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TOWARDS ETHICAL AI: LEGAL REGULATIONS AND MORAL FRAMEWORKS FOR BUSINESS USE OF AI IN THE EUROPEAN UNION

Mateusz KUCZ[1*], Robert SROKA[2*]

[1] The Maria Grzegorzewska University, Institute of Philosophy and Sociology; mkucz@aps.edu.pl, ORCID: 0000-0001-8069-5268
[2] Kozminski University, The Department of Entrepreneurship and Business Ethics; rsroka@kozminski.edu.pl, ORCID: 0000-0003-0517-5814
* Correspondence author

Purpose: This paper critically examines ethical challenges arising from AI's application in business, focusing on human rights violations. It analyzes the EU's regulatory responses (DSA, AI Act) and discusses limitations in translating ethical aspirations into enforceable standards, challenging conventional assumptions about ethical frameworks
Design/methodology/approach: The research uses a qualitative, analytical approach. It reviews AI misconduct examples, analyzes key EU policy documents on AI ethics, and evaluates implementation challenges based on empirical findings regarding ethical guidelines' limited influence on professional conduct.
Findings: AI's rapid adoption in business (social media, e-commerce) has led to significant human rights violations. The EU has developed robust "hard law" frameworks (DSA, AI Act) grounded in human rights. However, a crucial gap exists between these aspirations and practical implementation, exacerbated by formal regulations preceding informal norms and erroneous assumptions about ethical awareness. Regulatory lag persists, and economic incentives often override ethics, leading to "ethics washing."
Research limitations/implications: This research relies on literature and policy reviews, limiting empirical depth. Future work should include empirical studies and stakeholder interviews to understand implementation barriers. Findings imply a need for research into innovative enforcement, ethical AI design, and educational approaches to bridge the cognitive-behavioral gap.
Practical implications: Policymakers must focus on robust enforcement and multi-level governance. Businesses need to deeply integrate ethics into AI design and corporate culture, moving beyond "ethics washing." Effective frameworks must address behavioral aspects, providing actionable tools and fostering accountability.
Social implications: Failure to implement AI ethics effectively can perpetuate human rights violations and deepen inequalities. Successful implementation of the EU's human-centric approach can foster a more just and equitable digital society, ensuring technology serves humanity.
Originality/value: This paper offers original value by analyzing the interplay of AI innovation, ethical challenges, and EU regulation. It highlights the unusual sequence of formal institutions

preceding informal ones in AI ethics and questions the efficacy of traditional ethical frameworks without robust enforcement. It contributes to responsible AI governance discourse.
Keywords: AI Ethics, UE regulations in AI, Ethical codes, ethical attitudes, ethical work place.
Category of the paper: Conceptual paper, Literature review.

1. Introduction

One of the primary goals of business ethics, as an applied field, is to propose ethical standards of conduct relevant to business activities. Following Michael Walzer's (1987) method of interpretation, as reinterpreted in "Ethics and Human Rights in Business: In Search of a Method" (Sroka, 2016), research in business ethics typically begins with an attempt to describe the existing situation. Based on this assumption, the starting point for research conducted by business ethicists often revolves around current events and trends related to corporate activities. This perspective similarly guides the present article.

The pervasive integration of Artificial Intelligence (AI) into contemporary business models has undeniably propelled unprecedented innovation and economic growth across diverse sectors. From optimizing resource allocation to personalizing services, AI-driven solutions offer substantial societal and environmental benefits (European Parliament & Council of the European Union, 2024; PARP, 2020). Indeed, a significant majority of companies are actively leveraging or exploring AI applications, with rapid acceleration in adoption observed globally and substantial investments being made, including in countries like Poland (IBM, 2023; Maslej et al., 2025; Uchwat, 2025). In this article, we are interested in the ethical challenges related to the application of Artificial Intelligence (AI) in the business models of enterprises. Specifically, we focus on the potential negative impact of using AI systems by enterprises on human rights and fundamental rights within the European Union. In business, AI ethics refers to developing and using AI technology within a strict ethical framework based on values related to non-discrimination, privacy, individual rights, and non-manipulation (Lawton, 2023; Waseem, Kumar, 2017). Businesses that prioritize ethical AI don't merely stay within legal limits; they often set policies that exceed legal requirements to ensure the AI they develop and use causes no harm (Maryville University, 2023).

The ethical implications of AI in business are particularly evident in areas such as social media and e-commerce. For instance, the algorithms underpinning social media platforms, designed to maximize user engagement and advertising revenue, have been implicated in facilitating psychological and physical violence, contributing to mental health issues, and even enabling acts of genocide (Fisher, 2022; Pariser, 2011; Sunstein, 2001; Wu, 2016; Zuboff, 2019). Similarly, the e-commerce industry, while fostering economic growth, grapples with ethical dilemmas stemming from dishonest sales practices, intellectual property infringement, and the exploitation of vulnerable individuals through sophisticated profiling and micro-

targeting techniques (Gray et al., 2018; Hong, Kim, 2018; Livingstone, Helsper, 2008; Turow, 2011; Waseem, Kumar, 2017). These examples highlight a broader spectrum of ethical challenges associated with AI's commercial application, including the amplification of biases, data privacy violations, and issues related to accountability and explainability (Lawton, 2023; Simonova, 2022).

In response to these escalating concerns, international bodies, most notably the European Union (EU), have proactively engaged in developing robust regulatory frameworks. The EU's initiatives, such as the European Declaration on Digital Rights and Principles for the Digital Decade (European Commission, 2023a), the Ethics Guidelines for Trustworthy AI (High-Level Expert Group on Artificial Intelligence, 2019), the Digital Services Act (DSA) (European Parliament & Council of the EU, 2022), and the landmark AI Act (European Parliament & Council of the European Union, 2024), collectively aim to establish a human-centric approach to AI governance. These legislative efforts seek to embed fundamental rights and ethical principles—including human agency, safety, privacy, transparency, fairness, and accountability—into the design, development, and deployment of AI systems. The DSA, for example, mandates comprehensive risk assessments for very large online platforms, explicitly targeting potential negative effects on fundamental rights and civic discourse, while the AI Act introduces stringent regulations for high-risk AI systems.

Despite these significant strides in formalizing AI ethics through "hard law", a persistent gap remains between regulatory intent and practical implementation. Empirical evidence suggests that ethical guidelines and codes of conduct, when lacking robust enforcement mechanisms, often have a negligible impact on the actual decision-making of technology professionals (McNamara, Smith, Murphy-Hill, 2018). This "regulatory lag"—where formal institutions struggle to keep pace with rapid technological advancement—means that many unethical practices and human rights violations by AI-driven businesses become entrenched before comprehensive regulations can effectively address them (Smuha, 2025; Zuboff, 2019). This paper argues that while the EU's proactive regulatory stance is commendable and crucial, the effectiveness of these formal institutions is undermined by the premature emergence of regulations prior to the development of widespread informal ethical norms, coupled with a fundamental misunderstanding of how ethical principles translate into practical conduct. The aim of this article is to indicate sample strategies for implementing ethical frameworks that can effectively shape new institutions within an economy increasingly reliant on advanced digital solutions, especially in the field of AI systems. This framework aligns with the statement on the role of ethics articulated by Paul Ricoeur (1992): "aiming at a good life lived with and for others in just institutions".

This paper proceeds as follows: Section 2 delineates the existing landscape of AI misconduct in business, providing illustrative examples of human rights and fundamental rights violations by AI-powered enterprises. Section 3 examines the key declarations, recommendations, and legislative acts introduced by the European Union to address ethical

considerations in digital solutions and AI, highlighting their core values and regulatory mechanisms. Finally, Section 4 critically analyzes the challenges inherent in the implementation of these ethical regulations, discussing the limitations of current enforcement mechanisms and the pervasive disconnect between aspirational ethical frameworks and actual corporate conduct.

2. The existing situation - examples of AI misconduct in business

As noted in the introduction, we begin our research with an attempt to describe the existing situation, starting with the presentation of selected examples of human rights and fundamental rights violations by business. These enterprises base their business models, including products and services, as well as methods of introducing these products and services to the market, on solution utilizing AI. The use of AI in companies is becoming increasingly popular. According to an IBM survey, approximately 82% of all companies are either currently using or exploring the application of AI (IBM, 2023). The number of newly funded generative AI startups has nearly tripled, and AI adoption in business accelerated significantly in 2024 (Maslej et al., 2025). Forecasts indicate that the global AI market will reach over $190 billion by 2025, with as many as 97% of the largest international companies implementing AI-based solutions (Polska Agencja Rozwoju Przedsiębiorczości [PARP], 2020). Poland is also actively participating in this trend, investing 1.8 billion PLN in AI technologies in 2024 and intensively developing its local AI ecosystem (Uchwat, 2025).

One of the most thoroughly examined areas of AI in business models from an ethical standpoint is social media (Zuboff, 2019). These platforms primarily generated revenue from advertising sales. The more people see a particular advertisement, the greater the benefits for the owners of digital platforms (Wu, 2016). However, this is only one element of this business model. Another aspect is the precise targeting of the advertisement to recipients who may be particularly interested in a given product or service. Therefore, these platforms collect detailed information about users (Zuboff, 2019). This allows for the creation of an exact user profile and enables precise delivery of marketing message. Thus, the task of algorithms used by digital platform is to capture the attention of a user as long as possible and to determine their profile an accurately as possible (Wu, 2016; Zuboff, 2019). To accomplish this, algorithms suggest increasingly radical content to users, allowing for greater emotional and temporal engagement on the platform (Pariser, 2011; Sunstein, 2001). As a result, as demonstrated by numerous researchers (Fisher, 2022), the way algorithms operate has led to acts of psychological and physical violence, mental health issues for users, suicides, and even cases of genocide.

Another example. Online stores also utilize customer profiling and micro-targeting mechanisms. The e-commerce industry fosters economic growth for individual companies, but its activities also come with ethical challenges. These include dishonest sales practices, infringement of intellectual property, and the exploitation of vulnerable individuals who are particularly susceptible to manipulation, such as children, the elderly, or those struggling with mental illnesses (Waseem, Kumar, 2017).

The e-commerce industry fosters economic growth for individual companies, but its activities also come with ethical challenges (Waseem, Kumar, 2017). These include dishonest sales practices (Grazioli, Jarvenpaa, 2000), infringement of intellectual property, and the exploitation of vulnerable individuals, such as children (Livingstone, Helsper, 2008), the elderly (Hong, Kim, 2018), or those struggling with mental illnesses, who are particularly susceptible to manipulation through micro-targeting and dark patterns (Gray et al., 2018; Turow, 2011).

As the United Nations B-Tech paper on business models reflects, despite the positive impacts of technological innovation on society, technology company business models are increasingly criticized for creating or exacerbating human rights harms, threatening democratic values, and deepening inequalities (B-Tech Community of Practice, 2021). For example, business models that seek to increase engagement encourage divisive and inflammatory content that leads to online and offline harms (Gorwa, Caplan, 2019; Tucker, Roberts, 2020); short-term rental platforms that escalate rental prices and reduce housing stocks disproportionately impacting poorer residents (Barron et al., 2018; Wachsmuth, Weisler, 2018); and gig-economy companies that make a profit from workers delivering services without basic labor rights protection (De Stefano, 2016; Schor, Attwood-Charles, 2019).

George Lawton (2023) lists eight main ethical challenges related to the use of AI in business. He includes the following: *Distribution of harmful content; Copyright and legal exposure; Data privacy violations; Sensitive information disclosure; Amplification of existing bias; Workforce roles and morale; Data provenance; Lack of explainability and interpretability*. Margarita Simonova (2022) points out that we need to try to develop ethical answers to the following questions related to an economy based on AI: *How do we deal with unemployment?; How can we equitably distribute the wealth created by machines?; Can machines influence our behavior and interactions?; How do we guard against possible detrimental mistakes?; Can we eliminate AI bias?; How do we protect AI from adversaries?; How can unintended consequences be avoided?; Is there any way we could remain in total control of AI?; Should humane treatment of AI be considered?* An ethical discussion around these questions is still ongoing. One of the key platforms for this discussion is the European Union, specifically its institutions. Let's take a closer look at the attempts made by EU institutions to address the ethical challenges associated with the application of AI in business.

3. European Union declarations, recommendations, and legislative acts that encompass ethical considerations and digital solutions and AI

Over the past few years, the European Union has developed several important declarations, recommendations, and legislative acts that contain ethical considerations and digital solutions, including AI. Below, four selected documents will be presented: the European Declaration on Digital Rights and Principles for the Digital Decade (European Commission, 2023a), Ethics Guidelines for Trustworthy AI (High-Level Expert Group on Artificial Intelligence, 2019), Digital Services Act (European Parliament & Council of the EU, 2022) and AI Act (European Parliament & Council of the European Union, 2024).

3.1. General norms and main values in EU documents regulating AI

European Declaration on Digital Rights and Principles for the Digital Decade was proclaimed by the European Parliament, the Council, and the Commission in December 2022. Through this Declaration, the EU institutions aim to promote the European path to digital transformation, where people are at the forefront, based on European values and the fundamental rights of the EU. It reaffirms universal human rights, benefiting all individuals, businesses, and society as a whole. The document emphasizes that in the digital transformation of the European Union, the human being is paramount. Technology should serve and benefit all people residing in the EU, enabling them to full and safety purpose their aspirations while respecting their fundamental rights.

The authors of the Declaration pointed out that technology should be used to connect people, not to divide them. The digital transformation should foster a just and inclusive society, as well as a fair and inclusive economy in the EU. In this way, they addressed the key negative impacts on fundamental rights of companies using AI. The document discusses fundamental rights in the context of risks associated with the digital economy. It is worth noting that the EU associates the ethics of new digital technologies with human rights and fundamental rights, pacing human well-being at the centre of AI ethics (European Parliament, Council, & European Commission, 2023).

This is not surprising, especially considering that such an approach was presented in the first significant document commissioned by the European Commission from the High-Level Expert Group on AI titled “Ethics Guidelines for Trustworthy AI” from 2019. As stated in the Guidelines, the aim is to promote trustworthy AI. Trustworthy AI possesses three characteristics that must define a system equipped with it throughout its lifecycle: a. it should be in compliance with the law, meaning it adheres to all applicable legal regulations and executive orders; b. it should be ethical, ensuring conformity with ethical principles and values, and c. it should be robust from both a technical and societal perspective, as AI systems can use

unintended harm even when used in good faith (High-Level Expert Group on Artificial Intelligence, 2019).

Key guidance derived from Chapter I of this document include following tips: Firts of all it is necessary to develop, deploy and use AI systems in a way that adheres to the ethical principles of: respect for human autonomy, prevention of harm, fairness and explicability. Then it is recommended acknowledge, and address the potential tensions between these principles. Document pays also particular attention to situations involving more vulnerable groups such as children, persons with disabilities and others that have historically been disadvantaged or are at risk of exclusion, and to situations which are characterized by asymmetries of power or information, such as between employers and workers, or between businesses and consumers (High-Level Expert Group on Artificial Intelligence, 2019).

Authors of this document underlined that while bringing substantial benefits to individuals and society, AI systems also pose certain risks and may have a negative impact, including impacts which may be difficult to anticipate, identify or measure e.g. on democracy, the rule of law and distributive justice, or on the human mind itself. The document recommends adopting adequate measures to mitigate these risks when appropriate, and proportionately to the magnitude of the risk. One of the recommendations assumes ensure that the development, deployment, and use of AI systems meets the seven key requirements for Trustworthy AI: *1. human agency and oversight, 2. technical robustness and safety, 3. privacy and data governance, 4. transparency, 5. diversity, non-discrimination and fairness, 6. environmental and societal well-being and 7. accountability* (High-Level Expert Group on Artificial Intelligence, 2019). Companies should consider technical and non-technical methods to ensure the implementation of those requirements. The above-mentioned Guidelines proposed a comprehensive standard of ethical AI and various tolls which allow practical implementation ethical standard into companies using solutions based on AI.

Regulators, in this context, generally represent a worldwide consensus, as the meta-analysis of 22 ethical guideline concludes. Values which appear in at least 3/4 of analysed documents are: privacy protection, fairness, non-discrimination, justice, accountability, transparency, openness, safety, cyber security, common good, sustainability and well-being (Hagendorff, 2020). This remarkable convergence of principles across diverse regulatory and ethical frameworks underscores a global acknowledgement of AI's profound societal implications and the shared imperative for its responsible development and deployment. However, as extensive academic analysis reveals, the agreement on high-level principles often belies significant challenges in their concrete interpretation, operationalization, and prioritization in practice (Voeneky et al., 2022). For instance, the concept of 'fairness' in AI can involve intricate trade-offs between different definitions of equity (e.g., individual vs. group fairness), while ensuring 'transparency' or 'explainability' remains a complex technical and ethical hurdle, particularly for advanced AI systems (Smuha, 2025). Moreover, establishing robust 'accountability' mechanisms for AI's impacts, especially in complex, distributed systems, necessitates

innovative legal and governance solutions beyond mere adherence to abstract principles (Voeneky et al., 2022). This ongoing negotiation between aspirational ethical guidelines and the multifaceted realities of AI development and deployment represents a crucial frontier in contemporary policy and academic discourse.

3.2. Social media and digital platform regulations

As mentioned above, one of the most well-documented unethical consequences of utilizing AI in business models pertains to social media and, more broadly, digital platforms. Therefore, it is worth paying attention to the regulations of the European Union known as the Digital Service Act.

There are more than 10,000 platforms in the EU, with over 90% being small and medium-size enterprises, according to Commission estimates (European Commission, n.d.). However, this regulation introduces the strictest ethical criteria for the largest platforms and search engines, i.e., those over 45 million active users in Europe. This is because they have the greatest social impact, also in terms of influencing respect for fundamental rights. In 2022, 18 platforms belonging to 12 companies declared over 45 million active users in Europe, which means they will be subject to new regulations for very large platforms and search engines resulting from the Digital Service Act. Among all platforms, YouTube declared the highest number of active users – over 401 million, which is almost 90% of the EU population. In second place is the search engine Google (over 332 million), followed by Google Maps (278 million). The list includes two search engines, two app stores, four marketplaces, Wikipedia, Google Maps, and a total of eight social media services. Alphabet - the parent company of Google has five services on this list, Meta and Microsoft have two each, and the remaining companies have one each. Amazon, Apple, Pinterest, Alibaba, and Booking.com only indicated that they have over 45 million active users in the EU, without specifying the exact number (Chabros, 2023). It is worth emphasizing that among the companies declaring to exceed the threshold, not a single one is European.

For this paper, it is particularly pertinent to examine Article 34 of the Digital Services Act (European Parliament & Council of the European Union, 2022), which mandates that covered entities, especially Very Large Online Platforms (VLOPs) and Very Large Online Search Engines (VLOSEs), conduct a comprehensive risk assessment, or 'risk map.' This requirement signifies a pivotal shift in platform accountability, moving beyond mere reactive content moderation towards a proactive identification and mitigation of systemic risks. These assessments must be specific to the service and proportionate to the potential harms, taking into consideration both their severity and probability.

Crucially, Article 34 defines an expansive scope of systemic risks that platforms must address. Beyond the immediate concern of disseminating illegal content, the regulation explicitly targets any actual or foreseeable negative effects on fundamental rights, including human dignity, private life, data protection, freedom of expression and information (including

media pluralism), non-discrimination, the rights of the child, and high-level consumer protection. Furthermore, the required risk analysis extends to potential harms to civic discourse and electoral processes, public security, gender-based violence, public health, and minors, as well as serious negative consequences for individuals' physical and mental well-being.

This broad and detailed enumeration of risks underscores the EU's holistic understanding of the profound societal impact of digital platforms and AI-driven business models. As scholars in the field highlight, requiring platforms to internalize and proactively manage such a diverse array of systemic harms represents a significant step towards greater corporate responsibility (Voeneky et al., 2022). It moves beyond traditional liability for individual harmful acts to address the inherent design choices and algorithmic amplifications that can create or exacerbate societal-level problems. The inherent complexity in identifying, measuring, and mitigating these multifaceted 'foreseeable negative effects'—ranging from threats to democratic processes to subtle impacts on mental well-being—presents substantial technical and ethical challenges for platform operators (Smuha, 2025). This robust risk assessment framework, therefore, represents a foundational component of the EU's comprehensive effort to define an ethical and human-centric framework for business models based on AI, reflecting a global consensus on the values AI systems should uphold while pushing the boundaries of regulatory oversight.

3.3. High risk AI

The last of the documents worth highlighting in the context of presenting the European Union’s approach to AI ethics is AI Act (European Parliament & Council of the European Union, 2024). It is the world’s first regulation prepared for artificial intelligence. It pertains specifically to high-risk AI systems, those that pose a risk to health and safety or a risk of adversely affecting fundamental rights. The authors of the document emphasize that AI is a rapidly developing group of technologies that can bring various socio-economic benefits in all industries and areas of social activity. AI-based business models and solutions enable better forecasting, optimization of operations and resources allocation, and customization of services provided, resulting in outcomes that are beneficial from a social and environmental perspective. This provides business and the European economy with a crucial competitive advantage. Such actions are particular needed in high-impact sectors, including climate change, environmental protection and health, in the public sector, in finance, mobility, internal affairs, and agriculture. The same element and techniques that bring socio-economic benefits from the use of AI are also associated with new types of risks and adverse consequences experienced by individuals or society. Therefore, hard law on AI based of ethical standards proposed by over-mentioned EU documents is needed.

As an example of formal institutions, the requirements in this regard contained in an article 49 of the Regulation on a Single Market For Digital Services can be cited. According to the article 49 the Member States shall designate one of the competent authorities as their Digital Services Coordinator. The Digital Services Coordinator shall be responsible for all matters

relating to supervision and enforcement of this Regulation in that Member State, unless the Member State concerned has assigned certain specific tasks or sectors to other competent authorities. The Digital Services Coordinator shall in any event be responsible for ensuring coordination at national level in respect of those matters and for contributing to the effective and consistent supervision and enforcement of this Regulation throughout the Union. For that purpose, Digital Services Coordinators shall cooperate with each other, other national competent authorities, the Board and the Commission, without prejudice to the possibility for Member States to provide for cooperation mechanisms and regular exchanges of views between the Digital Services Coordinator and other national authorities where relevant for the performance of their respective tasks (European Parliament & Council of the EU, 2022). This multi-level governance structure, with national Digital Services Coordinators playing a central role in conjunction with EU bodies, is critical for the effective and consistent application of the DSA across the Union's diverse legal landscapes (Smuha, 2025). However, ensuring seamless cooperation and uniform interpretation across Member States presents inherent challenges, particularly given the rapid evolution of digital services and the cross-border nature of their operations, which are often discussed in scholarly analyses of digital governance (Voeneky et al., 2022).

In the AI Act, the EU also requires the Member States to establish appropriate bodies responsible for overseeing the implementation and enforcement of regulations regarding artificial intelligence. An article 30 called notifying authorities describe that each Member State shall designate or establish a notifying authority responsible for setting up and carrying out the necessary procedures for the assessment, designation and notification of conformity assessment bodies and for their monitoring. It means that Member States may designate a national accreditation body (European Parliament & Council of the European Union, 2024). This specific requirement for national notifying authorities underscores the granular, technical infrastructure deemed necessary for the effective governance of AI. By entrusting Member States with the designation of bodies responsible for conformity assessment and monitoring, the AI Act implicitly acknowledges the need for specialized technical expertise and localized oversight crucial for ensuring high-risk AI systems meet stringent regulatory standards (Smuha, 2025). This decentralized yet harmonized approach is key to translating the Act's ambitious legal requirements into actionable, verifiable compliance across diverse sectors and national contexts (Voeneky et al., 2022).

The implementation of the Digital Services Act (DSA) in Poland has faced notable challenges, highlighting difficulties inherent in transposing comprehensive EU digital regulations into national law (Traple.pl, n.d.). Despite the deadline passing in February 2024, Poland had not fully adopted the necessary national legislation to enforce the DSA, a delay that prompted the European Commission to initiate formal infringement proceedings. This situation exemplifies broader complexities in multi-level governance within the EU, where the

effectiveness of Union-wide digital policy often hinges on robust and timely national implementation frameworks (Smuha, 2025).

As an interim measure, the President of the Office of Electronic Communications (UKE) was temporarily appointed as the Digital Services Coordinator. However, this temporary role is primarily for technical and organizational obligations, lacking the full authority to make binding decisions against intermediary service providers and users (Traple.pl, n.d.). This limited empowerment of national oversight bodies can hinder the consistent and effective enforcement crucial for regulations like the DSA, potentially creating a gap between legislative intent and practical application (Voeneky et al., 2022). The main impediment to the DSA's effective operation in Poland is indeed the absence of a comprehensive national act that would establish proper oversight mechanisms, define penalties for non-compliance, and outline administrative and appeal procedures, thus hindering the full protection intended for internet users. Furthermore, the Ministry of Digital Affairs is actively working on these legislative gaps, including careful consideration of mechanisms for blocking illegal content to safeguard constitutional guarantees of freedom of speech (Traple.pl, n.d.), a critical balance that continues to be a central point of academic debate in digital governance and human rights scholarship (Smuha, 2025).

3.4. Regulatory policies – summary

As a crucial conclusion drawn from this analysis, it can be asserted that in the contemporary landscape of AI utilization in business, the establishment of formal institutions – specifically regulations and designated oversight organizations – is, unusually, preceding the robust formation of informal institutions, such as widely accepted norms and customs. This represents a significant departure from historical patterns of institutional development, where emergent social practices and informal understandings typically laid the groundwork for subsequent formalization through law (Smuha, 2025). This reversal is primarily driven by the unprecedented speed of technological advancement and the rapid emergence of novel AI-driven business models, products, and services that quickly scale and impact society before societal consensus or customary practices can coalesce (Voeneky et al., 2022).

Despite this altered sequence, the persistent challenge of regulatory lag remains unchanged. Formal institutions, even when proactively developed, still tend to emerge too late to prevent many unethical practices of companies, as well as recurring instances of human rights violations. The "age of surveillance capitalism", as described by Zuboff (2019), vividly illustrates how data exploitation and algorithmic manipulation became entrenched business models long before comprehensive regulations like the GDPR or DSA began to address them. Similarly, concerns around algorithmic bias, privacy infringements (Acquisti et al., 2015), the spread of misinformation (Pariser, 2011; Sunstein, 2001), dark patterns in user interfaces (Gray et al., 2018), and the precarity in platform work (De Stefano, 2016; Schor, Attwood-Charles, 2019) became widespread issues well before the advent of specific "hard law"

instruments. This persistent gap underscores the dynamic tension between rapid technological innovation and the necessarily slower, deliberative pace of ethical and legal institutionalization, emphasizing the ongoing need for adaptive and anticipatory governance frameworks in the digital age.

4. Implementation of the ethical regulations and conduct

Ethical regulations often lack a robust system for enforcement, and there are generally no immediate repercussions for deviations from established ethical codes. Even when ethics are formally integrated into institutions or corporate policies, they tend to serve primarily as a marketing tactic or "ethics washing", rather than truly guiding practice (Hagendorff, 2020). In practical terms, AI ethics is frequently viewed as something extraneous, an optional addition to technical concerns, or an unenforceable framework imposed by external institutions upon the technical community. This perception is often exacerbated by the fact that economic incentives frequently take precedence over ethical principles and societal values (Frey, Oberholzer-Gee, 1997; Zuboff, 2019). Consequently, this pervasive misalignment means that the development and application of AI systems may not inherently associate with fundamental societal values or human rights, including principles like beneficence, non-maleficence, justice, and transparency, which are widely recognized as cornerstones of trustworthy AI (High-Level Expert Group on Artificial Intelligence, 2019; Voeneky et al., 2022). This gap between ethical aspiration and practical implementation underscores the limitations of "soft law" approaches alone and highlights the persistent challenge of translating high-level principles into actionable and enforceable standards for the rapidly evolving digital economy.

Additionally, empirical experiments underscore the limited influence of ethical guidelines on the practical decision-making of software developers. A primary discovery from a study conducted by McNamara, Smith, and Murphy-Hill (2018) indicated that the effectiveness of ethical guidelines or codes is nearly negligible, failing to significantly impact the behavior of professionals within the technology community. This finding provides concrete empirical support for the argument that ethical regulations often lack robust enforcement mechanisms and can be perceived as an unenforceable framework, as discussed previously.

The study rigorously examined 63 software engineering students and 105 professional software developers, presenting them with eleven scenarios involving ethical decisions related to software development. These scenarios covered critical areas such as responsibility to report, user data collection, intellectual property, code quality, honesty to customers, and time and personnel management. The aim was to assess whether the mere presence of ethics guidelines had a discernible influence on ethical decision-making across six different situations. Their findings were stark: "No statistically significant difference in the responses for any

vignette were found across individuals who did and did not see the code of ethics, either for students or for professionals" (McNamara, Smith, Murphy-Hill, 2018, p. 245). This empirical evidence strongly suggests that merely promulgating ethical codes or principles, without robust enforcement, accountability mechanisms, or deeply integrated ethical training, is insufficient to guide behavior in practice. Such observations reinforce critical discussions within AI ethics scholarship regarding the limitations of "soft law" approaches and the necessity of complementary "hard law" regulations, as seen in the Digital Services Act (European Parliament & Council of the European Union, 2022) and the AI Act (European Parliament & Council of the European Union, 2024), to ensure compliance and uphold societal values beyond voluntary adherence (Hagendorff, 2020; Smuha, 2025).

It should be no surprise then, given the empirical findings, that ethical guidelines often fall short in practice. Nevertheless, when there's a demand to familiarise moral perspectives in response to an increasing array of new ethical challenges or when a moral crisis unfolds within a particular domain of public life or a specific profession, we typically resort to, all too familiar, regulatory tools. The initial method to address the emergence of a moral crisis is to endeavour to regulate the objectionable conduct, and in such situations, a conventional approach is to formulate an ethical code. Ethic professionals, in fact, have known for quite a while that codes of conduct do not automatically foster better behaviour (Hagendorff, 2020). As the empirical study by McNamara, Smith, and Murphy-Hill (2018) demonstrated, the mere presence of such codes had a negligible impact on software developers' ethical decision-making, reinforcing the long-standing understanding that principles alone are often insufficient to drive behavioral change in complex professional environments. This consistent reliance on codes, despite known limitations, underscores a pervasive challenge in translating ethical aspirations into tangible, enforceable conduct.

This situation is built upon two commonly held but erroneous assumptions that often undermine the efficacy of ethical frameworks. Firstly, many people naively and somewhat unrealistically hold a belief in ethical intellectualism. They assume that merely identifying and labeling morally objectionable attitudes and behaviors will automatically result in people behaving morally. However, recognizing a moral wrong is just the initial step in defining what a moral action truly entails. As articulated through Ovid's enduring confession, "Video meliora, proboque, deteriora sequor" (I see and approve of the better, but I follow the worse) (*Metamorphoses*, 7.20-21), it has been widely accepted for centuries that taking morally upright actions requires more than just an awareness of our moral obligations. This cognitive-behavioral gap explains why the empirical findings on the limited impact of ethical codes on developers' decisions are unsurprising (McNamara, Smith, Murphy-Hill, 2018).

The second false assumption is that individuals desire clear, unambiguous, and definitive instructions on how to act morally. If individuals possess a formal right, a set of procedural rules, or a code of conduct, they tend to view it as the ultimate guide for determining what is morally right. In such a situation, they don't need to contemplate "what I should do"; they can

simply check "what the code requires" (Kucz, 2019). In essence, this type of prescriptive instruction alleviates them from the constant need to carry personal responsibility when confronted with complex moral challenges and allows them to depend on a code to discern what is considered moral. The very need to frame such codes is cyclical, emerging predominantly in professions and public institutions facing a crisis, or where there is "insufficient" ordinary honesty and personal uprightness. As Środa (1994) succinctly put it, "The weaker individual decency, the more demands for codes". This highlights a critical challenge for the implementation of AI ethics, as it points to a potential over-reliance on formal guidelines as a substitute for fostering intrinsic ethical reasoning and accountability within organizations (Hagendorff, 2020).

Leszek Kołakowski, in his classic essay "Etyka bez kodeksu" (Ethics without a Moral Code), provides a profound philosophical basis that shatters any misconceptions about the inherent efficacy of codes of ethics. Kołakowski highlights fundamental shortcomings of "codex-ridden thinking" that are intrinsically linked to the very concept of codifying ethical principles. He introduces the concept of the asymmetry of duties and claims, arising from the tension between the duties we undertake ourselves and the assertion of a right to demand similar duties from others, such that everyone in a comparable situation recognizes the same duty.

Kołakowski points out that the fundamental distinction between legal and moral standards lies in the fact that legal standards are universally binding and enforceable, while moral standards are often only binding or truly meaningful in specific, nuanced cases. He further notes that the most morally valuable actions are precisely those that cannot be demanded from everyone as an absolute, universal duty. True moral heroism, he argues, is rooted in the unique, often supererogatory nature of an action taken, rather than mere compliance with a universal obligation (Kołakowski, 2010). This resonates strongly with the empirical findings that ethical guidelines have minimal influence on developers' actual decisions (McNamara, Smith, Murphy-Hill, 2018), as it suggests that the most impactful ethical behaviors may transcend simple rule-following.

Kołakowski emphasizes the "cogito factor" as the final element in defending the asymmetry of duties and claims. This implies that not all moral decisions can be translated into a universal duty. For instance, a personal decision regarding the choice between one's own interests and someone else's interests cannot, in a specific situation, simply reference an assessment that a third party has the right to universally endorse this decision. Attempting to formulate such a personal moral choice in the third person, as a universal prescription, leads to an inherent contradiction (Kołakowski, 2010). Building on this philosophical foundation, Kołakowski asserts that every ethical code will inherently have flaws because these flaws stem from the intrinsic nature of any attempt to create an ultimate, universally applicable moral guideline, rather than from a mere misformulation of a particular principle (Kołakowski, 2010). This comprehensive critique thus reinforces the arguments from the preceding paragraphs that a reliance on codes alone shifts responsibility and fails to foster genuinely ethical behavior,

particularly in complex and rapidly evolving domains like artificial intelligence, where moral challenges are often highly contextual and resistant to rigid codification (Kucz, 2019; Środa, 1994).

Because we acknowledge the very possibility of crafting an ethical code, we must also be prepared to grapple with inherent conflicts between different values. Given Kołakowski's "cogito factor", it becomes apparent that it is impossible to establish a universal rule that definitively dictates which value should take precedence over another in every given situation (Kołakowski, 2010). In this complex context, it is crucial to consider Kołakowski's profound conclusion that each moral choice is simultaneously a form of resignation – an acknowledgment that choosing one path means foregoing others (Kołakowski, 2010). This realization is essential both to gather the strength to cope with the adverse consequences of making difficult choices and to maintain an open perspective for alternative choices in similar future situations. Furthermore, this awareness is vital for accepting the choices of others that may not align with our own. Without such critical awareness, we might incorrectly conclude that codes and regulations provide complete instructions on how to become an "ideal individual" (Kucz, 2019). Even worse, rigid adherence to a code can deceive us into thinking that we are already ideal, absolving us of deeper moral scrutiny (Hagendorff, 2020).

We can therefore conclude that in the context of AI development, the distributed nature of responsibility across various technical and organizational roles, combined with a lack of critical awareness regarding long-term and broader societal consequences, might lead software developers to feel disconnected from the full moral significance of their work and a diminished sense of personal accountability. This diffusion of responsibility, often inherent in large-scale technological projects, allows potentially harmful outcomes to materialize without a clear point of ethical intervention (Zuboff, 2019; Voeneky et al., 2022). The challenges highlighted by Kołakowski thus gain renewed relevance, emphasizing that genuine ethical conduct in AI necessitates more than just adherence to codified rules; it demands continuous individual moral deliberation, an acceptance of ambiguity, and a profound awareness of the far-reaching societal impacts of technological decisions.

4.1. Implementation of moral conduct

To explain our approach to the implementation of moral conduct, we must return to the definition of ethics by Paul Ricoeur, as recalled at the beginning of this analysis. This definition, broadly encompassing the will of the individual, the perspective of "being with and for the other", and the role of institutions, provides a holistic framework for understanding ethical action (Ricoeur, 1992). To fully grasp the issue at hand, it is important to recognize that the moral aspect of our actions comprises several elements: a cognitive awareness of the moral nature of our conduct; an emotional response, such as empathy, sadness, fear, or a pang of conscience, which prompts us to take action; and finally, the decision to act, driven by the perceived moral challenge.

In the context of moral conduct, it is crucial to also consider the role of incentives. Similar to the creation and reliance on ethical codes, the use of external incentives can, to some extent, allow organizations to avoid directly addressing the issue of genuine individual moral responsibility. This is because another decision-maker – typically management or an organizational system – determines which actions are desirable and what incentives should be offered to employees. In such a scenario, the primary focus shifts to the second and third components of moral conduct: how to persuade individuals to act in alignment with what is externally deemed "right" (Frey, Oberholzer-Gee, 1997). However, the fundamental challenge is that external stimuli often supplant genuine intrinsic moral motivation and begin to dictate choices, leading to an externalized locus of ethical control (Zuboff, 2019). This echoes the earlier finding that economic incentives frequently override ethical principles, creating a misalignment with societal values.

The crucial starting point, therefore, is to establish the right framework for cultivating an ethical attitude among professionals (Orbik, Pliszka, 2021). A first and crucial point is the ethical education of professionals, particularly those involved in developing and deploying AI systems. This education needs to start by presenting reliable examples showcasing the profound importance and commonness of moral aspects in AI. The goal of that process is to genuinely convince programmers, developers, and technicians that their work is not merely a neutral technical activity but bears great moral significance, and that they are the ones who should take responsibility for the outcomes of their professional activity (Voeneky et al., 2022). Crucially, the goal of that step shall never be the creation of an impression of certainty about what ought to be done in a given situation. On the contrary, the main focal point of the process should be putting forward the view that ethical dilemmas are by definition multifaceted problems, and there are often many possible solutions that need to be carefully considered (Kuzior et al., 2022, Smuha, 2025). This approach directly counters the "codex-ridden thinking" critiqued by Kołakowski (2010), by emphasizing nuanced moral deliberation over simplistic rule-following.

4.2. The role of phronesis

The second step in fostering moral conduct, the response driven by the will of "being with and for the other", can be significantly nurtured by practical wisdom, also known as *phronesis* or prudence (Ricoeur, 1992). This virtue, famously described by Aristotle, is rooted not merely in abstract knowledge but in the desire to do what is morally right and to acquire the appropriate competence through lived experience. Practical wisdom is cultivated through individual experiences and assists us in effectively discerning and pursuing the right course of action in specific, often ambiguous, situations. In essence, it uniquely combines the willingness to act ethically with the ability to put that willingness into practice, enabling individuals to understand when and how to make judicious exceptions to established rules when circumstances genuinely demand it.

To be truly guided by *phronesis*, individuals must cultivate a capacity for improvisation and avoid becoming overly rigid in their adherence to predefined norms. Schwartz and Sharpe (2010) vividly illustrate this by likening a prudent person to a jazz musician. While a jazz musician has a musical score with some notes (equivalent to rules), they also possess the freedom to improvise, thereby building musical competence by bending or temporarily suspending rules as the context requires. Applying this analogy to ethics, too many "notes" or rigid rules can paradoxically hinder a professional's development of moral competence or even lead to a loss of intrinsic interest in ethical performance. In this context, an ethical code therefore becomes a set of valuable guidelines that can be consulted and utilized, but it is fundamentally understood that these instructions should not be blindly followed as an absolute blueprint (Schwartz, Sharpe, 2010). This perspective directly challenges the "codex-ridden thinking" that over-relies on universal prescriptions, as critiqued by Kołakowski (2010), advocating instead for a dynamic, context-sensitive approach to morality.

Cultivating practical wisdom is thus vital for effectively addressing the complex and rapidly evolving challenges presented by the development and deployment of artificial intelligence. *Phronesis* aids significantly in resolving ethical dilemmas by inherently accounting for the inherent complexity and ambiguity of moral situations, such as evaluating the trustworthiness of AI systems or conducting comprehensive risk assessments (High-Level Expert Group on Artificial Intelligence, 2019; Voeneky et al., 2022). Furthermore, practical wisdom can promote an approach that actively seeks solutions beneficial to all parties when creating AI code and providing sound products to customers, thereby embodying Ricoeur's emphasis on "being with and for the other". Implementing these recommendations in one's professional life can elevate individuals from mere rule-followers to the status of moral role models within their teams, fostering a culture of responsible innovation that transcends mere compliance.

4.3. The Role of Institutions

Developing practical wisdom (*phronesis*) is not a straightforward task; it requires a concerted effort and the active support of organizational institutions and leadership. Specifically, managers must provide genuine opportunities for their staff to engage with the perspective of the people they serve, fostering an empathetic understanding that extends beyond immediate technical requirements. Even the most well-meaning individuals will eventually give up if they are constantly forced to "swim against the current" of an unsupportive organizational culture. Firms driven solely by the income motive are inherently challenged in creating the right management culture that nurtures righteous motives and ethical conduct within its employees (Frey, Oberholzer-Gee, 1997; Zuboff, 2019). This is a particularly challenging task because, to foster practical wisdom, a certain degree of improvisation must be permitted within professional roles, even with the inherent risk of making occasional mistakes, as highlighted by the jazz musician analogy (Schwartz, Sharpe, 2010). However, nurturing this virtue can lead to significant benefits, including increased job satisfaction, enhanced intrinsic motivation,

and indeed, genuine innovations that are both technically sound and ethically responsible. Encouraging practical wisdom allows individuals to cultivate their ethical virtues and apply them discerningly in the right circumstances and at the right time.

Phronesis, or practical wisdom, is uniquely positioned to foster an approach that seeks solutions adding value to all stakeholders when creating algorithms, developing code, and providing sound guidance to customers. By encouraging professionals to consider the broader implications and diverse perspectives, practical wisdom helps navigate the complex ethical dilemmas prevalent in AI development, such as assessing trustworthiness and mitigating risks (High-Level Expert Group…, 2019; Voeneky et al., 2022). Applying these recommendations in one's professional life can also elevate individuals to the status of moral role models within their team, contributing to a virtuous cycle of ethical development within the organization. Furthermore, the cultivation of practical wisdom can be significantly facilitated by creating environments that encourage learning from qualified, experienced, and wise colleagues, fostering a community of practice where ethical challenges are discussed and navigated collectively. Nurturing practical wisdom within institutions is therefore essential to effectively address the multifaceted challenges posed by artificial intelligence, moving beyond mere compliance with codes to a deeper, more adaptive ethical engagement (Kołakowski, 2010; Ricoeur, 1992).

4.4. Bridging the Gap: Integrating Legal Frameworks with Moral Conduct

The challenges and solutions outlined in the preceding sections, particularly concerning the inherent limitations of ethical codes and the imperative of cultivating practical wisdom, are critically intertwined with the findings and obstacles presented in the legal landscape. The emergence of robust "hard law" regulations, such as the Digital Services Act (European Parliament & Council of the European Union, 2022) and the Artificial Intelligence Act (European Parliament & Council of the European Union, 2024), signifies a global recognition that "soft law" approaches—like voluntary ethical guidelines—are insufficient on their own to address the multifaceted ethical challenges posed by digital technologies and AI. As empirical evidence suggests, these guidelines often lack a robust system for enforcement and minimally influence developers' decision-making (McNamara, Smith, Murphy-Hill, 2018; Hagendorff, 2020).

However, while "hard law" provides a necessary baseline for accountability and seeks to operationalize ethical principles through legally binding obligations, it cannot, by its very nature, resolve every nuanced moral dilemma. The "legal part" of this analysis highlighted the inherent difficulty in translating abstract principles into unambiguous rules, a problem compounded by the rapid pace of technological change and the complex, distributed nature of responsibility within digital ecosystems (Tucker, Roberts, 2020). This limitation directly parallels Kołakowski's (2010) philosophical critique, where he argues that ethical codes are inherently flawed because moral action often requires more than simply identifying wrong or

following a universal dictate. Relying solely on legal compliance or an "ethical intellectualism" to guide conduct risks perpetuating the illusion that professionals can merely check "what the code requires" rather than engaging in genuine moral deliberation, thereby alleviating them from personal responsibility (Kucz, 2019).

Therefore, effectively implementing moral conduct, as envisioned by Ricoeur (1992), requires going beyond mere legal adherence. Institutions, particularly those driven by profit motives that can override ethical considerations (Zuboff, 2019; Frey, Oberholzer-Gee, 1997), must actively foster a culture that cultivates practical wisdom (*phronesis*) among their professionals. This means providing ethical education that emphasizes the moral significance of their work and their personal accountability, while explicitly acknowledging that ethical dilemmas are multifaceted and often lack singular, certain solutions. By encouraging improvisation and a willingness to make context-dependent moral choices, even with the risk of occasional mistakes (Schwartz, Sharpe, 2010), organizations can empower developers to take ownership of the societal consequences of their creations. Ultimately, the robust legal frameworks must be seen not as exhaustive ethical manuals, but as foundational layers that enable and necessitate a deeper, institutionally supported commitment to cultivating individual practical wisdom and a shared sense of moral responsibility within the technological community

5. Conclusion

Regulating and implementing the ethical dimensions inherent in artificial intelligence presents a profoundly challenging, yet imperative, task. While the digital landscape has witnessed a proliferation of well-intended ethical guidelines and principles—often termed "soft law"—this analysis has underscored their inherent limitations. As empirical evidence suggests, such codes frequently prove insufficient in fundamentally altering professional conduct, largely due to erroneous assumptions of "ethical intellectualism" and a tendency to externalize individual responsibility onto predefined rules (McNamara, Smith, Murphy-Hill, 2018; Kucz, 2019). Philosophically, this "codex-ridden thinking" overlooks the fundamental complexities of moral choice, where, as Kołakowski (2010) vividly illustrates with the "asymmetry of duties and claims" and the "cogito factor", truly ethical action often transcends universal dictates and involves nuanced resignation (Ovid, n.d.).

Recognizing these shortcomings, the global regulatory environment has begun shifting towards more robust, legally binding "hard law" frameworks, exemplified by the European Union's Digital Services Act (2022) and Artificial Intelligence Act (2024). These legislative instruments aim to establish clear baselines and enforceable obligations, preventing the reckless market behavior that often prioritizes profit over ethical consideration and contributes to

a detachment from broader societal realities (Zuboff, 2019; Frey, Oberholzer-Gee, 1997). However, while crucial for accountability, even the most comprehensive regulations cannot fully account for the multifaceted nature of moral dilemmas, nor can they intrinsically foster genuine ethical motivation. Laws prevent actors from acting recklessly, but they do not, by themselves, cultivate truly responsible behavior (Środa, 1994).

Therefore, the successful and responsible implementation of AI systems hinges upon a synergistic approach that transcends mere legal compliance, drawing upon Ricoeur's (1992) holistic understanding of ethics encompassing individual will, relational responsibility, and institutional support. This requires a concerted effort to cultivate robust moral conduct within organizations, focusing on three crucial elements:

1. **Ethical Education:** This involves fostering moral awareness among AI professionals, genuinely convincing them that their work carries profound moral significance and that they bear personal responsibility for its outcomes. This education must embrace the inherent ambiguity of ethical dilemmas, preparing individuals for complex, multi-faceted decision-making rather than providing simplistic certainties.
2. **Cultivation of Practical Wisdom (Phronesis):** Moving beyond rigid adherence to rules, developing *phronesis* enables professionals to navigate complex moral situations with improvisation and contextual judgment (Schwartz, Sharpe, 2010). This virtue is vital for building trust, assessing risks, and discerning solutions that add value to all stakeholders, thereby serving as a critical bridge between abstract ethical principles and tangible, responsible action.
3. **Supportive Institutional Culture:** Managers and organizational structures play a pivotal role in nurturing ethical attitudes. This involves actively providing opportunities for empathy and engagement with affected stakeholders, fostering intrinsic motivation, and allowing for the necessary degree of ethical improvisation, even with the inherent risk of occasional mistakes. Firms must counteract the tendency for profit motives to suppress righteous conduct, creating environments where ethical leadership is recognized and where professionals can grow into moral role models throughout their careers (Voeneky et al., 2022; Smuha, 2025).

In conclusion, while "hard law" provides an indispensable foundation for governing AI, true ethical responsibility in the digital age demands more. It necessitates a proactive commitment from institutions to move beyond a compliance-only mindset, investing in the continuous ethical education and cultivation of practical wisdom among their professionals. Only by fostering this deeper, integrated approach to moral conduct can we hope to navigate the complex challenges of AI, ensuring that technological progress is guided by genuine responsibility, builds enduring trust, and ultimately serves the well-being of humanity.

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