



Aneta Jakubiak-Mironczuk*

Cyberlobbying and Artificial Intelligence in the Light of the Issues of Public Discourse in a Democratic State Under the Rule of Law

[Cyberlobbying i sztuczna inteligencja w świetle problematyki dyskursu publicznego w demokratycznym państwie prawa]

Abstract

The aim of this article is to analyze the impact of the use of artificial intelligence as a tool of cyberlobbying on public discourse in a democratic state under the rule of law. In the first place, cybersecurity threats resulting from lobbying activities carried out via IT tools and the Internet, i.e. cyberlobbying, were presented. The second area of analysis focuses on the question of risks to public safety in the face of the development of artificial intelligence and the potential of its use in advocacy for particular interests. The issue of the use of AI in strategic and executive lobbying requires an answer to the question of whether, or to what extent, effective lobbying is a well-defined problem. The combination of the possibility of influencing public opinion in cyberspace with data analysis and the possibility of generating conclusions about the constantly growing number of contexts, opens up discussions about the potential of using AI for all information management activities, including those aimed at influencing the decisions of public institutions.

Keywords: cyberlobbying, AI, cybersecurity threats, public discourse, data analysis, cyberspace, public safety, democratic state under the rule of law, influencing public opinion.

Introduction

The modern understanding of the rule of law is based on both negative and positive aspects. The arbitrariness of the actions of public institutions is limited by the law and the rights and guarantees of civil liberties, which include access to information and the right of participation of individuals in the de-

* **Aneta Jakubiak-Mironczuk** – PhD, assistant professor at the Department of Theory and Philosophy of Law, Faculty of Law and Administration, Cardinal Stefan Wyszyński University in Warsaw; attorney-at-law; <https://orcid.org/0000-0001-5258-9839>; a.mironczuk@uksw.edu.pl / dr nauk prawnych, adiunkt w Katedrze Teorii i Filozofii Prawa Wydziału Prawa i Administracji UKSW w Warszawie; radca prawny.

cision-making processes of public authority.¹ The implementation of the rule of law requires the quality of law that protects socially important values and realizes the interests of citizens and the community.² The rule of law is based on respect for the freedom and dignity of every person and on proposed by Neil MacCormick openness to argumentation as a complement to the opposite of arbitrary exercise of power.³ These features of the rule of law correlate with the concept of systemic deliberation, which is based on the institutions of public consultations, expert panels, citizens' legislative initiative, the right to petition and the right of access to public information.

Deliberation as an ethical ideal of the organization of public space is realized by enabling social actors to participate in decision-making processes. Participation is not the goal of deliberation, but a means to make decisions in a rational and inclusive way. The intended effects of deliberation are the acquisition or verification of knowledge, the expansion of awareness, learning and the acquisition or improvement of civic competences through conscious participation in discourses.⁴ In Robert Dahl's ideal view, democracy is an ideal, desirable state in which communication on public issues takes place under the conditions of free expression of views and assessments and the possibility of using many sources of information.⁵ Nowadays, public discourse takes place in real space and in cyberspace. Information is the main lobbying tool, which in cyberspace allows to achieve ranges and goals unavailable to traditional lobbying.

In the culture of democratic countries, advocacy of interests can function in a legal way in many models.⁶ The one that assumes the possibility of broad rivalry between interest groups within the rules provided by the state is pluralism.⁷ In such a case, it is understood as all actions (direct and indirect, overt and covert) aimed at influencing the decision-making processes of public institutions, in particular state authorities.⁸ The concept of lobbying can be

¹ J. Waldron, *The Rule of Law and the Importance of Procedure* [in:] J. Fleming (ed.), *Getting to the Rule of Law*, NOMOS 54, New York 2011, pp. 29 and 30.

² Cf. more: *The Rule of Law Index* – <https://worldjusticeproject.org/rule-of-law-index/downloads/WJPIIndex2023.pdf>, pp. 14 and 15 [accessed: 04.01.2025].

³ N. MacCormick, *Rhetoric and the Rule of Law: A Theory of Legal Reasoning*, Oxford 2005, p. 14.

⁴ A. McGann, *The Logic of Democracy. Reconciling Equality. Deliberation and Minority Protection*, Michigan 2006, p. 115.

⁵ After: J. Sroka, *Instytucje demokracji deliberacyjnej w polskim systemie politycznym. Wprowadzenie do kontekstu teoretycznego* [in:] J. Sroka (ed.), *Wybrane instytucje demokracji partycypacyjnej w polskim systemie politycznym*, Instytut Pracy i Spraw Socjalnych, Warszawa 2008, p. 15.

⁶ More: A. Jakubiak-Mironczuk, *Lobbying in a Democratic State of Law: Between Meaning and Judgment*, 'Persona y Derecho' 2015, 72, 1, pp. 164–168.

⁷ Cf. J. Sroka, *Europejskie stosunki przemysłowe w perspektywie porównawczej*, Wrocław 2000, pp. 42–46.

⁸ Cf. e.g. A. Rosenthal, *The Third House: Lobbyists and Lobbying in States*, Washington 2001, p. 1, A. J. Nownes, *Total Lobbying: What Lobbyists Want (and How They Try to Get It)*, Cambridge 2006, p. 5, M. Mołęda-Zdziech, *Lobbying a inne formy komunikowania* [in:] K. Jasiecki, M. Mołęda-Zdziech, U. Kurczewska, *Lobbying. Sztuka skutecznego wywierania wpływu*, Kraków 2006, pp. 30–35, G. Rippel, *O lobbyingu, czyli promocji interesów*, *Prace Naukowe Akademii Ekonomicznej*, 1008, Wrocław 2003, p. 436.

understood as a synonym for advocacy of interests or as a specific form of it. In the second case, lobbying is an activity carried out by an intermediary or representative. In particular, it is the lawful action taken by a registered lobbyist for remuneration in the interest of the principal.⁹ In the context of advocacy understood in cyberspace, only the first understanding is adequate.

Cyberlobbying is a concept that is based on two terms – *lobbying* and *cyber*. Prefix *cyber* modifies the original scope of the concept by referring to those lobbying activities that are undertaken with the use of information and communication technologies, including IT tools and the Internet.¹⁰ They comprise all direct methods of communication, argumentation and persuasion, as well as indirect methods. These include information management as part of the management strategy and stakeholder relationship management.¹¹ Cyberlobbying should be defined as an organized form of exerting influence with the use of IT tools by entities acting for the benefit of particular interests on public institutions. This approach also includes the activity of promoting specific ideas, the adoption of which creates favorable conditions for the implementation of particular interests.¹²

The main tools of traditional lobbying and cyberlobbying are communication and handling information in a way that shapes opinions and views. The adopted mode of action can be both overt and direct, as well as indirect and covert. In the case of overt action, it is part of the social dialogue or the procedures of registered lobbying activity. It can also rely on indirect, bottom-up and dispersed activities, referred to as *grassroots*¹³ lobbying. The aim of indirect lobbying is to influence decision-makers by shaping public opinion in a way that is aimed at gaining support.¹⁴ The methods used can be public relations or CSR tools, financial activities or bottom-up lobbying. Bottom-up lobbying comes in three varieties: traditional, *astroturf* and *grass top*. Traditional grassroots lobbying is based on civil society institutions, for example,

⁹ Cf. e.g.: M. Wiszowaty, *Regulacja lobbingu na świecie. Historia, elementy, stan obecny*, Warszawa 2008, p. 30 and *Lobbying Registration and Reporting Manual for the Lobbyists Law*, Hawaii Revised Statutes, chapter 97, <https://www.fppc.ca.gov/learn/lobbyist-rules/lobbying-registration-reporting-and-ethics-training.html> [accessed: 13.01.2025].

¹⁰ Cf. M. Molenda-Zdziech, *Od lobbingu klasycznego ku cyberlobbingowi* [in:] K. Jasiecki (ed.), *Grupy interesu i lobbing. Polskie doświadczenia w uniijnym kontekście*, Warszawa 2011, pp. 179 and 180, F. Descheemaekere, *Le cyber lobbying*, Paris 2007, p. 13.

¹¹ Cf. B. Sobkowiak, *Public relations jako forma komunikowania masowego* [in:] B. Dobek-Ostrowska, *Studia z teorii komunikowania masowego*, Wrocław 1999, p. 64, J. Sroka, *Lobbying jako strategia promocji interesów grupowych* [in:] A. W. Jabłoński, L. Sobkowiak (eds), *Marketing polityczny w teorii i praktyce*, Wrocław 2002, p. 216, A. Sławik, *Lobbying w strategiach przedsiębiorstw*, Kraków 2009, p. 11.

¹² Cf. J. Sroka, *Lobbying w Unii Europejskiej* [in:] W. Bokajło, K. Dziubka (eds), *Unia Europejska. Leksykon integracji*, Wrocław 2003, p. 337.

¹³ W. J. Wolpiuk, *Lobbying. Próba ustalenia treści pojęcia i funkcji prawnopublicznych* [!], „Przegląd Sejmowy” 2004, 4, pp. 16–18 and e.g. A. Jakubiak-Mirończuk, *Lobbying...*, p. 154.

¹⁴ Cf. K. Jasiecki, M. Mołęda-Zdziech, U. Kurczewska, *Lobbying...*, Kraków 2006, p. 169, M. Molenda-Zdziech, *Od lobbingu...*, p. 180.

the organization of demonstrations or mass petitions. It is based on the use of political or ideological connections between a lobbyist and a specific social group.¹⁵ It is also sometimes referred to as citizen lobbying. *Astroturf* lobbying, also referred to as *artificial grass* lobbying, is an activity of economic entities that involves organizing false grassroots activities by recruiting supporters and financing their activities. *Grass top* lobbying focuses on attracting publicly recognized people with a high potential to influence public opinion, and conducting activities with their involvement.¹⁶

Nowadays, the essence of effective lobbying is strategic differentiation in terms of methods and forms of action, which by definition consists in the comprehensive use of all possible and adequate areas and channels for direct and indirect transfer of information, persuasion and influence on opinions and decisions.¹⁷ Actions understood in this way are undertaken not only by economic entities or organizations working for specific policies, e.g. climate protection, but also by states towards another country.¹⁸ It is worth noting that social entities in particular can conduct business *public affairs*, that is, using lobbying strategies, strive to achieve goals that are part of the action for the common good.¹⁹ In view of the above definitional problems, it is important to indicate the features that do not raise any doubts. These are the categories of the author and addressee of the activities as well as the motivation and purpose of the activities. The addressees of lobbying are states, unions, federations of states and international organizations and their institutions. The motivation is the broadly understood protection of particular interests, and the aim of the actions is to exert influence on the addressees, which will guarantee or create conditions conducive to particular interests.

Due to the diversity of decisions of public institutions, it is possible to influence legislative processes, executive decisions, redistribution and transfer of public resources. Lobbying strategies can be implemented in the form of traditional, hybrid or cyber lobbying. The wider and more complex the scope

¹⁵ K. Oświecimski, *Lobbing oddolny jako forma obywatelskiego uczestnictwa w procesie politycznym – przykład amerykański*, „Horyzonty Polityki” 2010, 1 – Polityczna natura człowieka, pp. 239, 245.

¹⁶ Cf. M. Mołęda-Zdziech, *Od lobbingu...*, p. 181.

¹⁷ Cf. M. Mołęda-Zdziech, *Lobbing a inne...*, pp. 30–35, G. Rippel, *O lobbingu...*, p. 436.

¹⁸ Analyses of state advocacy activities toward another state show that advocacy activities include hiring lobbyists, lawyers, and former high-ranking government officials, political advisors, and public relations professionals; building a political network of advocacy across the country to influence public opinion; political campaigns aimed at advancing economic interests and fostering trade policies; and shaping the way describing economic issues by journalists, as well as promoting people representing their point of view at universities and research institutions – K. Jasiński, M. Mołęda-Zdziech, U. Kurczewska, *Lobbing...*, p. 23 and 24, Ph. Kotler, S. Jatusripitak, S. Maesincee, *Marketing narodów. Strategiczne podejście do budowania bogactwa narodowego*, Kraków 1999, pp. 419 and 420.

¹⁹ Cf. K. Jasiński, M. Mołęda-Zdziech, U. Kurczewska, *Lobbing...*, p. 44 and the literature cited therein, J. Dzieńdziora, *Model kompetencji współczesny lobbyisty*, Warszawa 2018, pp. 30, 122, N. Ofmański, *Public Affairs and Lobbying* [in:] *Sztuka public relations. Z doświadczeń polskich praktyków*, 2nd edition, expanded, B. Janiszewska (ed.), Warszawa 2011, p. 281.

of action, the more cyberspace use it requires. Key factors conducive to advocacy of interests in a broad sense in cyberspace or with the use of IT tools is a growing social cyber activity, which is associated with the fact of the impact of content posted on the Internet on public opinion and computerization of activities, including public administration services.

Information is of strategic importance in lobbying activities, and cyberspace is the area of its production and processing. The use of IT tools and the Internet is possible in most traditional types of lobbying. A face-to-face meeting can be conducted via an online conference, letters and petitions submitted in the form of a document can be delivered as e-mails or by means of an electronic form.²⁰ Equally important features of cyberspace create conditions in which indirect and bottom-up activities, in particular covert ones, are accessible, easy, allow to reduce costs and significantly increase the scope and power of impact compared to traditional techniques.

Cyberspace as a Space for Lobbying Activities

Cyberspace is an area of generation, processing and exchange of information using information systems.²¹ A more precise definition is used by the U.S. Department of Defense, defining cyberspace as “the global domain of the information environment consisting of interdependent networks created by information technology (IT) infrastructure and the data contained therein, including the Internet, telecommunications networks, computer systems, as well as processes and controllers embedded in them.”²² It is also referred to as virtual reality, which is a communication space created by a system of Internet connections.²³ On the basis of the provisions of Polish law, cyberspace is understood as a space for processing and exchanging information created by ICT systems.²⁴ It is also defined as a technosystem of global social

²⁰ Cf. F. Descheemaekere, *Le cyber...*, p. 57 and M. Molenda-Zdziech, *Od lobbingu...*, p. 183.

²¹ The creators of the concept are considered to be Vernor Vinge, who used the concept in 1981 in his novel *True Names*, and William Gibson, who popularized this concept in his novel, who described cyberspace as “a consensual hallucination, experienced every day by billions of authorized users in all countries” – cf. W. Gibson, *Neuromancer*, Poznań 1984, p. 53, A. Warchoń, *Pojęcie cyberprzestrzeni w strategiach bezpieczeństwa państw członkowskich Unii Europejskiej*, *Annales Universitatis Paedagogicae Cracoviensis, ‘Studia de Securitate’* 2019, 9, 4, p. 96.

²² J. Wasilewski, *Zarys definicyjny cyberprzestrzeni*, „Przegląd Bezpieczeństwa Wewnętrznego” 2013, 9, p. 225.

²³ C. Banasiński, *Wprowadzenie do problematyki cyberbezpieczeństwa* [in:] C. Banasiński (ed.), *Cyberbezpieczeństwo*. Zarys wykładu, Warszawa 2018, p. 24.

²⁴ Cf. Article 2(1b) of the Act of 29 August 2002 on martial law and the competences of the Commander-in-Chief of the Armed Forces and the principles of his subordination to the constitutional organs of the Republic of Poland, i.e. Dz.U. 2022, item 2091 and Article 3(1)(4) of the Act of 18 April 2002 on the state of natural disaster, i.e. Journal of Laws 2017, item 1897.

communication, which has been shaped by: the integration of a forum for the transmission and presentation of information and the resulting digitization and creation of an infosphere; convergence of information and telecommunications systems and electronic media; integration of the technosphere and creation of an integrated ICT platform.²⁵ The above indicates that today there is a coherent way of understanding cyberspace, primarily as an information and IT area.²⁶ Martin C. Libicki proposed the division of cyberspace into the following planes: physical – devices and all other objects necessary for the functioning of cyberspace, syntactic – information formats and instructions and methods of controlling the ICT systems, semantic – processed information.²⁷ The presented considerations will mainly concern the semantic plane of cyberspace.

The conditions for the development of cyberlobbying are related to the processes of computerization and digitization and the development of the information society. The widespread use of e-services and e-information poses many challenges to both society and public institutions. Electronic information, especially in the context of its universality and necessity for the functioning of both public and public entities, requires special protection.²⁸ The pace of technological development and availability of IT services, as well as the accompanying ease of using their capabilities, means that virtual reality with its information and communication network is constantly expanding. Originally, it was thought of as a digital representation of data. Nowadays, it is assumed that it shapes the imagination and influences the choices of users.²⁹ Illusions, interpretations and reliable information coexist in cyberspace. What is virtual can and does motivate users to take actions outside of it.

The development of technology, including the Internet, and the ever-increasing reach of the global network are conducive to the phenomena of reflecting and transferring social activity to cyberspace. This is facilitated by the openness of communication characteristic of cyberspace and the high dynamics of development of new forms of functioning as well as the attractiveness of new tools and technological solutions, including AI. According to the Digital 2023 Report, the Internet brings together 5 billion internet users out of 8 billion population, including 4.76 billion social media users. Compared to 2022, there was an increase in the number of internet users by 98 million and an

²⁵ P. Sienkiewicz, *Bezpieczeństwo cyberprzestrzeni państwa* [State Cyberspace Security], „Zeszyty Naukowe Uniwersytetu Szczecińskiego. Ekonomiczne Problemy Usług” 2012, 88, pp. 804–806.

²⁶ More: M. Lakomy, *Cyberprzestrzeń jako nowy wymiar rywalizacji i współpracy państw*, Katowice 2015, pp. 71–82.

²⁷ M. C. Libicki, *Conquest in Cyberspace*. National Security and Information Warfare, New York 2007, p. 4 [after:] M. Lakomy, *Cyberprzestrzeń...*, p. 82.

²⁸ M. Gołka, *Czym jest społeczeństwo informacyjne?*, „Ruch Prawniczy, Ekonomiczny i Socjologiczny” 2005, 67, 4, p. 254.

²⁹ M. Lakomy, *Cyberprzestrzeń...*, p. 73.

increase in social media users by 137 million.³⁰ The reason for use is primarily to search for information, keep in touch with family and friends, get knowledge about current events, entertainment, search for practical knowledge, information about products and brands, look for inspiration. In the context of cyberlobbying, it is important that currently 57.8% of users search for information online, and 50.9% obtain knowledge about current events from the Internet. The growth dynamics is enormous – in 2006 there were only 800,000 of them, in 2016 14 million, and now over 4 billion.³¹ For example, the average Internet user in Poland spends an average of 3 hours and 30 minutes online every day.³²

Cyberspace, understood as a specific environment for processing and exchanging information, has specific features. It is a replicated and repairable man-made immaterial space that exists in many forms and places.³³ Its architectural structure is dispersed.³⁴ It follows that the anonymity of users, the atterritoriality of communications and other processes resulting from the absence of direct geographical and political boundaries, and a global coverage corresponding to the coverage of the Internet are possible and often maintained.³⁵ Of particular importance is its global scope of impact through information on societies and economies and flexibility in creating and adopting social models.³⁶ Consequently, the scope and effectiveness of social influence through information, identified at the social level, requires it to be taken into account as a phenomenon shaping public discourse.

Cyberlobbying methods, through the availability of IT tools, provide an opportunity for both important economic and social actors, as well as smaller entities, as long as they undertake joint, coordinated actions or at least those that have the same focus (e.g. through mailing or petitions³⁷). The potential for cyberlobbying, especially *grassroots*, is growing with the population of social media users. The use of indirect cyberlobbying methods by using social platforms to present arguments, create an image or initiate social actions is easier and cheaper than traditional lobbying methods. Cyberlobbying as a tool responds to the needs of social actors with a dispersed, horizontal or

³⁰ Raport Social media w Polsce i na świecie. Digital 2023, <https://datareportal.com/reports/digital-2023-global-overview-report> and <https://grupainfomax.com/blog/social-media-w-polsce-i-na-swiecie-raport-digital-2023/> [accessed: 25.08.2023].

³¹ Ibid.

³² M. Górską, Polski Internet w Q1 2024, Polskie Badania Internetu, <https://pbi.org.pl/raporty/polski-internet-w-q1-2024/> [accessed: 04.01.2025].

³³ M. C. Libicki, *Conquest...*, pp. 4–9, M. Lakomy, *Cyberprzestrzeń...*, pp. 82 and 83.

³⁴ Cf. M. Lakomy, *Cyberprzestrzeń...*, pp. 89 and 90.

³⁵ M. Marczyk, *Cyberprzestrzeń jako nowy wymiar aktywności człowieka – analiza pojęciowa obszaru*, „Przegląd Teleinformatyczny” 2018, 1–2, pp. 59 and 60.

³⁶ J. Oleński, *Ekonomika informacji*, Warszawa 2003, p. 33, M. Castells, *Spółeczeństwo sieci*, Warszawa 2008, p. 23, K. Chałubińska-Jentkiewicz, *Cyberbezpieczeństwo – zagadnienia definicyjne*, ‘Cybersecurity and Law’ 2019, p. 11.

³⁷ For example, gopetition.com allows for collecting signatures under petitions in 75 countries [after:] M. Molenda-Zdziech, *Od lobbyingu...*, pp. 181 and 182.

network structure. This type of actors undertakes activities focused on individual issues instead of complex programs or multi-stage strategies.³⁸

According to Małgorzata Mołęda-Zdziech, the change in the power structure related to subsidiarity, which have created conditions for cyberlobbying activity towards regional and local decision-makers is also important.³⁹ In this context, key actors are small and medium-sized enterprises, employers' organisations, trade unions, local interest organisations, local media and agencies.⁴⁰ In this aspect, the existence of cyberlobbying should be considered as a phenomenon supporting the egalitarian nature of social discourse. At the same time, it should be noted that multi-stage campaigns with a large reach require professional information management and the use of advanced applications. This type of high-budget campaigns is still used mainly by corporations or organizations with adequate finances.

An important phenomenon to justify lobbying activities in cyberspace are the processes of cyberactivism, which are a specific social activity belonging to broadly understood communication and information processing. Activism on the Internet, or cyberactivism, as a form of activity of individuals in cyberspace with the use of dedicated tools, allows or significantly facilitates the production, access, archiving and publication of information resources, enables the acquisition and delivery of information through communication channels and systems of communication channels, as well as influence in a way that meets the characteristics of the crime of hacking (hacktivism).⁴¹

The transparency of open and direct activity allows the institution both to adequately assess the relationship between the information received and the lobbying target, as well as to accurately identify particular interests and the scope of any conflict between them and the common good and the public interest. Indirect overt and covert activities are by definition devoid of transparency, and cyberspace and its communication channels make it easier to maintain anonymity and take sham actions. For example, by undertaking scattered activities, ostensibly for the common good, including by giving them the characteristics of spontaneous civic practices. This type of lobbying is of a grey economy nature. It does not have the hallmarks of an illegal activity, but it raises justified ethical doubts.

The conditions resulting from the features of cyberspace are obviously conducive to taking grass root, astroturf⁴² activities. Due to the characteristics of cyberspace, in particular anonymity, it is a forum for grassroots activities, both authentic and fake. Politically or financially motivated entities can use

³⁸ Cf. M. Molenda-Zdziech, *Od lobbingu...*, p. 185.

³⁹ Cf. M. Molenda-Zdziech, *Od lobbingu...*, pp. 183 and 184.

⁴⁰ M. Molenda-Zdziech, *Od lobbingu...*, p. 186.

⁴¹ Cf.: M. Molenda-Zdziech, *Od lobbingu...*, pp. 187 and 188.

⁴² S. N. Tesh, *The Internet and the Grass Roots*, 'Organization & Environment' 2002 Sept., 15, 3, pp. 336 and 337.

both existing social organizations to act for their own interests, as well as recruit Internet users or create accounts using AI. *Astroturf* campaigns allow to gain social engagement or support by manipulating information, increasing reach by using the way social media works. The illusion of support in cyberspace can create real support. The effectiveness of this type of action is significantly related to the fact that the flow of information in cyberspace is much faster than outside it, especially if the information has been strongly emotionally charged. A common feature of all such activities is the lack of transparency of objectives, funding and sources of information.

The impact of cyberlobbying on public discourse often has *soft power* features. The concept of *soft power* is defined in several ways, depending on the context. In Jeremy Ryfkin's broadest view, it is a kind of agency achieved not by coercion, but by pulling people to one's side (*co-opting*).⁴³ A characteristic feature of *soft power* is the abandonment of all forms of hard coercion, both direct and indirect. *Soft power* is aimed at referring to universal values, the common good or public morality by creating a specific image. However, it aims to gain the possibility of influencing the decisions of other entities by deepening the selected type of relationship.⁴⁴ In this context, the change in the nature of social conflicts is important. It is related to the strengthening of network forms of organization and the modification of the agency of traditional and hierarchical entities for the benefit of those that have knowledge and capabilities, including *soft power* of a transnational nature.⁴⁵ Joseph S. Nye defines *soft power* as the ability of a state to influence the preferences of other countries, so that they act in accordance with its national interest, by appealing to international authority and position⁴⁶. In terms of complex strategies, cyberlobbying and *soft power* are similar activities, based on image creation, shaping opinions, arousing emotions and building relationships with opinion-forming entities or entities with recognized authority.

Artificial Intelligence as a Tool for Cyberlobbying

The term Artificial Intelligence is defined as the ability of machines to learn, plan and be creative. AI systems belong to algorithmic systems or are a combination of the systems that use computational methods to perform functions

⁴³ J. Ryfkin, *Europejskie marzenie. Jak europejska wizja przyszłości zaćmiewa „American dream”*, Warszawa 2005, p. 364.

⁴⁴ Cf. J. Gryz, *Proces instytucjonalizacji stosunków transatlantyckich*, Warszawa 2004, p. 120.

⁴⁵ Cf. J. S. Nye, *Power in the Global Information Age: From Realism to Globalization*, London 2004, pp. 72–76, R. Potocki, *Potęga a nieład światowy. Dylematy „miękkiej siły” w relacjach transatlantyckich* [in:] G. Rdzanek (ed.), *Euroatlantycka obronność na rozdrożu*, Wrocław 2004, pp. 79–87.

⁴⁶ J. S. Nye, *Power...*, p. 25.

corresponding to human intelligence or otherwise support or replace human judgment, i.e. e.g. prediction, planning, classification, pattern recognition, organizing, perception, speech/sound/image recognition, text/audio/image generation, language translation, communication, learning, representation and problem solving.⁴⁷ A key feature of AI is learning, understood as autonomously interacting with the digital and physical environment to solve problems.⁴⁸ Cyberspace was created by man. The discovery and use of AI is the moment from which the transformation of cyberspace undoubtedly gains a new tool and faces the question of whether it will become its co-author. From this perspective, it is adequate to address not only the issue of the potential of AI in lobbying activities designed by humans, but also the question of whether the autonomy and adaptability of AI in the future will lead to it undertaking lobbying activities in subjective terms. For example, those that will be aimed at the creation of legislation that guarantees the protection of AI's particular interests.

Artificial Intelligence can primarily increase the efficiency and scope of activities undertaken in cyberspace, in particular in the field of content creation and dissemination as well as the automation of data analysis and generation of impact strategies. In the basic coverage, the content generated by language models can be used to create messages, articles or posts that support a given lobbying goal. AI can create deepfake audiovisual content that can be used to influence public opinion. Advanced AI models can support the creation of precise advertising campaigns that reach key decision-makers or the public.

The above is related to another area of AI use, which is the monitoring and analysis of public opinion in the field of public discourse conducted in cyberspace. AI can analyze data from social media and other platforms for opinions and views, and identify opinion centers or communities. AI tools can also segment social actors active in cyberspace based on assumed criteria, such as demographics, psychographics, or political preferences. The information obtained can be used to determine the degree of public support, create lists of allies and opponents of a given lobbying project. At the next stage, it is possible to adapt the message to a specific group of recipients with the help of AI. AI models can also be used in *astroturf* activities. AI has the ability to generate profiles on social media platforms along with conducting activities on them, in order to simulate grassroots support (or opposition) to specific initiatives. AI makes it easier to monitor changes in the law and the directions of the executive branch, including determining key moments when lobbying intervention can be most effective.

⁴⁷ Cf. Revised zero draft (framework) Convention on artificial intelligence, human rights democracy and the rule of law, Committee on Artificial Intelligence, Strasbourg 6 January 2023, CAI(2023)01, p. 4, <https://rm.coe.int/cai-2023-01-revised-zero-draft-framework-convention-public/1680aa193f> [accessed: 13.01.2025].

⁴⁸ Cf. T. Zalewski, *Definicja sztucznej inteligencji* [The Concept of Artificial Intelligence] (in:) L. Lai, M. Świerczyński (eds), *Prawo sztucznej inteligencji* [The Law of Artificial Intelligence], Warszawa 2020, pp. 11–14.

The defined areas of use of AI systems only indicate specific opportunities for action. Their purpose may be to varying degrees the implementation of particular interests in a way that is detrimental to the common good, as well as those that are aimed at expanding awareness and shaping ethical attitudes, including both individual responsibility and responsibility for the common good. AI as a tool of cyberlobbying, along with the accompanying potential for applications, justifies the limitation of the thesis of its egalitarian nature. It remains valid in terms of the availability of IT tools and the Internet. Nevertheless, the creation of AI systems requires the involvement of significant financial and organizational resources, and above all, the availability of highly qualified staff. All the same, using no-code tools is cheap and widely available. The first beneficiaries of AI systems are corporations, whose resources enable the creation of AI systems, followed by public institutions, which are potential beneficiaries – as a result of the adopted policies. The effectiveness and global reach of cyberlobbying using AI models is a significant argument for taking regulatory action.

In the European Union, AI is seen as a central component of the digital transformation.⁴⁹ In September 2019, the Council of Europe started to work on the draft legal framework. These activities were carried out behind closed doors. A possible justification for the Council of Europe's decision to keep work on the Framework Convention on Artificial Intelligence in secret is to limit the possibility of the influence of entities pursuing particular interests or the interests of third countries, including lobbying activities.⁵⁰ In May 2019, the OECD issued a Recommendation of the Council on the Artificial Intelligence, which recognises that AI systems “should respect the rule of law, human rights and democratic values at every stage of the AI system's lifecycle. These include freedom, dignity and autonomy, privacy and data protection, non-discrimination and equality, diversity, justice, social justice and internationally recognised labour rights.”⁵¹ In April 2021, the European Commission took the first steps to define a normative framework for artificial intelligence.⁵² In February 2023, the Council of Europe's Committee on Artificial Intelligence (CAI) published a preliminary draft of the Framework Convention on Artificial Intelligence and Human Rights, Democracy and the Rule.

⁴⁹ <https://www.europarl.europa.eu/news/pl/headlines/society/20200827STO85804/sztuczna-inteligencja-co-to-jest-i-jakie-ma-zastosowania> [accessed: 13.01.2025].

⁵⁰ E.g. <https://verfassungsblog.de/coe-black-box-ai/> [accessed: 13.01.2025].

⁵¹ 1.2, pkt IV sekcji 1 Zalecenia Rady ds. Sztucznej Inteligencji, 22.05.2023, OECD/LEGAL/0449 – <https://legalinstruments.oecd.org/en/instruments/OECD-LEGAL-0449> [accessed: 13.01.2025]. More: <https://www.oecd.org/digital/artificial-intelligence/> [accessed: 13.01.2025] and Revised zero draft (framework) Convention on artificial intelligence, human rights democracy and the rule of law, Committee on Artificial Intelligence, Strasbourg 6 January 2023, CAI(2023)01, p. 5.

⁵² Cf. Coordinated Plan on Artificial Intelligence 2021, <https://digital-strategy.ec.europa.eu/pl/policies/plan-ai> and Artificial Intelligence Act – <https://artificialintelligenceact.eu/> [accessed: 13.01.2025].

As a result of the work of the European Commission, a classification of AI system applications, according to the risk it poses in use, has been created. The adopted classification distinguishes inadmissible, limited and acceptable risk systems. The consequence of a specific AI system meeting the conditions for qualifying as unacceptable risk systems is a ban on its use. For example, the following have been identified as this type of threat: systems that enable cognitive-behavioral manipulation of people or specific vulnerable groups (e.g. children); scoring of citizens, i.e. classifying people based on their behavior, socio-economic status or personal characteristics; real-time and remote biometric identification systems (e.g. facial recognition), with the exception of delay-based biometric identification systems used for the prosecution of serious crimes subject to court approval.⁵³

High-risk AI systems are AI systems that negatively affect safety or fundamental human rights. They are divided into two categories: the systems used in the products covered by the EU product safety legislation and systems belonging to the eight areas that will have to be registered in the EU database – biometric identification and categorization of natural persons, management and operation of critical infrastructure, education and vocational training, employment, management of workers and access to self-employment, access to and use of basic private services and public services and benefits, law enforcement, migration, asylum and border control management, assistance in legal interpretation and application of the law. It is planned to assess all high-risk AI systems before they are placed on the market, as well as throughout their life cycle.⁵⁴

Categories of low-risk systems require minimum transparency requirements to enable users to make informed decisions how to interact with AI, taking into account the risks. This category includes so-called generative AI systems, i.e. those that create or manipulate new content in the form of images, audio or video content, e.g. deepfake videos or generate summaries of copyrighted content. In addition to the disclosure of authorship by AI, a restriction is additionally provided for by the obligation to design the system so that it does not generate illegal content.⁵⁵ Parliament agreed its negotiating position on 14 June 2023 and plans to start negotiations with EU countries in the Council on the final shape of the law. The Council of Europe Framework Convention on Artificial Intelligence and Human Rights, Democracy and the Rule of Law was adopted on 17 May 2024 by the Committee of Ministers of the Council of Europe.⁵⁶ Finally, European Union Artificial

⁵³ <https://www.europarl.europa.eu/news/pl/headlines/society/20230601STO93804/akt-ws-sztucznej-inteligencji-pierwsze-przepisy-regulujace-ai> [accessed: 13.01.2025].

⁵⁴ Ibid.

⁵⁵ Ibid.

⁵⁶ <https://www.coe.int/en/web/artificial-intelligence/cai> [accessed: 13.01.2025].

Intelligence Act – AIA was passed on 13 June 2024 and published on July 2024.⁵⁷ A detailed discussion of this act is beyond the scope of this article. However, it should be noted that on February 4, 2025, the European Commission issued guidelines on the application of Article 5 of Regulation (EU) 2024/1689 (Artificial Intelligence Act, hereinafter AIA), which contains a list of prohibited practices involving artificial intelligence systems. Two days later, on February 6, the Commission published guidelines on the definition of AI systems, contained in Article 3(1) of the regulation. Both of these provisions are part of the first group of AIA regulations, the period of application of which began on February 2, 2025.⁵⁸ Article 3, Section 1 of the AIA adopts a seven-element definition of AI as a machine-based system possessing varying degrees of autonomy and adaptive capabilities after implementation. Furthermore, it is a system that, for explicit or implicit purposes, infers and generates predictions, content, orders, or decisions and dedicated regulations for the commissioning and use of high-risk AI systems. What is particularly important, in points 28 and 29 of the AIA preamble is highlighted that AI has the potential to provide new and powerful tools for practices of manipulation, exploitation and social control. This directly refers to the risk of forcing recipients to make decisions in a way that limits their autonomy, rationality and freedom of choice. The above, as is obvious, constitutes a significant threat to human rights.⁵⁹

The answer to the above-mentioned risks are obligations for private and public entities, as long as they take action to design, develop and use AI systems throughout their life cycle, excluding defence. The basic principles are: compliance with the principle of equality and non-discrimination by AI systems; protection of data used by AI systems (including personal data); ensuring accountability and legal accountability for damage or human rights violations caused by the AI system; creating oversight mechanisms and transparency and auditability requirements for AI systems; meeting security requirements, including data quality, integrity and security, as well as cybersecurity and resilience of the AI system; providing a controlled regulatory environment for testing AI systems under the supervision of competent authorities.

⁵⁷ Regulation (EU) 2024/1689 of the European Parliament and of the Council of 13 June 2024 laying down harmonised rules on artificial intelligence and amending Regulations (EC) No 300/2008, (EU) No 167/2013, (EU) No 168/2013, (EU) 2018/858, (EU) 2018/1139 and (EU) 2019/2144 and Directives 2014/90/EU, (EU) 2016/797 and (EU) 2020/1828 (Artificial Intelligence Act) – <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32024R1689> [accessed: 13.01.2025].

⁵⁸ Cf. E. Zalewska-Czajczyńska, M. Stachoń, *Wytyczne Komisji Europejskiej w zakresie Aktu o AI*. Opracowanie, NASK Państwowy Instytut Badawczy, Warszawa 2025 [accessed: 29.07.2025].

⁵⁹ Cf. J. Jaskiernia, *The Need for Democratic Governance of Artificial Intelligence in the Light of Analysis of the Parliamentary Assembly of the Council of Europe* [in:] *Prawo konstytucyjne w systemie prawa*. Księga jubileuszowa dedykowana profesorowi Stanisławowi Bożykowi z okazji 70. rocznicy urodzin i 45-lecia pracy naukowej, R. Skarżyński, E. Kurzelewska, J. Matwiejuk, A. Jackiewicz, A. Olechno, L. Jamróz, A. Bartnicki, K. Bezubik (eds), Białystok 2022, ss. 609–626.

Regarding to measures and safeguards to ensure accountability and compensation for damage, the Convention introduces the need to: establish a mechanism to record the operation of AI systems and to enable the transfer of recorded information to entities affected by the operation of the AI system; ensure that this information contains sufficient data to effectively challenge the use of the AI system or challenge the decision issued; effective redress mechanisms; ensure that when an AI system materially informs or takes decisions affecting human rights, there will be a right to human scrutiny of that decision; ensure that every person has the right to know that they are interacting with an AI system; ensure that any person, where applicable, is able to interact with a human in addition to or instead of an AI system.

Polish policy for the development of artificial intelligence is part of the Productivity Strategy and the Efficient State strategy and in its content is in line with the assumptions and guidelines of the draft Council of Europe Convention. The document assumes the need for activities supporting the process of digital transformation and the economy with the participation of algorithms. Data saturation was considered to be a key element. It was recognized that “the acquisition, collection, analysis, processing and conscious use of data, as well as the constant development of algorithms, are becoming a fundamental competence of economies and countries,” as technological development is moving towards reducing human participation in favor of robots and AI systems.⁶⁰ The policy assumes the need to take action from 2023 to 2027 to serve the development of Polish society, economy and science in the field of Artificial Intelligence, including society, international cooperation and the public sector.⁶¹ Activities belonging to the category of state security and national defense remain outside its scope, although cooperation between the civilian and military sectors in the field of national defense is assumed. What is important, the policy recognizes that the areas with great potential for benefits resulting from the implementation of AI are, i.a., public administration and cybersecurity.

The potential of artificial intelligence in the public administration sector is primarily related to access to high-quality data, the provision of which is the task of the public sector. It was recognized that solutions based on the use of AI can significantly improve the operation of local government administration by automating processes and improving the quality of public services offered. The important role of public administration in defining standards for the implementation of AI solutions, including in particular AI ethics and the

⁶⁰ Załącznik do uchwały nr 196 Rady Ministrów z 28 grudnia 2020 r. [Appendix to Resolution No. 196 of the Council of Ministers of December 28, 2020]: Polityka dla rozwoju sztucznej inteligencji w Polsce od roku 2020 [Policy for the Development of AI in Poland from 2020], Dz.U. [Journal of Laws] 2021, poz. [item] 23.

⁶¹ Ibid.

protection of citizens' rights, was also recognized.⁶² In order to implement the above assumptions, the following tools were considered necessary (among others):

- ◆ monitoring of designated areas;
- ◆ developing rules for transparency, auditing and accountability for the use of AI by public administrations;
- ◆ opening public data;
- ◆ regulating the possibility of obtaining the widest possible catalogue of data from public and municipal public undertakings, while respecting the principles of data protection;
- ◆ employing AI in crisis situations to forecast threats and support decision-making.⁶³

It is important to note that the AIA explicitly states that it should be prohibited to place on the market, into service, or use of certain AI systems that have the purpose or effect of significantly altering human behavior. Such systems could result in serious harm, in particular those that have a sufficiently significant adverse effect on physical or mental health or financial interests.

That AI systems employ subliminal elements, such as auditory, image, or video stimuli that cannot be perceived because they are beyond conscious human perception, or other manipulative or deceptive techniques that undermine or limit human autonomy, decision-making, or freedom of choice in such a way that individuals are unaware of such techniques or, even if they are aware of them, may be misled or unable to exercise control or object to them.⁶⁴

Summary

On the basis of research on the Internet and the information society, a thesis was formulated, that at the current stage of development of the global network, it has become the essence of civilization, not only its element. It is a collection of information, including knowledge and tools, but above all cultural practices that organize the life of a modern human. It determines reality both in the symbolic and material dimension to such an important extent that a world without the Internet is in fact an idea of a world without

⁶² Polityka..., p. 57.

⁶³ Polityka..., pp. 57–61.

⁶⁴ Cf. Regulation (EU) 2024/1689 of the European Parliament and of the Council of 13 June 2024 laying down harmonised rules on artificial intelligence and amending Regulations (EC) No 300/2008, (EU) No 167/2013, (EU) No 168/2013, (EU) 2018/858, (EU) 2018/1139 and (EU) 2019/2144 and Directives 2014/90/EU, (EU) 2016/797 and (EU) 2020/1828 (Artificial Intelligence Act), <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32024R1689> [accessed: 13.01.2025].

modern civilization.⁶⁵ As a result, it is possible to formulate a derivative thesis about the impossibility of imagining a modern state without public discourse in cyberspace. Since the perspective of entities and groups of particular interests is usually based on the criteria of availability and effectiveness, and information is the main tool of lobbying, it is possible to achieve reach and goals inaccessible to traditional lobbying in cyberspace. This, in turn, leads to the conclusion that there is a sustained trend towards increasing the use of cyberlobbying in advocacy of interests.

The network nature of relations and anonymity in cyberspace are conducive to both indirect and covert activities. In indirect lobbying, the first addressee is the public or direct stakeholders of the public institution to which the target audience is.⁶⁶ The possibilities of creating content with the characteristics of social or expert proof and the rapid dissemination of information in cyberspace significantly change both the dynamics of argumentation and the possibilities of determining public discourse. In addition, anonymity allows for façade and apparent actions, undertaken through the created false identity. Cyberlobbying, compared to traditional lobbying, is characterized by a significant increase in the capabilities and scale of each type of impact.

In the context of advocacy of interests, the question of the possibility of AI undertaking independent lobbying activities in the subjective and objective aspect remains open. The issues of self-awareness, subjectivity and subjective rights of AI currently remain unresolved.⁶⁷ The hopes and fears that arise from the progressive development of AI are the subject of both scientific and social discourse. Currently, the role of AI is defined as assisting and supporting human activities. The concept of Augmented Intelligence is an alternative conceptualization of artificial intelligence. It indicates that the main function of AI is to increase the intellectual and cognitive potential of humanity, also in the field of improving human judgment, handling large datasets, and making routine decisions.⁶⁸

As indicated by the analysis of public policies towards AI, public institutions are aware of both the possibility of supporting the effectiveness of their own activities and the potential risks associated with the use of AI. There is no doubt that the negative assessment of the risk to fundamental rights and

⁶⁵ R. Maciąg, *W stronę cywilizacji Internetu. Zarządzanie w naukach humanistycznych*, Kraków 2016, pp. 123–130 and P. Turkle, *Life on the Screen: Identity in the Age of Internet*, New York 2011, pp. 235–241.

⁶⁶ Cf. A. Vetulani-Cęgiel, *Lobbing w procesie kształtowania prawa autorskiego w Unii Europejskiej. Studium przypadków: czas trwania praw pokrewnych, dzieła osierocone, ACTA, LEX, Warszawa 2014*, pp. 39 and 40, J. Dzieńdziora, *Profesjonalizacja działalności lobbingowej w świetle teorii i praktyki zarządzania. Studium badawczo-poznawcze*, Dąbrowa Górnicza 2022, p. 91.

⁶⁷ Cf. M. Rożnowska, *Dobra osobiste sztucznej inteligencji a doktrynalna konstrukcja dóbr osobistych – czy sztuczna inteligencja może być podmiotem dóbr osobistych?*, „Transformacje Prawa Prywatnego” 2023, 2, pp. 177–207.

⁶⁸ Cf. D. C. Engelbert, *Augmented Education in the Global Age*, Routledge 2023, pp. 1–17, S. Mandvikar, D. M. Dave, *Augmented Intelligence: Human – AI Collaboration in the Era of Digital Transformation*, ‘International Journal of Engineering Applied Sciences and Technology’ 2023 Oct., 8 (06), <http://www.ijeast.com>, p. 24 ff.

freedoms and the principles of a democratic state ruled by law is negative. The ways in which AI is used in cyberlobbying correspond to the identified areas in terms of high-risk and high-risk systems. The adoption and commencement of implementation of European regulations enabling the adopted policies implementation in the light of the identification of threats should be assessed positively. However, their effectiveness in practice and the ability to enforce the adopted level of protection will depend on the actual actions of Member States. In particular, on the quality of the procedures for assessing, designating, and notifying conformity assessment bodies, as well as their monitoring. In the context of public discourse, it should also be noted that the amount of information in cyberspace exceeds the cognitive capabilities of an individual. Cyberspace is an area of freedom and development, but it is also an area of exploitation successively colonized by technology pioneers. In the face of the above challenges, public institutions are obliged to develop legal regulations and technical safeguards guaranteeing the transparency of public discourse and verification of the credibility of information used in the state's decision-making processes.

Abstrakt

Celem niniejszego artykułu jest analiza wpływu wykorzystania sztucznej inteligencji jako narzędzia cyberlobbyingu na dyskurs publiczny w demokratycznym państwie prawa. W pierwszej kolejności przedstawiono zagrożenia dla cyberbezpieczeństwa wynikające z działań lobbingowych prowadzonych za pomocą narzędzi informatycznych i Internetu, czyli cyberlobbyingu. Drugi obszar analizy koncentruje się na kwestii zagrożeń dla bezpieczeństwa publicznego w obliczu rozwoju sztucznej inteligencji i potencjału jej wykorzystania w promowaniu określonych interesów. Kwestia wykorzystania sztucznej inteligencji w lobbingu strategicznym i wykonawczym wymaga odpowiedzi na pytanie, czy i w jakim stopniu skuteczny lobbing jest problemem dobrze zdefiniowanym. Połączenie możliwości wywierania wpływu na opinię publiczną w cyberprzestrzeni z analizą danych i możliwością generowania wniosków dotyczących stale rosnącej liczby kontekstów otwiera dyskusję na temat potencjału wykorzystania sztucznej inteligencji we wszystkich działaniach związanych z zarządzaniem informacją, w tym tych mających na celu wywieranie wpływu na decyzje instytucji publicznych.

Słowa kluczowe: cyberlobbying, sztuczna inteligencja (AI), zagrożenia dla cyberbezpieczeństwa, dyskurs publiczny, analiza danych, cyberprzestrzeń, bezpieczeństwo publiczne, demokratyczne państwo prawa, wpływ na opinię publiczną.

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