adequacy of existing frameworks for citizens' rights.

This article, with a legal and analytical approach, rethinks the concept of citizenship rights in the context of algorithmic governance and argues that classical citizenship rights, without conceptual development and redefinition, are unable to respond to the challenges posed by AI-based decision-making. In this regard, the impact of AI on fundamental citizenship rights in the modern era is examined and it is shown that the transfer of decision-making power to algorithms can lead to the weakening of the principles of the rule of law and legal accountability. By introducing the concept of algorithmic citizenship as an analytical framework, the article emphasizes the necessity of forming emerging citizenship rights in the face of AI-based governance .Finally, by analyzing existing policies and legal regulations at the international level, the need to adopt a rights-based approach to regulating artificial intelligence is emphasized, and rethinking citizen rights is introduced as a fundamental condition for the legal legitimacy of algorithmic governance.

Algorithmic governance brings with it a set of opportunities and challenges: on the one hand, it leads to increased efficiency, more accurate predictability, reduced human errors and facilitated public services. On the other hand, the transfer of power to automated systems leads to the formation of an attribution gap and the violation or change of components of citizen rights. A situation in which damage to citizen rights may occur, but the identification and accountability of the human agent is challenged. In algorithmic governance, decisions that directly affect the rights, freedoms and legal status of citizens are delegated to systems that are often opaque, complex and difficult to account for from a legal perspective .This situation raises serious questions about the adequacy of classical civil rights frameworks, which have been largely based on the assumption of human decision-making, accountability, and the possibility of legal oversight and challenge. The transfer of decision-making power to algorithms has undermined these assumptions and increased the risk of new forms of civil rights violations. In such a situation, classical civil rights such as privacy, the right to a fair trial, equality, and civil liberties face theoretical and practical challenges .For example, privacy is no longer just about protecting personal information, but also about controlling how algorithms process, analyze, and reuse personal data. Justice and equality in the age of artificial intelligence also require ensuring algorithmic bias and the ability to audit data and models. Ultimately, the right to a fair trial and individual liberty risk being violated without transparency in algorithmic decisions and the possibility of human intervention.

Despite the significant growth of the literature on AI and law, much of the existing research either focuses on the technical and ethical aspects of AI or is limited to case studies and regulations. In contrast, systematic analysis of the impact of AI on the concept of citizen rights as a basis for the legitimacy of public law has received less attention. This gap is particularly pronounced where citizen rights are considered not simply as a set of individual rights, but as a framework for regulating the power relationship between the state and the citizen. Accordingly, this article seeks to answer the question of whether artificial intelligence is merely an executive tool of the government or has it caused a structural transformation in the logic of exercising power and guaranteeing citizen rights. In answering this question, the article is based on the hypothesis that artificial intelligence, by transferring power from human action to algorithmic architecture, has created an attribution gap and a crisis of accountability, and requires a structural redefinition of guaranteeing citizen rights.

Accordingly, traditional frameworks of citizenship rights, without conceptual rethinking and development, are unable to guarantee effective protection of citizens in the context of algorithmic governance, and the legal legitimacy of the use of artificial intelligence requires the identification and institutionalization of emerging citizenship rights in the digital age. Therefore, to test this hypothesis and answer the question posed, the article, adopting a descriptive-analytical approach based on conceptual analysis, first examines the impact of artificial intelligence on fundamental citizenship rights. Then, using international human rights instruments and emerging regulations in the field of regulating artificial intelligence, existing legal frameworks are evaluated. Given these fundamental developments, the aim of this article is to examine the relationship between algorithmic governance and the guarantee of citizen rights and to present a conceptual model for redesigning mechanisms of accountability and protection of citizen rights in the algorithmic state. This article attempts to show that protecting citizenship in the digital age requires a simultaneous rethinking of concepts of power, responsibility, and human dignity, and the design of multi-layered regulatory and technical systems.

Civil Rights in Public Law: From Marshall to the Digital Age

The realization of citizenship rights is one of the main foundations of development and democratization. The ideological foundations of which must be considered in ancient and medieval times. Citizenship rights in their classical sense are rooted in a theoretical effort to organize the relationship between the individual and public power within the framework of the modern state. One of the most influential formulations in this field is the theory of T. H. Marshall, who explains citizenship rights in the form of three layers of civil rights, political rights, and social rights. Marshall believes that citizenship is a base that is given to all people who are full members of society. These individuals all have equal status and rights, duties and responsibilities commensurate with this status. (Friedman, 2002, 168) According to Marshall, the historical sociology of citizenship in the West shows that, in parallel with the development of legal, political and social institutionalization and structural foundations, we witness the formation of three interconnected types of citizenship, namely civil, political, social and welfare. In the 17th and 18th centuries, civil citizenship was formed in parallel with the evolution of the legal system and access to courts and the right to a fair and just judgment; In the eighteenth and nineteenth centuries, democratic institutionalization and parliamentarism led to the development of political rights and political citizenship, i.e. the universal right to vote, membership in communities, and political participation, and finally, with the emergence of the welfare state in the twentieth century, the right to social citizenship, i.e. the enjoyment of universal welfare, emerged. (Nargesian, 2014: 44-45) In fact, the conceptual formulation of three types of citizenship, along with the social institutionalization appropriate to it, are noteworthy points in Marshall's thought .Therefore, according to Marshall, civil rights such as individual freedoms and equality before the law, political rights such as participation in public decision-making processes, and social rights such as the right to enjoy a minimum of welfare and social security, have been formed gradually and historically and collectively constitute the legal foundation of citizenship in democratic states.

However, more recent theorists, including Brian Turner, have rethought the concept of citizenship and emphasized the dynamism, contextuality, and vulnerability of citizenship rights to structural changes. Turner sees citizenship not simply as a fixed set of rights, but as a social and legal relationship that is redefined in the context of technological, economic, and institutional changes. From his perspective, citizenship is a kind of modern social base and role for all members of society, and it encompasses an interconnected set of universal, equal, and common social, political,

legal, economic, and cultural duties, rights, duties, responsibilities, and obligations, and it is a kind of modern sense of belonging and social membership for serious and active participation in society and the economic, political, social, and cultural spheres .which requires the fair and equitable enjoyment of social, economic, political, legal and cultural benefits, interests and privileges by all members of society, regardless of class, race, religion and ethnicity. (Turner, 1993) From this perspective, citizenship is always exposed to tension between inclusion and exclusion, equality and control, and rights and mechanisms of power. This dynamic understanding of citizenship allows for critical analysis of emerging situations in which new governance tools such as algorithmic decision-making systems can lead to the weakening of citizens' legal protections without redefining citizenship rights.

In this framework, the citizen is an agent who enjoys guaranteed rights against the state and can restrain public authority through legal mechanisms. The state, in the form of a "legal state," is also committed to accountability and respect for the rule of law. However, the entry into the digital age, especially with the expansion of artificial intelligence systems and data-driven governance, shows that the Marshallian model is no longer sufficient for a complete explanation. If in the classical model, the main issue was the expansion of the scope of rights, in the digital age the main issue is the transformation of the nature of power. Power is no longer exercised solely through law or administrative decision, but is established in the architecture of data and algorithms. As a result, the citizen is placed in a different position. He or she is still a holder of rights, but at the same time is also the subject of algorithmic analysis, classification, and prediction. In such a situation, citizenship is transformed from a bilateral legal relationship between the individual and the state to a multi-layered relationship between the individual, the state, and invisible technical structures. (Siying et al, 2024: 2531).

This development has three important theoretical implications: First, a change in the status of individual autonomy; if civil rights were based on the assumption of rationality and free will, predictive systems would allow for indirect guidance of choices by modeling behavior. Thus, freedom is no longer threatened solely by direct coercion, but is also vulnerable to behavioral engineering.

Second, a change in the logic of equality; in Marshall's framework, the expansion of social rights would have led to a reduction in inequality. But in the era of big data, the biases embedded in data can reproduce or even exacerbate structural inequalities. Therefore, equality needs to be redefined in terms of algorithmic justice. Third, a change in the guarantee of rights; in the two classical welfare states, administrative and judicial institutions, guaranteed the implementation of rights, but in the algorithmic state, part of the exercise of power occurs at the level of technical design, where traditional legal oversight is more difficult. Therefore, the guarantee of citizen rights must be transferred from the decision level to the design level.

Thus, the transition from Marshall to the digital age is not simply a transition to the next generation of rights, but rather a transition from a legal-normative logic to a structural-algorithmic logic. From this perspective, the central question is no longer what new rights should be granted to citizens, but how, within the structure of the algorithmic state, the possibility of effectively exercising those same fundamental rights can be guaranteed. The answer to this question also requires moving beyond a purely developmental view of citizenship and moving toward a rethinking of the concepts of power, responsibility, and accountability in the digital age; an age in which human dignity will only be preserved if it is institutionalized as a guiding principle in the design and regulation of intelligent systems.

Citizenship Rights in the Age of Artificial Intelligence: The Transition to Algorithmic Citizenship

The transition to algorithmic government is not simply a transformation of administrative tools, but a profound rearrangement of the fundamental concepts of public law. It is necessary to transform the citizen into a data subject, power into a technical architecture, and responsibility into a distributed structure. In such a context, defending citizen rights requires a theoretical and institutional reconstruction, a reconstruction that places human dignity not on the margins of technology but at the center of its design.

- The transformation of the concept of the citizen: from subject of rights to subject of data

In the tradition of the modern state, the citizen was defined as an "autonomous actor of rights"; an individual endowed with will, responsible for his or her own decisions, and capable of participating in the public sphere. Citizenship rights were shaped by this notion: protecting individual freedoms against state authority and ensuring equal participation in political and judicial processes. But with the spread of data-driven governance, this notion has undergone a fundamental transformation. Today's citizen is not simply a legal actor but a "data unit" in networks of analysis and prediction. Algorithms model, probabilize, and even guide his behavior. In such a situation, the citizen is transformed from a decision-making agent to a "subject of analysis" and from a will-holder to an "object of prediction" (Goswam, 2025: 3-4). This transformation changes the nature of the relationship between the state and the citizen: direct exercise of power is no longer an issue, but the management of citizens' behavioral probabilities is at the center of analysis and decision-making. In this era, freedom of choice and decision-making is limited or controlled not by overt coercion and clear domination, but by intelligent design and the invisible architecture of choices.

- The Evolution of the Concept of Power: From Legal Authority to Algorithmic Architecture

In the modern state model, power is exercised mainly through approved rules and administrative decisions and is attributable and contestable. Whereas, in the algorithmic state, the final decision is not made by an administrative official but in the design of a machine learning model. This transfers power from the level of individual decisions to the level of technical design. Here, power is distributed, invisible, and often incomprehensible to the average citizen. (Jinghui & Zhenyang, 2025: 18) If in the current state the law was the framework for exercising power, in the algorithmic state this behavior is exercised by data and codes, and a kind of shift in the concept of power and the rules for its exercise has been created that requires theoretical rethinking.

- The evolution of the concept of responsibility: from individual attribution to structural responsibility

The traditional system of liability has been based on harmful conduct, causality and attribution. In this framework, the guarantee of citizen rights is based on the possibility of identifying and holding the decision-maker accountable. However, in the context of artificial intelligence systems, responsibility or agency is distributed among the designer, data provider, operator and user, which is examined in the discussions related to the normative gap of attribution. The situation in which citizen rights are harmed is the lack of transparency of attribution rules and the creation of a situation of harm without responsibility. This not only weakens the effectiveness of the liability system (Gunasekara et al, 2025: 14) but also distorts the practical guarantee of citizen rights. Therefore, the concept of responsibility must be elevated from the individual to the structural level. That is, accountability should be defined not solely on the basis of personal fault but also on the basis of algorithmic design, monitoring, and risk management.

- Rebuilding rights guarantees within the framework of the algorithmic state

In the classical legal state, citizen rights were reactive; for example, if the government made an unjust decision, the citizen had the right to protest. If his or her privacy was violated, a legal claim could be filed. But in the algorithmic state, many decisions are automatic and predictive. Therefore, if the concept of citizen, power and responsibility have changed, the guarantee of citizen rights cannot remain in the traditional framework. Citizen rights must change from an a posteriori model to a design-based model, and rights must be designed into the architecture of the system itself, rather than being activated only after a violation. Rebuilding this guarantee requires three fundamental changes (Matijasevic et al, 2026: 38-56):

A) Transition from reactive to preventive protection: If the traditional two-state system, the guarantee of citizen rights was mainly reactive and the citizen would refer to judicial or administrative institutions after the violation of rights occurred to seek compensation or to correct the decision, but in algorithmic governance, automatic and predictive decisions are made and implemented before the citizen is informed. Therefore, reactive protection will be insufficient. Here, citizen rights must be taken into account at the design stage of systems and not only after the violation occurs. b) Structural transparency rather than formal transparency: In traditional systems, transparency means informing or publishing rules and decisions, but in algorithmic governance, decisions often occur at the level of code, machine learning models, and complex data. Therefore, transparency is not merely declarative or superficial, but must be structural. Structural transparency means that decisions are understandable, verifiable, and traceable. This allows for rational evaluation of algorithmic decisions, detection of errors or discrimination, and building trust among citizens. Therefore, mere information is not enough; it must be possible to understand the logic of the decision and to object effectively.

c) Institutionalize multi-level oversight: Normative support and structural transparency are ineffective without effective enforcement and oversight institutions. Institutionalizing oversight means creating institutional mechanisms that have an independent oversight body and algorithm audits. A specialized and independent organization to oversee systems, the ability to access code and data, and the authority to make corrections to regularly review AI models for accuracy, fairness, and compliance with citizen rights that ensures the possibility of effective objection and human review of decisions. These institutions ensure that the protection of citizen rights is not merely normative or technical, but practical and enforceable. Moreover, without oversight institutions, even the best technical designs may lead to abuse or violation of rights.

In this framework, guaranteeing citizenship rights is not just a judicial duty but a governance architecture that must encompass the entire process from algorithm design to decision implementation. In such a structure, concepts and instances of citizenship rights take on a new design. Privacy takes on a new meaning in the age of artificial intelligence, in which scattered data about individuals reconstructs their possible personality without invading their privacy. So the issue is no longer just about disclosing information, but also about controlling the processing, analysis, and reuse of data. On the other hand, in the traditional system, discrimination was usually conscious and identifiable and could be objected to, but in the algorithmic system, bias in data or modeling can reproduce inequality without any intention of discrimination. In this age of equality, then, it is not just about prohibiting discrimination, but also about ensuring statistical neutrality, model transparency, and algorithm auditability. In this age of fair trial, too, it is tied to the right to explanation and human intervention. Citizen rights here include the right to know that an algorithm is being used, the right to receive an understandable explanation of its performance, the right to request human review, and the right to effective objection. In the digital age, control is not

necessarily coercive, but rather algorithms shape our choices by ranking, suggesting, filtering content, or predicting behavior. Consequently, freedom must be defined not only against direct coercion, but also against the invisible manipulation of preferences .Therefore, since the exercise of power in the algorithmic state is distributed across three levels: normative, institutional, and technical, the guarantee of rights must also be designed in a multilayered manner. (J. Brand, 2020: 123) This model is based on the synergy of three complementary levels, each with a distinct but related function.

Layer 1 - Normative Level: This layer determines the value foundation and direction of the entire AI governance system. Without establishing normative principles, institutional and technical interventions will be scattered and incoherent. In explaining normative principles, it is essential to pay attention to the three principles of human dignity and the primacy of human intervention. Human dignity should be recognized as the guiding principle for the design, deployment, and operation of AI systems. This principle requires that humans should never be reduced to a mere subject of statistical analysis, that algorithmic decisions should not distort the right to determine one's destiny, and that efficiency, security, or economic efficiency cannot replace respect for the human person .In this framework, human dignity is not simply a moral value, but a normative constraint binding on technical architecture and public policy-making. In line with the principle of the primacy of human intervention, decisions that have significant legal or social implications for individuals must also be subject to human oversight, correction, or revocation. This principle is based on two assumptions: ultimate responsibility must be attributable to the human agent, and the legitimacy of public decision-making requires the possibility of human judgment. (Laine et al, 2024)

Layer 2 - Institutional level: This layer provides the structural mechanisms for the implementation of normative principles. Here, an independent supervisory body is required. The need to create or designate an independent authority to oversee the public applications of AI is important because the technical expertise required to evaluate systems is not available in traditional judicial institutions, and voluntary transparency by companies or executive bodies is not sufficient, and therefore conflicts of interest can hinder effective self-regulation. This body should have organizational independence, access to code and data (within the framework of confidentiality), and the authority to issue orders to modify or suspend the system. Thus, absolute automation in sensitive areas is considered incompatible with the logic of citizen rights. (Cajueiro et al, 2026: 80)

In addition to the existence of an observer, independent auditing is also necessary. Algorithmic auditing means the systematic assessment of the performance of AI systems in terms of the presence of discriminatory bias, accuracy and reliability, proportionality between the purpose and the data used, and compliance with civil rights principles.

Layer 3 – Technical level: Since power in the algorithmic state is located at the level of technical architecture, the guarantee of citizens' rights must also be institutionalized at the same level. This layer concerns the internal design of systems. This level includes transparency, objectivity, and attribution. Transparency is not just about publishing the code or announcing the use of the algorithm, but also about providing an understandable explanation to the person affected by the decision. (Nastoska et al, 2025: 80)

This explanation should explain the overall logic of the decision, identify the contributing factors, and allow for rational evaluation of the decision. The system should also be designed to allow for human review, correction of incorrect data, and suspension of the decision pending review. To

prevent an attribution gap, every algorithmic decision should have a recorded trail that shows what data was used, what version of the model was active, and what process led to the output. This technical record is a prerequisite for legal accountability and allows for judicial or administrative review.

Conclusion

The transformation of power in the context of algorithmic governance shows that classical mechanisms for guaranteeing citizen rights are not sufficient. If in the classical legal state, power was exercised through formal rules and human decisions, in the algorithmic state, this power is established in data architecture, predictive models, and automated systems. This transition has confronted the traditional relationship between the state and the citizen, as well as the mechanisms for guaranteeing citizen rights, with a fundamental challenge. It can be said that in the era of artificial intelligence, what can be called algorithmic governance is a new stage in this historical process. The theoretical analysis of the article showed that citizen rights in the era of artificial intelligence do not simply require the expansion of the scope of protection. If Marshall emphasized the expansion of rights, the algorithmic era has revealed the automation and predictability of power. In this situation, data replaces direct observation, prediction replaces reaction, and software architecture replaces individual decision. At this stage, the logic of power acquires three essential features: structural invisibility, distributed agency, and the primacy of prediction over responsibility. As a result, citizenship is no longer simply a set of rights guaranteed against the state, but a position within a network of data analysis and predictive interventions. So if Marshall began the project of expanding citizenship, the digital age forces societies to complete the project of reconstructing the mechanisms of power containment in algorithmic architecture. This reconstruction requires that citizenship rights be moved from the level of formal decisions to the level of system design, responsibility be elevated from the individual to the structural, and human dignity be defined not merely as a normative slogan but as a fundamental constraint on algorithmic engineering. In other words, the project of citizenship in the digital age must be elevated from the expansion of rights to the redesign of guarantees. Therefore, since the exercise of power in the algorithmic state is distributed across three normative levels, focusing on human dignity and the primacy of human intervention, an institution with an independent oversight body and algorithm auditing, and a technical layer including understandable transparency, effective objection capability, and decision-making traceability, the guarantee of rights must also be designed in a multilayered manner to keep pace with the requirements of the new era and to ensure that citizens' rights remain protected in the world of artificial intelligence. The multilayered model shows that in the algorithmic state, guaranteeing citizens' rights is no longer simply a judicial or legislative issue, but rather a "governance architecture" that extends from the level of values to the level of code. In this framework, civil rights are not seen as an obstacle to innovation but as a criterion of its legitimacy, and any general artificial intelligence system is only acceptable if it is compatible with the fundamental principles of civil rights at all three levels. Ultimately, the main challenge of the digital age is not to create a new generation of rights, but to reconstruct the mechanisms of control over power in the face of intelligent design. The future of civil rights will not be determined by confrontation with technology, but by its intelligent regulation, a regulation that places human dignity at the center as the fundamental criterion of the legitimacy of any general artificial intelligence system.

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