

Constructing Children's Digital Identity by Others: A Private Law Perspective

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Abstract

We live in a time when technological development has outpaced legal regulations, posing challenges even in seemingly simple situations and phenomena that society finds difficult to manage and monitor.

Children's digital identities are increasingly shaped not only by the children themselves but also by external actors, particularly parents, educational institutions, governments, and digital platforms. This article examines the legal and ethical implications of such constructions from a private law perspective, focusing on challenges to children's autonomy, data protection rights, and evolving capacities. Drawing on European and international legal frameworks, it advocates for a child-centered legal approach that recognizes children as rights-holders and safeguards their digital personhood against premature exposure and commodification.

The phenomenon of kidfluencers raises critical concerns regarding the best interests of the child, a principle enshrined not only in international legal instruments, such as the United Nations Convention on the Rights of the Child (UNCRC), but also reflected in various domestic legal frameworks.

Keywords: children's rights; evolving capacities; data protection; digital personhood; kidfluencers