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ORIGINAL ARTICLE

Conceptualizing Personal Data Protection and Privacy in Cyberspace: A Comparative Study of the United States and European Legal Traditions

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EXTENDED ABSTRACT

Introduction:

This study seeks to provide an innovative explanation of the paradigmatic shift from traditional privacy to the independent concept of personal data protection in cyberspace. In the contemporary era of data governance, classical privacy doctrines - largely grounded in protection against physical intrusion, secrecy, and negative rights - have become increasingly inadequate in responding to

advanced surveillance technologies, algorithmic profiling, and large-scale data processing. Within this context, the research argues that personal data protection can no longer be treated merely as a subsidiary aspect of privacy, but must be understood as an autonomous legal and normative concept. Through a comparative analysis of two major legal traditions - namely, the American and European models - the study highlights the deeper philosophical and structural differences underlying their approaches. The American tradition, shaped by liberal individualism and a predominantly negative conception of rights, tends to emphasize individual control and limited state intervention. In contrast, the European tradition, grounded in human dignity, social solidarity, and a positive understanding of rights, supports a more active regulatory framework. The findings show that the emergence of personal data protection represents a fundamental transformation in the domain of fundamental rights, with important practical implications for journalism, investigative reporting, and media information governance.

Method:

This research employs a comparative-analytical method, relying on qualitative content analysis of foundational documents, enacted legislation, landmark judicial precedents, and core academic texts from both American and European contexts. The scope focuses on tracing the historical-conceptual evolution from physical, location-based privacy toward personal data protection in the virtual space, and provides an in-depth examination of the philosophical underpinnings, legal implications, and social functions of each tradition. The data collection method is documentary and library-based.

Findings:

The findings reveal a fundamental dichotomy between the American and European approaches to privacy and personal data protection. The American legal tradition, rooted in liberal individualism, negative liberty, and a strong preference for limited state intervention, has historically shaped the concept of privacy around the notions of individual "control" over personal information and the "right to be let alone." As a result, the regulatory landscape in the United States has developed in a largely reactive and fragmented manner, relying on sector-specific laws and judicial interpretations rather than a unified regulatory framework. This structure often limits the state's capacity to effectively confront the growing informational power and monopolistic practices of large technology companies.

In contrast, the European legal tradition is grounded in the principle of human dignity as a foundational value of the social and legal order and accepts a more active role for the state as a regulatory authority. This perspective has facilitated the development of a coherent, integrated, and proactive system of personal data protection, most prominently embodied in the General Data Protection Regulation (GDPR). Within this framework, a range of positive rights - such as the rights of access, rectification, erasure (the right to be forgotten), and compensation - are formally recognized, while substantial legal obligations are imposed on data controllers and processors. Consequently, this model provides a clearer normative and institutional basis for balancing competing interests in sensitive fields such as journalism, where the public's right to information must be carefully reconciled with individuals' rights to privacy and data protection.

Conclusion:

This paper ultimately argues that personal data protection has evolved into an independent, affirmative, and third-generation right that both complements and, in many respects, extends

beyond the traditional negative and defensive conception of privacy. While classical privacy primarily focused on shielding individuals from intrusion or interference, the contemporary framework of data protection introduces proactive legal mechanisms designed to regulate the collection, processing, and circulation of personal information in complex digital environments. In this sense, personal data protection represents a structural transformation in the understanding of fundamental rights in the information age.

Within this context, the European regulatory model has demonstrated a relative degree of success in establishing a more balanced relationship between individual rights and broader societal interests. By embedding principles such as transparency, accountability, and Privacy by Design into legal and institutional frameworks - particularly through instruments like the GDPR - the European approach seeks to ensure that technological innovation and data-driven governance remain compatible with the protection of human dignity and personal autonomy.

However, the study emphasizes that while this model provides a valuable normative and regulatory reference, it cannot be transferred mechanically to other legal systems. For developing legal orders - especially in areas such as media regulation, journalism, and information governance - effective implementation requires thoughtful adaptation and institutional localization. Ultimately, the future of governance in the digital era will depend on recognizing this conceptual shift and establishing effective regulatory institutions capable of safeguarding personal data while maintaining democratic accountability.

Data Availability Statement

Data available on request from the authors.

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Ethical considerations

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Conflict of interest

The authors declare no conflict of interest.

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