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**PRIVATNO I JAVNO  
U NADZIRUĆEM  
KAPITALIZMU –  
ZAŠTITNI I AKTIVNI  
PRISTUP****PRIVATE AND PUBLIC  
IN SURVEILLANCE  
CAPITALISM –  
PROTECTIVE AND  
ACTIVE APPROACH**

**SAŽETAK:** Rad se bavi zaštitom privatne i javne sfere u nadzirućem kapitalizmu. Iz skupa prikupljenih (*big data*) podataka korisnika/potrošača iz tzv. digitalnih otisaka ekstrahiraju se predviđanja o ponašanju korisnika ili tzv. bihevioralni višak koja postaju izvjesnice (*intelligence* podaci), roba na tržištu podataka. Osim predviđanja ponašanja korisnika, različitim se bihevioralnim tehnikama korisnike “gura” ili “potiče” (*nudge*) u određenom željenom potrošačkom ili političkom smjeru ili djelovanju, a kada je riječ o neovlaštenom prikupljanju podataka o korisnicima u digitalnoj sferi, radi se o *dark nudge* tehnikama. Nadzor i poticanje korisnika obavlja se u rasponu od brige za zdravlje, dobrobit, korist korisnika i za opće ili javno dobro do poticaja na potrošnju, željeno ponašanje ili glasovanje u ciljanom smjeru onih subjekata koji kreiraju takve poticaje (korporacije, stranke, vlade i dr.). Predmet rada temelji se na bihevioralnoj ekonomiji, koja je uvela bihevioralne tehnike u područje javnih politika. Autor u radu predlaže konceptualni model zaštitnog i aktivnog pristupa u doba nadzirućeg kapitalizma u privatnoj i javnoj sferi. Daje se pregled aktualne digitalne regulacije u EU te se upozorava na potrebu daljnjeg razvoja zakonodavnog okvira koji će regulirati pitanja nadzora i zaštite privatnosti i podataka korisnika.

**ABSTRACT:** The paper deals with the protection of the private and public spheres in surveillance capitalism. Predictions on consumer behaviour or the so-called behavioural surpluses are extracted from the set of collected (*big*) data of users/consumers from the so-called digital footprints, which become intelligence data, commodities on the data market. In addition to predicting user behaviour, various behavioural techniques push, or nudge users in a particular desired consumer or political direction or action, or dark nudge techniques when it comes to unauthorized data collection on users in the digital sphere. Surveiling and nudging users is done in the range from caring for their health, well-being and benefits, as well as general and public well-being, to encouraging expenditure, desired behaviour or voting in the desired direction of subjects who create such incentives (corporations, political parties, governments, etc.). The subject of the paper is based on behavioural economics which has introduced behavioural techniques in the field of public policy. The author proposes conceptual model of protective and active approach in the era of surveillance capitalism in the private and public spheres. An overview of the current digital regulation in the EU is given, and the need for further development of the legislative framework that will regulate the issues of supervision and protection of privacy and user data is pointed out.

**KLJUČNE RIJEČI:** nadzirući kapitalizam, nadzor, bihevioralni višak, *nudge*, *dark nudge*

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**KEY WORDS:** surveillance capitalism, surveillance, behavioural surplus, nudge, dark nudge

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## UVOD

Polje psihologije pružilo je vrijedne spoznaje polju ekonomije tijekom posljednjih desetljeća, a ta su se znanja ozbiljila u polju bihevioralne ekonomije, koja zauzima sve važnije mjesto, kako u ekonomiji tako i u uporabi javnih politika. Bihevioralna ekonomija svojim je uvidima i tehnikama postala platforma za ostvarivanje sve značajnijeg profita putem praćenja i usmjeravanja digitalnog ponašanja korisnika (digitalni otisci<sup>1</sup>), a da većina korisnika ni ne sluti o kakvoj vrsti nadzora je riječ (Sent 2004, Cert.hr, 2020). Za razvoj bihevioralne ekonomije zaslužni su američki autori poput Thaler i Sunsteina (2008) te Kahnemana & Twerskog (1982), a danas je ovo polje posebno u interesu zahvaljujući konceptu poticaja ili gurkanja (*nudge*), koji se sve više koristi u javnim politikama najrazvijenijih ekonomija. Bihevioralna ekonomija pretpostavlja da ljudi nisu u potpunosti racionalna bića, da nerijetko donose odluke impulzivno ili pod utjecajem nekoga ili nečega. Odluke korisnika/potrošača podložne su heuristikama i ranije stečenim predrasudama, a moguće je usmjeravati njihovo ponašanje uz pomoć poticaja (*nudge*), laganog gurkanja ili daljinskog navođenja (Kahneman & Twersky, 1982).

Nedavna bihevioralna i kognitivna istraživanja upućuju na različite načine na koje svi pojedinci potpadaju pod utjecaj takozvane “arhitekture izbora”, koja “gura” trenutne odabire i preferencije u ovom ili onom smjeru. Libertarijanski paternalizam<sup>2</sup>, koji se oslanja na gurkanje, prema Thaleru i Sunsteinu (2015) je blaga varijanta paternalizma,

## INTRODUCTION

The field of psychology has provided valuable knowledge within the field of economics during the last several decades, which are realised in the field of behavioural economics that has been assuming an increasingly prominent role both in economics and in public policy use. With its insights and techniques, behavioural economics has become a platform for achieving a more significant profit by way of monitoring and directing digital user behaviour (digital footprints<sup>1</sup>), with most of the users being unaware of what type of surveillance they are under (Sent, 2004; Cert.hr, 2020). The development of behavioural economics is owed to American authors Thaler & Sunstein (2008) as well as Kahneman & Tversky (1982). Today, this field is especially interesting due to the concept of inciting or nudging that has been used more frequently in public policies of the most developed economies. Behavioural economics assumes that people are not entirely rational beings, that they often make decisions on impulse or under the influence of someone or something. User/consumer decisions are subject to heuristics and previously acquired bias, and their behaviour can be directed by means of nudges or remote guiding (Kahneman & Tversky, 1982).

Recent behavioural and cognitive research suggests various methods in which all individuals fall under the influence of the so-called *choice architecture*, which *nudges* current choices and preferences in one or another direction. Libertarian paternalism<sup>2</sup>, which relies on nudging, according to Thaler &

budući da alternativni izbori nisu blokirani ili pak dodatno ne opterećuju pojedinca (Ivanković, 2015). Dio autora ipak upozorava da se to blago gurkanje može pretvoriti u nasilno nametanje i društvu je potrebna ugradnja zaštitnih mehanizama temeljenih na etičkim principima poštivanja zaštite privatnosti i podataka (Goodwin, 2012; Lint et al., 2017; Schmidt & Engelen, 2020).

Zuboff (2019) uvodi pojam nadzirućeg kapitalizma temeljenog na nadzoru koji se provodi uz pomoć sofisticiranih algoritama BigTech kompanija (Google, Apple, Amazon, Meta i dr.). Digitalne mreže ne samo da prikupljaju podatke o korisnicima, nego te iste korisnike putem algoritama “klasteriziraju” i potiču na određeno željeno ponašanje, a onda se uzorci toga ponašanja (kao svojevrsna sirovina) pohranjuju u *Big Data* i prodaju dalje kao roba (bihevioralni višak) na tržištu. Čovjekovo “digitalno” ponašanje tako postaje predmet tržišta na više različitih načina. Kad postanu dio mreže, korisnici svojim profilima, uzorcima ponašanja, fotografijama, komentarima i drugime, “besplatno” ili polusvjesno “hrane” i stvaraju sadržaj digitalnih medija, dok se u pozadini prikupljaju podaci o korisnikovu ponašanju i uz pomoć mehanizama bihevioralne psihologije i AI algoritama izrađuje se psihološki profil korisnika kako bi ga se poticalo (*nudge*) prema određenom željenom smjeru ponašanja, potrošnje, glasovanja itd. Obradeni digitalni otisci, tj. podaci o korisniku/korisnicima postaju *intelligence* podaci ili izvjesnice te se kao takvi u paketu nude zainteresiranim političkim strankama, marketinškim kompanijama, tvrtkama, vladama i organizacijama (Tuđman, 2002; EDPS, 2018).

Predmet ovog rada jest izrada konceptualnog modela aktivnog i zaštitnog pristupa privatne i javne sfere u okviru nadzirućeg kapitalizma. Cilj istraživanja jest analizirati osnovne pojmove nadzirućeg kapitalizma i preispitati izazove koje stavlja pred društvo u cjelini. Nadalje, cilj je analiza bihevioralne ekonomije u službi korporacija i javnih politika s posebnim osvrtom na tehnike poticanja – *nudge* i *dark nudge*. U

Sunstein (2015) is a mild variant of paternalism, since alternative choices are not blocked, or do not exert additional burdens on an individual (Ivanković, 2015). However, a number of authors warn that the mild nudging can turn to violent imposing and the society needs an establishment of protective mechanisms based on ethical principles of privacy and data protection (Goodwin, 2012; Lint et al., 2017; Schmidt & Engelen, 2020).

Zuboff (2019) introduces the concept of surveillance-based capitalism implemented via sophisticated algorithms of BigTech companies (Google, Apple, Amazon, Meta, and others). Digital networks do not only collect data on users, but they “cluster” these users with the help of algorithms and encourage specific desired behaviours. Then, the patterns of these behaviours are stored (as raw material of a kind) in *Big Data* and sold further as commodity (behavioural surplus) on the market. A persons “digital behaviour” thus becomes a market subject in various ways. Once they become a part of the network, with their profiles, behaviour patterns, photographs, comments and other behaviour, the users “feed” for free or semi-consciously and create digital media content, while data on their behaviour is collected in the background and their psychological profile is generated via behavioural psychology and AI algorithms in order to nudge them toward a specific desirable behaviour, consumption, voting, etc. The processed digital footprints, i.e., data on user/users become intelligence data, and are offered as such to interested political parties, marketing companies, corporations, governments, and organisations (Tuđman, 2002; EDPS, 2018).

The subject of this paper is the elaboration of a conceptual model of active and protective approach in the private and public spheres within surveillance capitalism. The research objective is to analyse the fundamental concepts of surveillance capitalism and question the challenges it poses for the society as a whole. Furthermore, the objective is to analyse behavioural economics used by corporations and public policies with a special emphasis on inciting

drugom poglavlju daje se pregled bihevioralne ekonomije u službi nadzirućeg kapitalizma s posebnim osvrtom na tehnike poticaja (*nudge*), a u trećem poglavlju razrađuje se nadzirući kapitalizam i razjašnjavaju se novi pojmovi, kao što su bihevioralni višak i drugi. U četvrtom poglavlju izlaže se zakonodavni okvir zaštite digitalne sfere u EU. U petom poglavlju navodi se metodologija, a u šestom se izlaže konceptualni model zaštitnog i aktivnog pristupa u privatnoj i javnoj sferi. Sedmo poglavlje obuhvaća raspravu, a osmo zaključak.

## BIHEVIORALNA EKONOMIJA

Ekonomiji upomoć je priskočila psihologija i stvorila novo polje ekonomije, koje se naziva bihevioralna ekonomija jer objašnjava ekonomske zakonitosti uzimajući u obzir psihološke, socijalne i emocionalne činitelje prilikom donošenja odluka institucija i pojedinaca u ekonomskoj zajednici (Camerer & Loewenstein, 2004). U klasičnoj ekonomiji najviše se tomu približila makroekonomija sa svojim teorijama očekivanja (teorija adaptivnih očekivanja i teorija racionalnih očekivanja). Očekivanja rasta ili pada ekonomskih aktivnosti nije lako kvantificirati, ali praksa je jasno pokazala da očekivanja utječu na ekonomska kretanja, što se posebno ogleda u volatilnosti burzovnih indeksa. Poznato je da burzovni indeksi predstavljaju lakmus papir ukupnih ekonomskih aktivnosti. S druge strane, mikroekonomija se bavi ponašanjem potrošača koje se danas ne može razumjeti bez razumijevanja bihevioralnih tehnika kojima su potrošači izloženi u digitalnoj sferi. Bihevioralni ekonomisti slažu se da se ljudi ne ponašaju uvijek racionalno (predvidljivo su iracionalni – Ariely & Jones, 2008) i da im nerijetko manjka samokontrole. Klasični ekonomski modeli više nisu dostatni, jer su se temeljili na pretpostavkama da je čovjek racionalno biće, da se ekonomski procesi mogu u potpunosti regulirati, a makroekonomski i mikroekonomski modeli mogu uspješno predviđati budućnost. Stvarnost je demantirala klasičnu ekonomiju, a bihevioralna

techniques – nudge and dark nudge. The second chapter reviews behavioural economics within surveillance capitalism, with special emphasis on incitement techniques (nudge), while the third chapter elaborates on surveillance capitalism and explains new concepts such as behavioural surplus and others. The fourth chapter provides the legal framework of digital sphere protection in the EU. The fifth chapter features methodology, while the sixth provides the conceptual model of protective and active approach in the private and public spheres. The seventh chapter contains discussion, and the eighth conclusion.

## BEHAVIOURAL ECONOMICS

Psychology aided economics to create a new field in economics called behavioural economics, because it explains the laws of economics by taking into account psychological, social and emotional factors that impact the decision-making processes of institutions and individuals in an economic community (Camerer & Loewenstein, 2004). In traditional economics, the field closest to this was macroeconomics with expectations theories (adaptive expectations theory and rational expectations theory). The expectations of increases or decreases in economic activities is not easily quantifiable, but practice clearly showed that expectations impact economic movements, which is especially reflected in the volatility of stock exchange indices. It is known that stock exchange indices represent a litmus paper of total economic activity. On the other hand, microeconomics deals with consumer behaviour that cannot be understood today without understanding the behavioural techniques that consumers are exposed to in the digital sphere. Behavioural economists agree that people do not always act rationally (they are predictably irrational – Ariely & Jones, 2008), and that they often lack self-control. Traditional economic models are no longer sufficient because they are based on assumptions that people are rational beings, that economic processes can

ekonomija doživljava svoj procvat zahvaljujući naprednim tehnikama digitalnog nadzora.

Među vodećim teoretičarima biheviornalne ekonomije ističu se Kahneman & Tversky (1982), koji su među prvima provodili istraživanja u području biheviornalne ekonomije. Slijede Thaler i Sustein (2008), koji uvode pojam *nudge* i definiraju ga kao “bilo koji aspekt arhitekture izbora koji mijenja ponašanje ljudi na predvidljiv način bez zabrane bilo koje opcije ili značajnog mijenjanja njihovih ekonomskih poticaja”. Hansen (2016) definira *nudge* kao bilo kakav pokušaj djelovanja na čovjekov sud, izbor ili ponašanje, koje se može predvidjeti zahvaljujući kognitivnim ograničenjima, predrasudama, navikama u individualnom i društvenom donošenju odluka i koje ljudima postavljaju prepreke racionalnom djelovanju. Model *nudge* (hrv. nutkanje, gurkanje ili poticanje) danas je prisutan u brojnim razvijenim državama svijeta kroz privatne ili državne BI (*Behavioral Insights*) centre. Tehnike BI centara nedavno su odigrale značajnu ulogu u javnim zdravstvenim politikama glede Covid-19 mjera, ali se bave i brojnim drugim područjima, poput porezne politike, ekologije i drugo. Model nutkanja pretpostavlja da ljudi ne donose uvijek racionalne odluke i da se na njih može utjecati pomoću psiholoških biheviornalnih tehnika, koje nisu daleko od manipulacije. Valja istaknuti da nutkanje može biti prihvatljivo ako nutkanjem upravlja netko dobronamjerman i ako se radi za opće dobro. Puno je pozitivnih primjera provođenja nutkanja kad je u pitanju upravljanje otpadom, plastikom, hranom, ekološki osviještenim ponašanjem, kružnom ekonomijom, trajnošću proizvoda i drugim (Ölander & Thøgersen, 2014; Kallbekken & Sælen, 2013; Rivers et al., 2017; Ebeling & Lotz, 2015; Parajuly et al., 2019; Cerulli-Harms et al., 2018; Stefansdotter et al., 2016). Nutkanje, s druge strane, može ugroziti zaštitu privatnosti i osobnih podataka i tada se naziva *dark nudge* (Goodwin, 2012; Lin et al., 2017; Schmidt & Englelen, 2020) i može predstavljati ozbiljnu prijetnju ljudskim pravima. (više u: Jørgensen, 2019). *Nudge* i *dark nudge* imaju puno

be entirely regulated, and macroeconomic and microeconomic models can successfully predict the future. Reality has refuted traditional economics, and behavioural economics has bloomed owing to advanced techniques of digital surveillance.

Among leading theorists of behavioural economics are Kahneman & Tversky (1982), who are among the first researchers into the field of behavioural economics. They are followed by Thaler & Sunstein (2008), who introduce the concept of nudge and define it as “any aspect of the choice architecture that alters people’s behaviour in a predictable way without forbidding any options or significantly changing their economic incentives”. Hansen (2016) defines nudge as any attempt to affect a person’s judgement, choice or behaviour that can be predicted due to cognitive limitations, prejudice, habits in individual and collective decision making and that pose obstacles to people’s rational activity. The nudge model is present today in numerous developed countries of the world through private or state BI (Behavioural Insights) centres. BI centre techniques have recently played a significant role in the public healthcare policies in terms of COVID-19 measures, but they are also present in various other areas such as tax policy, ecology, and others. The nudge model assumes that people do not always make rational decisions and that these could be influenced via psychological behavioural techniques, which are not far from manipulation. It is noteworthy that nudging can be acceptable if it is managed well-intentionally and implemented for general well-being. There are numerous positive examples of nudging in terms of managing waste, plastic, food, ecologically aware behaviour, circular economy, product durability and others (Ölander & Thøgersen, 2014; Kallbekken & Sælen, 2013; Rivers et al., 2017; Ebeling & Lotz, 2015; Parajuly et al., 2019; Cerulli-Harms et al., 2018; Stefansdotter et al., 2016). On the other hand, nudging can endanger privacy and personal data protection, thus becoming dark nudge (Goodwin, 2012; Lin et al., 2017; Schmidt & Englelen, 2020) and can pose a serious threat to human rights (more

toga zajedničkog: to su intervencije koje se temelje na bihevioralnim uvidima, one su jednostavne, isplative i lake za provođenje, ali je svrha njihovih ishoda različite prirode (Bordenave, 2018). U stvarnosti, poticanje (*nudge*) se može pretvoriti u agresivni paternalizam, a kao lijek Thaler i Sunstein (2008) predlažu tzv. *self-nudge* ili *snudge* kao svojevrsan oblik samokontrole. *Snudging* je u biti oblik predobveze. Strategije predobvezivanja sastoje se od dobrovoljnog nametanja ograničenja samome sebi radi promicanja vlastitih ciljeva i sprječavanja ometanja i osjetljivosti na vanjske podražaje (Benartzi et al., 2017).

## NADZIRUĆI KAPITALIZAM

Nadzirući kapitalizam (*surveillance capitalism*) opisala je Zuboff (2019) kao kapitalizam koji se temelji na nadzoru (Lyon & Wood 2020, Darmody & Zwik, 2020). Tehnološki divovi poput Googlea, Mete, Amazona i drugih sakupljaju podatke o korisnicima kako bi predvidjeli njihovo ponašanje, usmjeravali ga (*nudge*) i modificirali te to isto ponašanje prodavali kao robu (bihevioralni višak) zainteresiranim stranama (stranke, korporacije, organizacije itd.). Pokazalo se da poslovni model platformi nije ništa drugo nego integrirana verzija tzv. višestranog tržišta (engl. *multi-sided market*<sup>3</sup>), već poznatog poslovnog modela u kontekstu tradicionalnih masovnih medija. Naime, dok su masovni mediji oglašivačima pružali pristup potencijalnim potrošačima, brojne su agencije za istraživanje tržišta (npr. Nielsen, Ipsos, PwC itd.) sudjelovale u tom lancu vrijednosti pružanjem analitičkih podataka o karakteristikama i navikama potrošača (Bilić et al., 2021).

Agencije za istraživanje tržišta gotovo da više nisu potrebne, jer je bihevioralni višak o ponašanju potrošača dostupan BigTech kompanijama te postaje osnovna sirovina nadzirućeg kapitalizma. Čovjekovo digitalno ponašanje tako postaje roba na tržištu na više različitih načina. Prvo se podaci skupljaju putem kamere (*face recognition*),

in: Jørgensen, 2019). Nudge and dark nudge have a lot in common: they are interventions based on behavioural insights, they are simple, profitable, and easy to implement, but the purpose of their outcome is different in nature (Bordenave, 2018). In reality, nudge can turn into aggressive paternalism, the cure for which is proposed by Thaler & Sunstein (2008) in the form of self-nudge or snudge, as a form of self-control. Snudging is in fact a form of pre-commitment. Pre-commitment strategies consist of voluntary imposition of limitations to oneself in order to promote one's own goals and prevent interference and sensitivity to external stimulations (Benartzi et al., 2017).

## SURVEILLANCE CAPITALISM

Surveillance capitalism was described by Zuboff (2019) as capitalism based on surveillance (Lyon & Wood 2020, Darmody & Zwik, 2020). Technology giants, such as Google, Meta, Amazon, and others collect data on users in order to predict their behaviour, direct it (*nudge*) and modify it in order to sell this behaviour as commodity (behavioural surplus) to interested parties (political parties, corporations, organisations, etc.). It has become obvious that the platform model is none other than an integrated version of the so-called multi-sided market<sup>3</sup>, an already familiar business model within the context of traditional mass media. Namely, while mass media provided advertisers with access to potential consumers, numerous market research agencies (e.g., Nielsen, Ipsos, PwC, etc.) participated in the value chain by offering analytical data on consumer characteristics and habits (Bilić et al., 2021).

Market research agencies are hardly needed anymore because the behavioural surplus from consumer behaviour is available to BigTech companies and is becoming the fundamental raw material of surveillance capitalism. A person's digital behaviour thus becomes a market commodity in several different ways. First, data is collected via

zvuka, brzine tipkanja, stila pisanja (stilometrije<sup>4</sup>) i metapodataka, emocionalne AI (McStay, 2018) i drugog. Obradeni digitalni otisci, tj. podaci o korisniku/korisnicima postaju *intelligence data* (Tuđman, 2002) ili predikcijski proizvod (Zuboff, 2019) te se kao takvi prodaju na tržištu zainteresiranim političkim strankama, marketinškim kompanijama, oglašivačima, tvrtkama itd. Google je najveći igrač na tržištu, posjeduje najveću računalnu mrežu na svijetu i zapošljava najbolje podatkovne znanstvenike.

Nadzirući kapitalizam temelji se na imperativu stalne potrebe za rastom podataka te predikcijskom imperativu modificiranja ljudi prema određenom ponašanju s novim izvorima ponašanja praćenim putem senzora (internet stvari, IoT<sup>5</sup> Majumdar et al., 2019) na temelju kojih se ti podaci pohranjuju, obrađuju i komercijaliziraju u *reality business* (Zuboff, 2019).

Nadzirućeg kapitalizma ne bi bilo bez snažne umrežene IT zajednice kojom vladaju Big Tech kompanije, koje prepoznajemo i kao *Big Other*<sup>6</sup>. Ne vidimo ih na prvu, ali oni postoje i upravljaju korisnicima i njihovim ponašanjima. Kad postanu dio mreže, korisnici svojim profilima, uzorcima ponašanja, fotografijama, komentarima i drugime “besplatno” “hrani” i stvara sadržaj digitalnih medija, dok u pozadini *Big Other* prikuplja podatke o korisničkom ponašanju i uz pomoć bihevioralne psihologije i AI algoritama pretvara višak bihevioralnih podataka u psihološki profil korisnika da bi se predviđalo njegovo ponašanje ili ga se “gurkalo” u o određenom željenom smjeru ponašanja, potrošnje, glasovanja itd.

BigTech zadržavaju, tj. kontroliraju, i podatke i ponašanje korisnika, modificiraju ili usmjeravaju to isto ponašanje, nude na prodaju te “digitalne otiske” trećim zainteresiranim stranama i zadržavaju potpunu kontrolu nad cijenom usluga i nad pristupom potrošačima. Na djelu je svojevrsni globalni oligopol BigTecha.<sup>7</sup>

Teoretičari poput Skinnera (1948) i Pentlanda (2015) maštali su kako uz razvoj tehnologije

face recognition, sound, typing speed, writing style (stylometry<sup>4</sup>) and metadata, emotional AI (McStay, 2018) and others. Processed digital footprints, i.e., data on user/users become intelligence data (Tuđman, 2002) or prediction product (Zuboff, 2019) and are sold as such on the market to interested political parties, marketing companies, advertisers, corporations, etc. Google is the biggest player on the market, it owns the biggest computer network in the world and employs the best data scientists.

Surveillance capitalism is based on the imperative of constant need for data growth, and the prediction imperative of modifying people toward specific behaviour with new sources of behaviour via sensors (Internet of Things, IoT<sup>5</sup> Majumdar et al., 2019) based on which the data are stored, processed and commercialised in reality business (Zuboff, 2019).

Surveillance capitalism would not exist without a strong IT network community governed by BigTech companies that we also recognise as the Big Other<sup>6</sup>. We do not see them at first, but they exist and manage users and their behaviours. Once they become a part of the network, with their profiles, behaviour patterns, photographs, comments and other activities, the users “feed” and create digital media content for free, while the Big Other collects data on their behaviour in the background and, with the help of behavioural psychology and AI algorithms, turns the surplus of behavioural data into a psychological user profile to predict their behaviour or to nudge them in a specific desired behavioural direction, in terms of consumption, voting, etc.

BigTech keep, i.e., control both data and behaviour of users, they modify or direct that behaviour, offer the digital footprints for sale to third interested parties and maintain complete control over the price of services and access to users. We can see this as a global oligopoly of BigTech<sup>7</sup> of a kind.

Theorists such as Skinner (1948) and Pentland (2015) fantasized about the society using technology development to eliminate anomalies

društvo može eliminirati anomalije u skladu s društvenim normama i ciljevima. Pentland je inzistirao da “umjesto racionalnog individualiteta, naše bi društvo trebala voditi kolektivna inteligencija iz okruženja koja proizlazi iz tijeke ideja” (Pentland, 2015). Nadziruci kapitalizam omogućava da se ideje ovih autora o prevazi kolektivnog nad individualnim odlučivanjem počinju ostvarivati. Pitanje je samo uz koju cijenu, jer sve počinje i završava kod zaštite privatnosti korisnika. Najvažnija etička pitanja vode se glede nadzora i prikupljanja podataka o korisnicima bez njihova znanja, ili uz njihovo vrlo ograničeno znanje, te glede manipulativnih bihevioralnih tehnika koje se uvelike upotrebljavaju (Goodwin, 2012; Lint et al., 2017; Schmidt & Engelen, 2020).

## REGULATIVA

Digitalna tehnologija u posljednjih se dvadesetak godina tako brzo razvijala da je njezina regulacija uredno kaskala za tim razvojem. Dok se zakonodavci probude i krenu raditi na prijedlozima zakona, nerijetko ometani od strane lobista s izdašnim budžetima koje osiguravaju BigTech kompanije, ove su kompanije već otišle nekoliko velikih koraka naprijed.

U javnim raspravama isticalo se da digitalne tehnologije stvaraju poslovne modele koji se opiru standardnim ekonomskim pravilima i rezultiraju novim oblicima profitabilnog poslovanja (Greenstein, 2015, citirano u Bilić et al., 2021). U stvarnosti i u poluneznanju gradio se moćni BigTech oligopol, a korisnicima je ozbiljno ugrožena privatnost, ugroženo je tržišno natjecanje i javio se problem koncentracije moći. Korisnički se bihevioralni podaci preprodaju na tržištu koje se može slobodno nazvati crnim, a da oni o tome ne znaju ništa. Europska unija među prvima se uhvatila u koštac s BihTech kompanijama. Za to je najviše zaslužna Margrethe Vestager, izvršna potpredsjednica Europske komisije za Europu prilagođenu digitalnom dobu,

in accordance with social norms and goals. Pentland insisted that instead of rational individuality, our society should be led by the collective intelligence from our surroundings that emerges from the flow of ideas (Pentland, 2015). Surveillance capitalism facilitates realisation of the ideas of these authors on the collective outweighing the individual decision making. The only question is at what price, because everything begins and ends with privacy protection of users. The most important ethical questions are posed with regard to surveillance and collection of user data without their knowledge or with their very limited knowledge, and with regard to vastly used manipulative behavioural techniques (Goodwin, 2012; Lint et al., 2017; Schmidt & Engelen, 2020).

## REGULATIONS

In the last twenty years, digital technology has been developing so rapidly that its regulation lagged behind this development. While the legislators are waking up and starting to work on bills, frequently interrupted by lobbyists with ample budgets ensured by BigTech companies, the companies are pacing several large steps ahead.

Public debates have placed emphasis that digital technologies are creating business models that resist standard economic rules and result in new forms of profitable business (Greenstein, 2015, cited in Bilić et al., 2021). In reality and in the semi-awareness the powerful BigTech oligopoly has been built, whilst seriously endangering user privacy, market competition and the creating a problem of power concentration. User behaviour data is exchanged on the market, which can easily be called black, without their knowledge. The European Union was among the first ones to start dealing with BigTech companies. The highest merit for this goes to Margrethe Vestager, the executive vice-president of the European Commission for Europe Fit for the Digital Age, who is responsible for media and information questions such as



odgovorna za medijska i informacijska pitanja kao što su telekomunikacije i IT. Microsoft je zaustavljen u pokušaju stvaranja monopola od strane berlinskih programera. Razna regulatorna tijela u Europskoj uniji Microsoft su zbog odredbi o monopolu tijekom zadnjeg desetljeća kaznili s ukupno 2,26 milijardi eura. EU je zaslužna i za regulaciju prikupljanja i obrade podataka u Općoj uredbi o zaštiti podataka (EU 2016/679) (GDPR), koja se više ili manje uspješno provodi u svim europskim zemljama.

Najjasnija inicijativa EU-a za reguliranje poslovnog modela temeljenog na nadzoru, prikupljanju i obradi korisničkih podataka i izvlačenju profita iz nacionalnih tržišta, bez pravne prisutnosti u tim tržištima, nalazi se u dvjema predloženim direktivama za digitalno oporezivanje: Direktiva o utvrđivanju pravila o oporezivanju dobiti trgovačkih društava od znatne digitalne prisutnosti (COM 2018/147) i Direktiva o zajedničkom sustavu poreza na digitalne usluge kojim se oporezuju prihodi od pružanja određenih digitalnih usluga (COM 2018/148). Iako su ovim direktivama definirane jasne porezne stope i pravila po kojima bi se oporezivale platforme koje u državama članicama imaju “značajnu digitalnu prisutnost” (eng. *significant digital presence*), njima nije postignut potreban konsenzus, zbog protivljenja Irske i nordijskih zemalja (Ivanovski & McIntosh, 2019, citirano u Bilić et al., 2021). Rezultat toga je fragmentirano digitalno tržište u kojem su neke države, kao što su Austrija, Češka, Francuska, Italija i Španjolska, uvele unilateralna porezna rješenja za digitalne usluge.

Iako je predloženi paket detaljan u definiranju (nekih) aspekata interakcije platformi s korisnicima te interakcije platformi s poslovnim korisnicima, najslabiji je upravo tamo gdje bi trebao biti naj snažniji: u definiranju odgovornosti i jednakih pravila na unutarnjem tržištu. Prema predloženom paketu zakona, odgovornost “pravilnog” ponašanja raspršena je na tri skupine aktera: (a) odgovornost korisnika interneta; (b) odgovornost velikih platformi i (c) odgovornost državne regulacije

telecommunications and IT. Microsoft was stopped in an attempt to create a monopoly by Berlin programmers. Various regulatory bodies within the European Union penalised Microsoft with a total of 2.26 billion euros for breaching monopoly provisions during the last decade. EU is also responsible for regulating data collection and processing by General Data Protection Regulation (EU 2016/679) (GDPR), which has been more or less successfully implemented by all European countries.

The clearest EU initiative for regulating surveillance-based business model, collecting and processing user data and extracting profiles from national markets, without the presence of legislature for those markets can be found in the two suggested directives for digital taxation: Council directive laying down rules relating to the corporate taxation of a significant digital presence (COM 2018/147) and Council directive on the common system of a digital services tax on revenues resulting from the provision of certain digital services (COM 2018/148). Although these directives define clear tax rates and rules according to which platforms would be taxed in member states with significant digital presence, they have not reached the necessary consensus due to opposition from Ireland and the Nordic countries (Ivanovski & McIntosh, 2019, cited in Bilić et al., 2021). As a result, the digital market has been fragmented, in which some countries like Austria, the Czech Republic, France, Italy and Spain have introduced unilateral tax solutions for digital services.

Despite the suggested package being detailed in defining (some) aspects of platform interaction with users, as well as platform interaction with business users, it is the weakest right where it should be the strongest: in defining responsibility and equal rights on the internal market. According to the proposed set package of legal acts, the accountability for appropriate behaviour is scattered onto three groups of actors: (a) internet user accountability; (b) large platform accountability, and (c) state regulation (or the so-called digital services coordinator)

(ili tzv. koordinatora digitalnih usluga). Glede odgovornosti korisnika u Aktu o digitalnim uslugama za sigurno i odgovorno internetsko okruženje (2020) navodi se da će “korisnicima i potrošačima na raspolaganju biti revizijska izvješća i rezultati neovisnih istraživanja koji će im omogućiti da bolje razumiju kako takve platforme utječu na naša društva” te da će se korisnike “morati jasno informirati o tome jesu li ciljna skupina određenog oglasa i zašto te tko je taj oglas platio”. Sav teret transparentnosti i odgovornosti stavlja se na leđa individualnom korisniku, odnosno potrošaču, koji se mora dovoljno informirati da bi izbjegao štetne posljedice korištenja određenih digitalnih usluga. S obzirom na odgovornost državne regulacije, u hipotetskoj situaciji uspostave oporezivanja digitalnih usluga na istoj razini u državama članicama EU-a dio tih prihoda mogao bi se usmjeriti na stabilno financiranje digitalnih regulatora (više vidjeti u Bilić et. al., 2021).

## METODOLOGIJA

U radu se koriste znanstvene metode poput analize, sinteze i povijesnog pregleda razvoja bihevioralnih modela koje se koriste u privatnoj i javnoj sferi. Temeljni znanstveni doprinos ogleda se originalnoj autorskoj razradi konceptualnog modela zaštitnog i aktivnog pristupa u privatnoj i javnoj sferi društvenog djelovanja. Konceptualni modeli koriste se visokom razinom apstrakcije za objašnjenje pojedinih elemenata modela u svrhu objašnjenja zaštitnog i aktivnog aspekta privatne i javne društvene sfere.

## MODEL ZAŠTITNOG I AKTIVNOG PRISTUPA PRIVATNOG I JAVNOG U DOBA NADZIRUĆEG KAPITALIZMA

Slijedi razrada modela podijeljenog na dvije temeljne sfere: privatnu i javnu. Svakoj se sferi predlaže zaštitni i aktivni pristup.

accountability. As regards The Digital Services Act ensuring safe and accountable online environment (2022) it is stated that users and consumers will have revision reports and independent research results available that will enable their better understanding of the effect of the platforms on our societies and that the users will have to be clearly informed about whether and why they are the target market of a specific advertisement and who paid for the advertisement. The entire burden of transparency and accountability is placed on the individual user, i.e., consumer who needs to be sufficiently informed in order to avoid adverse consequences of using certain digital services. With regard to national authority regulation, in a hypothetical situation of establishing digital services taxation at the same level for all EU member states, a part of the revenues could be directed toward stable financing of digital regulators (for more information, see Bilić et al., 2021)

## METHODOLOGY

The paper contains scientific methods such as analysis, synthesis and historical overview of behaviour model development used in the private and public spheres. The fundamental scientific contribution is reflected in the original author’s development of a conceptual model of a protective and active approach in the private and public spheres of social activity. Conceptual models are used with a high level of abstraction in explaining individual model elements in order to explain the protective and active aspect of the private and public social sphere.

## PROTECTIVE AND ACTIVE APPROACH MODEL OF THE PRIVATE AND PUBLIC IN THE ERA OF SURVEILLANCE CAPITALISM

The following is the elaboration of the model divided into two basic spheres: private and public. For each sphere, a protective and active approach is proposed.

## Model zaštitnog pristupa u privatnoj sferi

S obzirom na to da spomenute europske digitalne direktive značajnu težinu stavljaju na odgovornost svakog korisnika (COM 2018/147 i COM 2018/148), predlaže se model zaštitnog i aktivnog pristupa privatnom u digitalnom prostoru. Svjesni činjenice da smo kao privatni korisnici digitalnog istodobno *sirovina za proizvodnju, kupci na tržištu i roba za prodaju* (Benartzi et al., 2017; Zuboff, 2019), predlažemo model zaštitnog i aktivnog pristupa u svrhu optimalnog djelovanja u okviru nadzirućeg kapitalizma.

Kako bismo mi kao pojedinci predstavljali *sirovinu za proizvodnju*, potrebno je da “hranimo” sustav vlastitim sadržajima (tekstovima, fotografijama, komentarima itd.), što uvelike i činimo, većinom bez ikakvih kriterija i svijesti o tome da besplatno stvaramo sirovinu za proizvodnju. Model u dijelu zaštitnog pristupa predlaže da se digitalno objavljuju samo najnužniji sadržaji, uz trajnu svijest da sav privatni sadržaj prestaje biti privatn onog trenutka kad postane digitalan. Potrebno je ugraditi svojevrstni filter u svijesti da nam kao korisnicima algoritam putem skočnih prozora i bihevioralnih tehnika poticaja nudi sve što bismo mogli kupiti/konzumirati bez ikakvog kritičkog odmaka. Stoga trebamo izvježbati pružati konstantan psihološki otpor tome da netko ili nešto odlučuje o onome što nam treba i u koju nas kategoriju (birača, potrošača) želi svrstati. Kada nas digitalni “sustav” kontinuirano i uporno na nešto potiče, na djelu je *dark nudge* te je potrebno pokrenuti mehanizme zaštite i upaliti “crveni alarm” prisebnosti. Ništa ne treba prihvaćati “na prvu”, impulzivno i bez promišljanja.

Nadalje, potrebno je razviti punu svijest o činjenici da se meta podaci o našem ponašanju na internetu prikupljaju i prodaju kao roba (prediktivni proizvod) zainteresiranim stranama (političkim strankama, kompanijama itd.). Riječ je zapravo o digitalnoj kleptokraciji. Dakle, digitalna kleptokracija je sredstvo kojim bogate tehnološke tvrtke rudare podatke potrošača,

## Protective approach model in the private sphere

Considering that the mentioned European digital directives place a significant weight upon the accountability of each user (COM 2018/147 and COM 2018/148), a model of protective and active approach to the private sphere in digital environment is proposed. Aware of the fact that as private digital users, we are at the same time *raw production material, market consumers and trade commodity* (Benartzi et al., 2017; Zuboff, 2019), we suggest a protective and active approach model aimed at optimal activity within the surveillance capitalism.

In order to be considered raw production material as individuals, it is necessary that we “feed” the system with our own content (text, photographs, comments, etc.), which we greatly do, mostly without any criteria or awareness of creating free raw production material. The protective approach model suggests that only the most necessary content is digitally published along with a permanent awareness that the entire private content ceases to be private once it becomes digital. It is necessary to have a mental filter of a kind so that the algorithm offers to us as users through pop-ups and behavioural incentive techniques everything that we could buy/consume without any critical detachment. Therefore, we need to practice enforcing a constant psychological resistance against anyone or anything deciding on what we need and into which category (of voters, consumers) we belong. When the digital system provides a continuous and tenacious incentive to do something, this is called *dark nudge*, and it is necessary to initiate protection mechanisms and turn on “code red” of reason. Nothing should be accepted at first glance, impulsively, and without thinking.

Furthermore, it is necessary to develop full awareness of the fact that meta data on our online behaviour are collected and sold as commodity (predicative product) to interested parties (political parties, companies, etc.), which means digital kleptocracy. Namely, digital kleptocracy is a means

zapravo ih krađu; u većini slučajeva osoba nije svjesna da se njezini podaci prikupljaju i koriste u svrhu stvaranja profita (Roy, 2021). U ovom segmentu zaštititi se možemo širenjem spoznaje o bihevioralnim viškovima. Također, roba za prodaju u ovom segmentu predstavlja ljudski resurs u potrazi za posao, a zaštitni BI (*bi behavioural insight*) u ovom segmentu predstavlja oprez prilikom objavljivanja bilo kakvog sadržaja koje potencijalni ili postojeći poslodavac može iskoristiti protiv korisnikova zapošljavanja, razvoja daljnje karijere, potencijalnih javnih osuda poslovne i osobne reputacije.

through which wealthy technological companies mine consumer data, by in fact stealing them; most of the times, the person is not aware that their data is collected and used to generate profit (Roy, 2021). In this segment, we can protect ourselves by spreading knowledge on behavioural surpluses. Likewise, in this segment, a commodity represents a human resource in search of a job, and as a protective BI (*bi behavioural insight*), it represents caution while publishing any type of content that a potential or existing employer can use against the user's employment, further career development, potential public condemnation of professional or personal reputation.

**TABLICA 1. SADRŽAJ ZAŠTITNOG PRISTUPA U PRIVATNOJ SFERI**  
**TABLE 1. THE CONTENT OF PROTECTIVE APPROACH IN THE PRIVATE SPHERE**

ASPEKT / ASPECT	OBRAZLOŽENJE / EXPLANATION	
Odgovornost / Accountability	<ul style="list-style-type: none"> <li>• Privatni korisnik (potrošač)</li> </ul>	<ul style="list-style-type: none"> <li>• Private user (consumer)</li> </ul>
Zaštita od iskorištavanja i neovlaštenog prikupljanja podataka, preprodaje i manipulacije podacima Protection from abusing and unauthorised collection of data, as well as data sales and manipulation	<ul style="list-style-type: none"> <li>• Sirovina za proizvodnju</li> <li>• Kupac na tržištu</li> <li>• Roba za prodaju</li> <li>• Sveopći nadzor</li> <li>• Individualni psihološki profil</li> </ul>	<ul style="list-style-type: none"> <li>• Raw production material</li> <li>• Buyer on the market</li> <li>• Commodity</li> <li>• Overall surveillance</li> <li>• Individual psychological profile</li> </ul>
Vrsta pristupa / Type of approach	<ul style="list-style-type: none"> <li>• Zaštitni</li> </ul>	<ul style="list-style-type: none"> <li>• Protective</li> </ul>
Preporuka / Recommendation	<ul style="list-style-type: none"> <li>• Osviještenost korisnika</li> <li>• Individualni psihološki filter/otpor</li> <li>• Promjena ponašanja/kontrola objavljivanja</li> <li>• <i>Snudge</i></li> <li>• Samozaštita</li> </ul>	<ul style="list-style-type: none"> <li>• User awareness</li> <li>• Individual psychological filter/resistance</li> <li>• Change in behaviour/control over publishing</li> <li>• <i>Snudge</i></li> <li>• Self-protection</li> </ul>
Cilj / Objective	<ul style="list-style-type: none"> <li>• Zaštita privatnosti</li> <li>• Zaštita podataka</li> <li>• Stvaranje otpora nadzirućem kapitalizmu</li> <li>• Dobrobit pojedinca</li> <li>• Učenje</li> </ul>	<ul style="list-style-type: none"> <li>• Privacy protection</li> <li>• Data protection</li> <li>• Creating resistance to surveillance capitalism</li> <li>• Individual well-being</li> <li>• Learning</li> </ul>

Izvor: izrada autora (2022) / Source: Author's elaboration (2022)

**TABLICA 2. SADRŽAJ AKTIVNOG PRISTUPA U PRIVATNOJ SFERI**  
**TABLE 2. THE CONTENT OF ACTIVE APPROACH IN THE PRIVATE SPHERE**

ASPEKT / ASPECT	OBRAZLOŽENJE / EXPLANATION	
Odgovornost / Accountability	<ul style="list-style-type: none"> <li>• Privatni korisnik (potrošač)</li> </ul>	<ul style="list-style-type: none"> <li>• Private user (consumer)</li> </ul>
Zaštita od iskorištavanja i neovlaštenog prikupljanja podataka, preprodaje i manipulacije podacima Protection from abusing and unauthorised collection of data, as well as data sales and manipulation	<ul style="list-style-type: none"> <li>• Sirovina za proizvodnju</li> <li>• Kupac na tržištu</li> <li>• Roba za prodaju</li> <li>• Sveopći nadzor</li> <li>• Individualni psihološki profil</li> </ul>	<ul style="list-style-type: none"> <li>• Raw production material</li> <li>• Buyer on the market</li> <li>• Commodity</li> <li>• Overall surveillance</li> <li>• Individual psychological profile</li> </ul>
Vrsta pristupa / Type of approach	<ul style="list-style-type: none"> <li>• Aktivni</li> </ul>	<ul style="list-style-type: none"> <li>• Active</li> </ul>
Preporuka / Recommendation	<ul style="list-style-type: none"> <li>• Osviještene ciljane uporaba interneta</li> <li>• Objave na temelju SWOT analize ili dr.</li> <li>• Iskorištavanje digitalne mreže za vlastite potrebe i ciljeve</li> <li>• Prisebnost</li> <li>• <i>Snudge</i></li> </ul>	<ul style="list-style-type: none"> <li>• Awareness of targeted use of the Internet</li> <li>• Publications based on SWAT analysis or similar</li> <li>• Using digital networks for own needs and goals</li> <li>• Calm</li> <li>• <i>Snudge</i></li> </ul>
Cilj / Objective	<ul style="list-style-type: none"> <li>• Zaštita privatnosti</li> <li>• Zaštita podataka</li> <li>• Stvaranje otpora nadzirućem kapitalizmu</li> <li>• Razvoj karijere</li> <li>• Dobrobit pojedinca</li> <li>• Učenje</li> </ul>	<ul style="list-style-type: none"> <li>• Privacy protection</li> <li>• Data protection</li> <li>• Creating resistance to surveillance capitalism</li> <li>• Career development</li> <li>• Individual well-being</li> <li>• Learning</li> </ul>

Izvor: izrada autora (2022) / Source: Author's elaboration (2022)

### Model aktivnog pristupa u privatnoj sferi

Aktivni pristup u privatnoj sferi podrazumijeva ciljano objavljivanje sadržaja za razvoj karijere, cjeloživotnog učenja, vlastitog poduzetništva, političkog djelovanja itd., tako da korisnik mrežu pretvori u vlastitu sirovinu za zadovoljavanje potreba i postavljenih ciljeva.

Objavljivati treba samo pomno pripremljen sadržaj kako bi se što kvalitetnije upravljalo budućim razvojem karijere. Predlaže se u tu svrhu napraviti osobnu analizu (primjerice SWOT analizu – *Strengths, Weaknesses, Opportunities,*

### Active approach model in the private sphere

Active approach in the private sphere entails targeted publishing of content to develop a career, lifelong learning, one's own entrepreneurship, political activity, etc. so that the user turns the network into their own raw material in order to meet their needs and their set goals.

Only carefully prepared content should be published in order to achieve the highest quality of managing future career development. To that end, we suggest conducting a personal analysis (for example a SWAT analysis – *Strengths,*

*Threats*) prije samog objavljivanja sadržaja na društvenim mrežama poput, primjerice, LinkedIna i Lunchcluba. Primjetan je aktualni trend u svijetu pod nazivom Great Resignation (Hopkins & Figaro, 2021; Parker & Clark, 2022), koji objašnjava fenomen napuštanja radnih mjesta u SAD-u i šire. Pretpostavka je da ljudi pokreću vlastite poslove koje oglašavaju isključivo putem društvenih mreža. To se uklapa u aktivni pristup ovog modela, jer je iskorištena digitalna mreža za vlastiti razvoj karijere. Korisnik tako prestaje biti objekt i postaje subjekt koji koristi mrežu kao objekt zadovoljavanja vlastitih ciljeva.

Aktivni pristup u segmentu kupaca predstavlja upravljanje informacijama za pronalazak najpovoljnijeg i/ili najkvalitetnijeg proizvoda/ usluge kako bi kupci ostvarili najbolji mogući benefit. Kupac je onaj koji drži moć u svojim rukama, jer donosi odluku hoće li nešto kupiti ili ne. Prisebnost (*calm*) je od velikog značaja ovdje. Danas pretežno milenijalci (rođeni od 1980. do 2000. godine) i Z generacija (rođeni od 2000. godine) koriste skočne prozore, “push up” poruke i njima upravljaju prilikom kupnje proizvoda i/ili usluge za vlastitu korist. Milenijalci i Z generacija tako postaju aktivni subjekti, koji koriste sustav kao objekt za obavljanje najpovoljnije, najkvalitetnije i najjednostavnije kupnje.

### Model zaštitnog pristupa u javnoj sferi

Zaštitni pristup u javnoj sferi treba se osigurati zakonima da bi se u potpunosti postigla zaštita podataka na nacionalnoj i nadnacionalnoj razini (Jorgensen, 2019). Osim toga, vlade država trebaju štiti svoje podatke u digitalnoj sferi u skladu s razvojem tehnologije. Zaštitni pristup za zemlje članice EU-a obuhvaća i usvajanje europskih digitalnih inicijativa i apliciranje digitalne regulacije u nacionalnim europskim državama. U hipotetskoj situaciji uspostave oporezivanja digitalnih usluga na istoj razini u državama članicama EU-a dio tih prihoda mogao bi se usmjeriti na stabilno financiranje digitalnih regulatora (Greenstein, 2015, u Bilić et al., 2021).

Weaknesses, Opportunities, Threats) prior to publishing content on social networks such as LinkedIn or Lunchclub. We can observe an ongoing global trend called Great Resignation (Hopkins & Figaro, 2021; Parker & Clark, 2022) that explains the phenomenon of resigning from work in the USA and other parts of the world. The assumption is that people are starting their own businesses and are advertising them solely through social networks. This is integral to active approach of this model because digital network is used for one’s own career development. Thus, the user ceases to be an object and becomes a subject who uses the network as means to meet their own goals.

An active approach in the buyer segment represents managing information to find the most affordable and/or highest quality product or service in order for buyers to achieve the best possible benefit. The buyer is the one with the power, because they make decision whether to buy something or not. Reason (*calm*) plays a significant role in this case. Today, pop-ups and push up messages are mostly used and managed by Millennials (those born between 1980 and 2000) and Gen Z (those born from 2000) for their own benefit during purchase of a product or service. Thus, Millennials and Gen Z are becoming active subject using the system as an object to do the most affordable, the highest quality, and the simplest shopping.

### Protective approach model in the public sphere

The protective approach in the public sphere should be secured by legal acts in order to achieve a complete data protection on a national and supranational level (Jorgensen, 2019). Besides, the governments should protect their data in the digital sphere in accordance with technology development. The protective approach for EU member states also encompasses adopting European digital initiatives and applying digital regulations in national European countries. In a hypothetical situation, establishing digital services taxation on the same level for EU member states can lead to a part of the revenue being directed

**TABLICA 3. SADRŽAJ ZAŠTITNOG PRISTUPA U JAVNOJ SFERI**  
**TABLE 3. THE CONTENT OF PROTECTIVE APPROACH IN THE PUBLIC SPHERE**

ASPEKT / ASPECT	OBRAZLOŽENJE / EXPLANATION	
Odgovornost / Accountability	<ul style="list-style-type: none"> <li>• EU – nadnacionalna razina, zakonodavci (nositelji ekonomske politike /policy makers)</li> <li>• Vlada/država – nacionalna razina, zakonodavci (nositelji ekonomske politike /policy makers)</li> </ul>	<ul style="list-style-type: none"> <li>• EU – supranational level, legislators (economic policy makers)</li> <li>• Government/state – national level, legislators (economic policy makers)</li> </ul>
Zaštita od iskorištavanja i neovlaštenog prikupljanja podataka, preprodaje i manipulacije podacima Protection from abusing and unauthorised collection of data, as well as data sales and manipulation	<ul style="list-style-type: none"> <li>• Javni podaci</li> <li>• Osobni podaci</li> <li>• Sveopći nadzor</li> </ul>	<ul style="list-style-type: none"> <li>• Public data</li> <li>• Personal data</li> <li>• Overall surveillance</li> </ul>
Vrsta pristupa / Type of approach	<ul style="list-style-type: none"> <li>• Zaštitni</li> </ul>	<ul style="list-style-type: none"> <li>• Protective</li> </ul>
Preporuka / Recommendation	<ul style="list-style-type: none"> <li>• Zakoni/direktive/akti</li> <li>• Formiranje vladinog BI (<i>bihevioural insight</i>) centra za javnu kontrolu od nadzirućeg kapitalizma i zaštitu države i građana od manipulacija <i>i/ili</i> formiranje nezavisnog/samostalnog BI (<i>bihevioural insight</i>) centra za kontrolu države u svrhu zaštite građana od manipulacija</li> </ul>	<ul style="list-style-type: none"> <li>• Laws/Directives/Acts</li> <li>• Establishing a government BI (behavioural insight) centre for public control over surveillance capitalism and protection of country and people from manipulation <i>and/or</i> establishing an independent BI (behavioural insight) centre for state control aimed at protecting citizens from manipulation</li> </ul>
Cilj / Objective	<ul style="list-style-type: none"> <li>• Zaštita suverenosti</li> <li>• Zaštita državnih podataka</li> <li>• Zaštita građana/javnog interesa</li> <li>• Stvaranje otpora nadzirućem kapitalizmu</li> <li>• Opće dobro</li> </ul>	<ul style="list-style-type: none"> <li>• Sovereignty protection</li> <li>• Government data protection</li> <li>• Citizen/public interest protection</li> <li>• Creating resistance to surveillance capitalism</li> <li>• General well-being</li> </ul>

Izvor: izrada autora (2022) / Source: Author's elaboration (2022)

EU prednjači u zaštiti privatnosti i podataka s obzirom na Opću uredbu o zaštiti podataka (EU 2016/679) (GDPR), koja je za sve zemlje EU-a stupila na snagu 2016. godine, iako se u praksi ne provodi u potpunosti. Direktiva o utvrđivanju

toward a stable financing of digital regulators (Greenstein, 2015, cited in Bilić et al., 2021). The European Union leads in data and privacy protection with regard to the General Data Protection Regulation (EU 2016/679) (GDPR)

pravila o oporezivanju dobiti trgovačkih društava od znatne digitalne prisutnosti (COM 2018/147) i Direktiva o zajedničkom sustavu poreza na digitalne usluge kojim se oporezuju prihodi od pružanja određenih digitalnih usluga (COM 2018/148) pokrenute su od strane EU-a. Komisija Europske unije 15. prosinca 2020. godine predložila je ambicioznu sveobuhvatnu reformu digitalnog prostora pomoću Akta o digitalnim uslugama (DSA) i Akta o digitalnim tržištima (DMA), a usvojeni su u siječnju 2022. godine.

Osim toga, i vlade država se mogu promatrati kao veliki kupci na digitalnom tržištu, jer raspoložu znatnim sredstvima. Zaštitni pristup se u segmentu Vlade kao velikog kupca primjenjuje na način da Vlada formira BI (*bibeavoural insight*) centar (pri Vladi ili kao neovisnu kontrolnu jedinicu), koji bi aktivirao precizno sito u svrhu zaštite od pokušaja multinacionalnih kompanija, koje lobiranjem žele provesti svoje ciljeve, ponuditi svoje proizvode/usluge (više o tome u Peša et al, 2022). Najrazvijenije zemlje svijeta već imaju BI (*bibeavoural insight*) centre pri vladama ili su ustrojeni kao samostalni centri, a svi se oni uglavnom bave javnim politikama u svrhu poticanja određenog ponašanja. Ovdje se predlaže da isti centri djeluju i kao zaštita države i građana od svih oblika manipulacija putem bihevioralnih tehnika u digitalnoj sferi.

### Model aktivnog pristupa u javnoj sferi

Aktivni pristup u javnoj upravnoj sferi gleda na vlade kao na *opinion makere* putem ciljanog objavljivanja digitalnog sadržaja za državne političke ideje, političko-ekonomskog razvoja države i sigurnosti. Tu se ona može služiti tehnikama poticaja (*nudge*) da bi vlastite građane poticala na određeno željeno ponašanje u segmentu zdravlja, zaštite klime, odvajanja otpada itd. Prijedlog uporabe tehnike *nudge* u promoviranju uvođenja eura u RH obrađen je u okviru znanstvenog projekta Sveučilišta u Zadru: “Makroekonomska očekivanja i prilagodbe sustava RH prema Bankovnoj uniji i Eurozoni/ NUDGEU” (2021. – 2023). Brojne su zemlje u

that came into effect for all EU member states in 2016, although it is not fully implemented in practice. The Council directive laying down rules relating to the corporate taxation of a significant digital presence (COM 2018/147) and Council directive on the common system of a digital services tax on revenues resulting from the provision of certain digital services (COM 2018/148) was initiated by the EU. On 15 December 2020, the European Commission recommended an ambitious and all-encompassing reform of the digital space via the Digital Services Act (DSA) and Digital Markets Act (DMA), which was adopted in January 2022.

Besides, governments can also be viewed as Big Buyers on the digital market because they have significant funds available. The protective approach in the sector of government as Big Buyer is implemented by way of government forming BI centre (government-based or as independent control unit) that would activate a precise sieve aimed at protection from multinational companies’ attempts to achieve their goals and offer their products/ services via lobbying (for more information see Peša et al., 2022). The most developed countries in the world already have government-based BI centres or independently organised centres, all of whom deal with public policies aimed at encouraging specific behaviours. We recommend that the same centres also serve as state and citizen protection against any type of manipulation via behavioural techniques within the digital sphere.

### Active approach model in the public sphere

Active approach in the public sphere views governments as opinion makers through targeted publishing of digital content for state political ideas, political and economic development of the state and security. In this case the government can use nudging techniques to entice its citizens toward a specific desired behaviour in the segments of healthcare, climate protection, waste management, etc. The recommendation to use nudging technique for the promotion of introducing the euro in the Republic of Croatia was elaborated



svojim javnim politikama već počele koristiti tehnike poticaja putem vlastitih BI (*bi-behavioural insight*) centara, a prednjači Velika Britanija. Utjecaj poticaja na kreiranje politika je prisutan u cijelom svijetu, a njegove su implikacije neizbježno globalne: to je jedno od najbrže rastućih područja javne politike. Aktivni pristup u segmentu vlade kao velikog kupca

within the scientific project by the University of Zadar: “Makroekonomska očekivanja i prilagodbe sustava RH prema Bankovnoj uniji i Eurozoni/NUDGEU” (Macroeconomic expectations and system adjustments of the Republic of Croatia in accordance with the Banking Union and the Euro Zone/NUDGE) (2021 – 2023). Numerous

**TABLICA 4. SADRŽAJ AKTIVNOG PRISTUPA U JAVNOJ SFERI**  
**TABLE 4. THE CONTENT OF ACTIVE APPROACH IN THE PUBLIC SPHERE**

ASPEKT / ASPECT	OBRAZLOŽENJE / EXPLANATION	
Odgovornost / Accountability	<ul style="list-style-type: none"> <li>• EU – nadnacionalna razina, zakonodavci (nositelji ekonomske politike /policy makers)</li> <li>• Vlada/država – nacionalna razina, zakonodavci (nositelji ekonomske politike /policy makers)</li> </ul>	<ul style="list-style-type: none"> <li>• EU – supranational level, legislators (economic policy makers)</li> <li>• Government/state – national level, legislators (economic policy makers)</li> </ul>
Zaštita od iskorištavanja i neovlaštenog prikupljanja podataka, preprodaje i manipulacije podacima Protection from abusing and unauthorised collection of data, as well as data sales and manipulation	<ul style="list-style-type: none"> <li>• Javni podaci</li> <li>• Osobni podaci</li> <li>• Sveopći nadzor</li> </ul>	<ul style="list-style-type: none"> <li>• Public data</li> <li>• Personal data</li> <li>• Overall surveillance</li> </ul>
Vrsta pristupa / Type of approach	<ul style="list-style-type: none"> <li>• Aktivni</li> </ul>	<ul style="list-style-type: none"> <li>• Active</li> </ul>
Preporuka / Recommendation	<ul style="list-style-type: none"> <li>• Ciljano objavljivanje digitalnog sadržaja u svrhu poticanja željenog ponašanja građana</li> <li>• Korištenje tehnika poticaja (<i>nudge</i>) za kreiranje javnih politika</li> <li>• Upravljanje informacijama za potrebe javne potrošnje u javnom interesu</li> </ul>	<ul style="list-style-type: none"> <li>• Targeted publishing of digital content aimed at encouraging desired citizen behaviour</li> <li>• Using nudging techniques to create public policies</li> <li>• Information management for the needs of public expenditure in the interest of the public</li> </ul>
Cilj / Objective	<ul style="list-style-type: none"> <li>• Državni nadzor dobrobiti građana/javnog interesa</li> <li>• Zaštita građana/javnog interesa</li> <li>• Stvaranje otpora nadzirućem kapitalizmu</li> <li>• Opće dobro</li> </ul>	<ul style="list-style-type: none"> <li>• Government surveillance of the citizen / public interest welfare</li> <li>• Citizen/public interest protection</li> <li>• Creating resistance to surveillance capitalism</li> <li>• General well-being</li> </ul>

Izvor: izrada autora (2022) / Source: Author’s elaboration (2022)

također podrazumijeva upravljanje informacijama za pronalazak najpovoljnijeg proizvoda/usluge za potrebe javne potrošnje kako bi država ostvarila najbolji mogući benefit za društvo u cjelini. Odluke su nerijetko vođene političkim interesima i utjecajima, a interes države, tj. njezinih građana, nije uvijek na prvom mjestu.

## RASPRAVA

Sveopći nadzor nastaje paralelno s razvojem interneta, ali se tek u posljednjih desetak godina razvija nevjerojatnom brzinom. Većina korisnika nije upoznata s problematikom, a zakonodavna regulativa kaska za brzim promjenama koje se događaju na ovom polju. Kad govorimo o ljudskim pravima sudionika digitalne sfere, onda trebamo govoriti i o pravima zaposlenika, jer su korisnici koji pune sadržaje društvenih mreža *de facto* zaposlenici tih istih mreža, iako nisu potpisali ugovor o radu i za to ne primaju naknadu. Pretpostavljamo da će se ova situacija u dogledno vrijeme osvijestiti te će se korisnicima ponuditi garantirani temeljni dohodak (Sirsch, 2021). Korisnik će tako i formalno postati zaposlenik digitalnih mreža, primati naknadu, a s druge strane, kao svojevrsni *perpetuum mobile*, istu će tu naknadu trošiti za digitalnu kupovinu roba i/ili usluga za koje su ga kroz različite marketinške tehnike “nutkajući” uvjerali i psihološki profilno procijenili da će mu trebati.

Otkad je nastao Facebook, 2006. godine (Phillips, 2007), i otvorio se svima koji imaju e-mail, naši digitalni identiteti postaju sve bogatiji. Ovaj proces zaslužuje puno više pažnje nego ikad prije, jer pružatelji usluga društvenih mreža upravljaju tucetom naših “lajkova”, vjerovanja i socijalnih veza (Campione, 2019). Digitalni svijet još za sada (mada je Zuckerberg krajem 2021. godine već najavio Meta virtualni svijet) treba stvarni svijet. Jer bez stvarnog svijeta robe/usluga, logistike, transporta itd. digitalni svijet ne bi imao što prodavati. Bez stvarnog svijeta,

countries have already started using nudge techniques in their public policies via their own BI centres, led by the Great Britain. The impact of nudging to policy creation is present in the entire world, and its implications are unavoidably global: it is one of the fastest growing areas in public policy. Active approach in the government sector as Big Buyer also entails information management in order to find the most affordable product/service for the needs of public expenditure so a state could achieve the best possible benefit for the entire society. Decisions are frequently led by political interests and influences, and the state interest, i.e., that of its citizens is not always in the foreground.

## DISCUSSION

Overall surveillance emerged simultaneously with the development of Internet, but, in the last ten years it has been developing at incredible speed. Most users are not familiar with the issues, and the legislation lags behind the fast changes occurring in this area. With regard to human rights of digital sphere participants, then we should also consider the rights of employees, because the users that feed the social network content are in fact employees of the networks, without having signed a labour agreement or being compensated for it. We assume that in time, awareness of this situation will rise and that users will be offered a basic income (Sirsch, 2021). Thus, the user will formally become a digital network employee and be compensated for it, while on the other hand, as a *perpetuum mobile* of a kind, they will spend the compensation on the digital purchase of goods and/or services, they were convinced to do by various marketing nudging techniques and psychological profiling that assessed their needs.

Since the creation of Facebook in 2006 (Phillips, 2007) and its availability to everyone who had an email, our digital identities have become increasingly abundant. The process deserves a lot more attention than ever because digital network service providers

gdje caruju sirovine, kapital i ljudska snaga (koja većinom proizvodi, pakira i distribuira s jedne strane, a s druge strane troši), digitalni svijet ne bi ostvarivao profit.

Tek kad korisnik mreže kao *dividua* (vlastiti virtualni identitet, isti bankovni podaci (Deleuze, u Buchanan, 1999) i/ili *avatar* (Castronova, 2003), odnosno novi virtualni identitet koji smo sami kreirali) stvarne predmete sve više počne zamjenjivati virtualnima, a u virtualnoj stvarnosti nabava ne ovisi o složenim dobavnim lancima i distributerima, koji u 2021. godini doživljavaju globalni zastoj, stvarni svijet će se suziti na najnužnije. Najvažnija u tom najnužnijem bit će tehnologija, a ostatak potrebnog u stvarnom svijetu odnosit će se na prijeko potrebno, što se digitalno ne može riješiti (stanovanje, hrana, higijena).

Onog trenutka kad digitalna stvarnost ostvari veći profit od profita stvarnog svijeta (robe i usluge *real time and place*) ulazi se u sljedeću razinu digitalnog doba, koja se naziva *metaverzum* (Haar, 2019). Digitalno tada pobjeđuje stvarnost u mnogim segmentima društva, s naglaskom na pobjedu na profitnoj strani krupnog kapitala.

Koja je uloga država i vlada u preuzimanju stvarnog svijeta od strane digitalnog? Države i vlade će se, kao i svi drugi akteri društva, prilagoditi novoj situaciji i brže-bolje zauzeti svoje pozicije u novog digitalnoj stvarnosti. Ne zaboravimo da Big Tech kompanije angažiraju vrhunske lobiste, koji znaju kako treba pregovarati s vladama. Vlade trebaju Big Tech kompanije. Primjerice, Strategic Communication Laboratories sami su sebe opisali kao “agenciju globalnog izbornog menadžmenta” (Barker, 2018)<sup>8</sup>. A iza svega stoji utrka za profitom, koja u nadzirućem kapitalizmu koristi sve moguće privatne i javne sfere kako bi se taj isti profit maksimizirao u rukama vodećih Big Tech kompanija. Te iste kompanije putem svojih platformi anticipiraju budućnost. Stoga je u ovom radu predložen model zaštitnog i aktivnog pristupa, kako u privatnoj tako i u javnoj sferi (Tablica 5). Cilj postavljenog modela je širenje

manage a dozen of our “likes”, beliefs and social connections (Campione, 2019). The digital world still needs the real world (although Zuckerberg announced the Meta virtual world in 2021), because without the real world of goods/services, logistics, transport, etc., the digital would have nothing to sell. Without the real world dominated by raw materials, capital, and labour (used mostly for production, packaging and distribution on the one hand, and consumption on the other), the digital world would not make a profit.

It will not be until a network user as *dividuu*s (own virtual identity, same bank details (Deleuze, in Buchanan 1999) or *avatar* (Castronova, 2003), i.e., new virtual identity created by themselves) starts replacing real objects with virtual ones, and in a virtual reality purchase does not depend on complicated supply chains and distributors who are facing their global standstill in 2021, that the real world will be narrowed down to the most essential. The most important part of the most essential will be technology, and the rest of the necessities in the real world will relate to those essential items that cannot be solved digitally (housing, food, hygiene).

The moment the digital reality generates bigger profits than the real world (real time and place goods and services), we enter the next phase of the digital era called Metaverse (Haar, 2019). That is the moment the digital wins over real in many segments of the society with emphasis on winning in the profit side of large capital.

What is the role of states and governments in digital world taking over the real world? The states and governments, as any other society actors, will adjust to the new situation and rush to assume their positions in the new digital reality. We should not forget that Big Tech companies engage expert lobbyists who know how to negotiate with governments. The governments need Big Tech companies. For example, Strategic Communication Laboratories describe themselves as “global election management agency” (Barker, 2018)<sup>8</sup>. And behind it all is a profit race that, in surveillance capitalism,

**TABLICA 5. MODEL ZAŠTITNOG I AKTIVNOG PRISTUPA U PRIVATNOJ I JAVNOJ SFERI**  
**TABLE 5. PROTECTIVE AND ACTIVE APPROACH IN THE PRIVATE AND PUBLIC SPHERES**

DIGITALNO DIGITAL	PRIVATNO PRIVATE	JAVNO PUBLIC
<b>ZAŠTITNO PROTECTIVE</b>	<ul style="list-style-type: none"> <li>• Objavljivanje samo najnužnijih sadržaja.</li> <li>• Filter u svijesti da objavljen sadržaj prestaje biti privatn kada postane digitalan.</li> <li>• Prisebnost, psihološki i stvarni otpor <i>dark nudge</i> bihevioralnim tehnikama.</li> <li>• <i>Snudge</i>.</li> <li>• Informirati se.</li> <li>• Ništa ne treba prihvaćati "na prvu", impulzivno i bez promišljanja.</li> <li>• Potrebno je razviti punu svijest o činjenici da se meta podaci o našem ponašanju na internetu prikupljaju i prodaju kao roba.</li> <li>• Štititi svoju privatnost i podatke.</li> <li>• Publishing only the most necessary content.</li> <li>• Mental filter that the published content ceases to be private once it becomes digital.</li> <li>• Reason, psychological and real resistance to dark nudge behavioural techniques.</li> <li>• <i>Snudge</i>.</li> <li>• Being informed.</li> <li>• Nothing should be accepted at first glance, impulsively and without thinking.</li> <li>• It is necessary to raise full awareness of the fact that metadata on our online behaviour are collected and sold as commodity.</li> <li>• Protect one's own privacy and data.</li> </ul>	<ul style="list-style-type: none"> <li>• Zakoni o zaštiti privatnosti i podataka na nacionalnoj i nadnacionalnoj razini</li> <li>• GDPR (EU) 2016/679</li> <li>• Akt o digitalnim uslugama</li> <li>• Akt o digitalnim tržištima</li> <li>• Direktiva o utvrđivanju pravila o oporezivanju dobiti trgovačkih društava od znatne digitalne prisutnosti (COM 2018/147)</li> <li>• Direktiva o zajedničkom sustavu poreza na digitalne usluge kojim se oporezuju prihodi od pružanja određenih digitalnih usluga (COM 2018/148)</li> <li>• Stvaranje državnog centra bihevioralnih uvida (<i>behavioral insight</i>)</li> <li>• Laws on data and privacy protection on national and supranational level</li> <li>• GDPR (EU) 2016/679</li> <li>• Digital Services Act</li> <li>• Digital Markets Act</li> <li>• Council directive laying down rules relating to the corporate taxation of a significant digital presence (COM 2018/147)</li> <li>• Council directive on the common system of a digital services tax on revenues resulting from the provision of certain digital services (COM 2018/148)</li> <li>• Creating government-based Behavioural Insight Centres</li> </ul>
<b>AKTIVNO ACTIVE</b>	<ul style="list-style-type: none"> <li>• Ciljano objavljivanje sadržaja za razvoj karijere, cjeloživotnog učenja, vlastitog poduzetništva, političkog djelovanja.</li> <li>• Osobna analiza (SWOT ili drugo) kao priprema za ciljanu objavu putem poslovnih digitalnih mreža poput LinkedIna, Lunchcluba i dr.</li> <li>• Iskorištavanje skočnih prozora i <i>push-up</i> poruka za pronalazak najpovoljnije, najkvalitetnije i najjednostavnije digitalne kupnje.</li> <li>• Targeted publishing of content aimed at career development, lifelong learning, one's own entrepreneurship, political activity.</li> <li>• Personal analysis (SWOT or the like) as preparation for targeted publishing through business digital networks such as LinkedIn, Lunchclub, etc.</li> <li>• Using pop-up windows and push-up messaging to find the most affordable, highest quality and simplest digital purchases.</li> </ul>	<ul style="list-style-type: none"> <li>• Ciljano korištenje tehnike <i>nudge</i> od strane vlada zemalja kroz BI (<i>bihevioural insight</i>) centre za razvoj općeg dobra (razvrstavanje i smanjivanje otpada, smanjivanje potrošnje električne energije, održivost, plaćanje poreza itd. )</li> <li>• Upravljanje informacijama za pronalazak najpovoljnijeg proizvoda/usluga za potrebe javne potrošnje.</li> <li>• Targeted use of nudging techniques by the governments through BI centres for development of general well-being (waste management and decrease, reduction of electricity consumption, sustainability, tax payments, etc.)</li> <li>• Information management aimed at finding the most affordable products/services for public consumption needs.</li> </ul>

Izvor: izrada autora (2022) / Source: Author's elaboration (2022)

spoznaje o bihevioralnim tehnikama nadzora i prodaje digitalnim putem, zaštita privatnosti i podataka, stvaranje otpora prema psihološkim i prodajnim tehnikama manipulacije te učenje odgovaranja na poticaj pozitivno, ali i negativno kad je o manipulacijama poput *dark nudgea* riječ. U sljedećoj fazi istraživanja potrebno je ispitati elemente modela, predložiti učinkovite psihološke tehnike zaštite, ispitati ih u fokus grupi putem, primjerice, *eye-trackinga* te analizirati digitalne zakone EU-a i njihovu učinkovitost.

## ZAKLJUČAK

Krajnje je vrijeme da se znanstvenici pozabave zaštitom privatne i javne sfere u vremenu nadzirućeg kapitalizma. Važno je da je Europska unija usvojila Akt o digitalnim uslugama (DSA) i Akt o digitalnim tržištima (DMA), no sada se ti akti trebaju početi primjenjivati. Privatni i javni korisnici, potrošači i vlade nemaju dovoljno znanja o bihevioralnim tehnikama poticaja. Potrebno je podignuti svijest u javnosti na koji se sve način koriste bihevioralne tehnike, *nudge* i *dark nudge* od strane Big Tech kompanija u svrhu manipuliranja, ostvarivanja profita, pobjeda na izborima itd. Model koji je razvijen u radu predlaže zaštitni i aktivni pristup u privatnoj i javnoj sferi. Društvene mreže i bihevioralne tehnike se mogu iskoristiti kao jako dobra platforma za povoljniju kupnju, veći izbor roba i usluga, razvoj vlastite karijere i/ili obrta, društveno pozicioniranje za pojedince i dr. Brojne države već imaju koristi od korištenja bihevioralnih tehnika u javnim politikama, osobito kada je riječ o održivosti, zaštiti klime, zaštiti okoliša, odvajanju otpada, poreznim politikama, segmentu zdravlja, uštedi električne energije itd. Osim aktivnog pristupa poticaja općeprihvaćenog željenog ponašanja, vlade se putem BI (*behavioural insight*) centara mogu i zaštititi od pokušaja lobiranja od strane multinacionalnih kompanija kako bi zaštitili javni interes. I pojedincima i vladi nedostaju potrebna znanja da bi prihvatili i asimilirali pozitivne poticaje (*nudge*), a zaštitili se

uses all possible private and public spheres in order to maximise the profit in the hands of the leading Big Tech companies. These companies anticipate the future through their platforms. Therefore, this paper proposes the models of protective and active approach both in the private and the public spheres (Table 5). The goal of the model is spreading awareness on behavioural techniques of surveilling and selling via the digital, privacy and data protection, creating resistance to psychological and sales manipulation techniques and learning to respond to nudges in a positive but also negative way when it comes to manipulations such as dark nudge. In the next phase of research, it is necessary to test the elements of the model, suggest effective psychological protection techniques, test them in a focus group through, eye-tracking for example, and analyse the digital EU laws and their effectiveness.

## CONCLUSION

The time is past due for scientists to start dealing with the protection of private and public spheres in the era of surveillance capitalism. It is noteworthy that the European Union adopted the Digital Services Act (DSA) and the Digital Markets Act (DMA), but now these acts should start being implemented. Private and public users, consumers and governments do not have sufficient knowledge on behavioural nudging techniques. It is necessary to raise public awareness on the ways the Big Tech companies use behavioural techniques, nudge and dark nudge, aimed at manipulating, generating profit, winning elections, etc. The model presented in this paper recommends a protective and active approach in the private and public spheres. Social networks and behavioural techniques can be used as a particularly good platform for more affordable shopping, wider selection of goods and services, one's own career or craft development, social positioning of an individual, etc. Numerous countries are already experiencing benefits from using behavioural techniques in public policies, especially with regard to sustainability, climate

od negativnih poticaja (*dark nudge*). BI (*bi-behavioural insight*) centar pri vladi u svakoj državi trebao bi preuzeti ulogu zaštitnog i aktivnog centra koji educira javnost o različitim bi-behaviouralnim tehnikama i AI algoritmima u pozitivnom i u negativnom smislu i koji provodi pozitivne poticaje, a štiti od neovlaštenog prikupljanja podataka, od preprodaje podataka trećim stranama i od manipulacije u svrhu ostvarivanja ciljeva koji nisu u korist i zaštitu pojedinca, njegove privatnosti i dobrobiti, pa tako ni u korist općeg dobra. Kao što ne dopuštamo ulaz nepoznatim ljudima u vlastitu kuću, tako ne trebamo dopustiti ni da se naši privatni podaci u digitalnoj sferi uzimaju, analiziraju i koriste bez našeg znanja ili uz naše manjkavo poluznanje. Nitko nema na to pravo dok mu mi sami to ne dopustimo. Informirajmo se, zaštitimo se i aktivirajmo.

## BILJEŠKE

<sup>1</sup> Digitalni trag, otisak ili sjenu čini jedinstven skup digitalnih aktivnosti, akcija, doprinosa te komunikacije putem interneta i digitalnih uređaja kojoj se može ući u trag (Cert.hr, 2020).

<sup>2</sup> Paternalizam je dopustivost upliva države u pojedinačne ljudske odluke za dobrobit tih istih pojedinaca. Libertarijanski paternalizam blaga je inačica paternalizma (Thaler & Sunstein, 2008, citirano u Ivanković, 2015).

<sup>3</sup> Poslovni model višestrane platforme je, u osnovi, usluga ili proizvod koji povezuje dvije ili više grupa sudionika, igrajući svojevrsnu posredničku ulogu. Evans i Schmalensee (2013) definiraju višestrane platforme kao da imaju (a) dvije ili više grupa kupaca; (b) koji trebaju jedni druge na neki način; (c) ali koji ne mogu sami uhvatiti vrijednost iz njihovog međusobnog privlačenja; i (d) oslanjaju se na katalizator platforme kako bi se olakšale interakcije između njih koje stvaraju vrijednost.

<sup>4</sup> Stilometrija je identificiranje autorstva nekog teksta uz pomoć tehnologije (Belak et al., 2008).

<sup>5</sup> IoT sustavi poboljšavaju prikupljanje podataka i automatizaciju te mogućnost daljinskog upravljanja i fleksibilnost putem pametnih uređaja i tehnologije koja to omogućuje. IoT ima potencijal u mnogim aplikacijama koje utječu na osobne živote, produktivnost na radnom mjestu i potrošnju, što uključuje nosive uređaje, automobile, domove, gradove i industriju. Prijave uključuju široka

protection, environment protection, waste management, tax policies, healthcare segment, electricity preservation, etc. Besides using an active approach to encourage accepted desirable behaviour, the governments can also use BI (Behavioural Insight) Centres to protect themselves from lobbying attempts by multinational companies in order to protect the public interest. Both individuals and governments lack the necessary knowledge to accept and assimilate the positive nudges and protect themselves from the negative dark nudges. A government-based BI centre should assume a role of protective and active centre that educates the public on various behavioural techniques and AI algorithms in both positive and negative ways and that implements positive nudges, protecting from unauthorised data collection, data selling to third parties and manipulation aimed at achieving goals that do not benefit or protect individuals, their privacy and welfare, thus not protect general welfare. As we do not allow unfamiliar people to enter our house, nor should we allow our personal data in the digital sphere to be collected, analysed and used without our knowledge or with insufficient knowledge. No one has the right to do so unless we allow them. Let us get informed, protect and activate ourselves.

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<sup>1</sup> Digital trail, footprint or shadow is a unique set of digital activities, actions, contributions, and communication on the Internet or via digital devices that can be traced (Cert.hr, 2020).

<sup>2</sup> Paternalism is allowing the government to intervene into individual human decisions for the well-being of the individual. Libertarian paternalism is a mild equivalent of paternalism. (Thaler & Sunstein, 2008, cited in Ivanković, 2015).

<sup>3</sup> The business model of a multi-sided platform is, basically, a product or a service that connects two or more groups of participants, playing an intermediary role. Evans and Schmalensee (2013) define multi-sided platforms as having (a) two or more groups of buyers; (b) buyers that need each other in some way; (c) but who cannot reach the value

područja, kao što su vlada i sigurnost, dom i ured, zdravlje i medicina, da spomenemo samo neka. IoT pruža zajedničku platformu za uređaje s omogućenim *webom* za komunikaciju u različite namjene. Povezivanjem uređaja poput svakodnevnih potrošačkih predmeta i industrijske opreme na mrežu, IoT omogućuje njihovu međusobnu komunikaciju (Mayumdar, 2019).

<sup>6</sup> Veliki Drugi: to je osjetilna, računalna, povezana lutka koja prikazuje, nadzire, izračunava i modificira ljudsko ponašanje. Veliki Drugi kombinira ove funkcije znanja i djelovanja kako bi se postigla sveobuhvatna i nevidena sredstva modifikacije ponašanja. Ekonomska logika kapitalizma nadzora usmjerena je kroz goleme sposobnosti Velikog Drugog da proizvede instrumentalnu moć, zamjenjujući inženjering duša inženjeringom ponašanja (Zuboff, 2019).

<sup>7</sup> U ožujku 2021. udio Facebooka na globalnom tržištu društvenih medija iznosio je 72% , a Googlea na tržištu tražilica 92%. Google, Apple, Facebook, Amazon i Microsoft imali su ukupne godišnje prihode u 2019. od 899 milijardi američkih dolara. Da su nacionalna ekonomija, to bi ih smjestilo na 18. mjesto zemalja poredanih po godišnjem BDP-u, iza Nizozemske i ispred Saudijske Arabije (Borodovsky, 2020; Bilić et al., 2021).

<sup>8</sup> U američke predsjedničke izbore 2016. godine bilo je uključeno više umreženih kompanija, kao što su Facebook, Cambridge Analytica, AggregateIQ, Strategic Communication Laboratories, Global Science Research, s primarnim ciljem utjecaja na izbore kroz zlouporabu osobnih podataka 50 milijuna korisnika Facebooka, uglavnom iz Sjedinjenih Država, čime su identificirane njihove političke preferencije te se pomoću njih pokušalo utjecati na njihov glas na izborima (The Verge, 2018).

themselves from their mutual attraction; and (d) they rely on the platform as catalyst in order to facilitate interactions among themselves, thus creating value.

<sup>4</sup> Stylometry is the identification of authorship of a text by using technology (Belak et al., 2008).

<sup>5</sup> IoT systems improve data collection and automatization, enabling remote management and flexibility via smart devices and technology. IoT has the potential in various applications to affect personal lives, workplace productivity and consumption, which includes portable devices, cars, homes, cities, and the industry. Applications include wide areas such as government and security, home and office, health and medicine, to mention a few. IoT provides a common platform for devices connected to the Internet and communication aimed at various purposes. By connecting devices such as everyday consumer objects and industrial equipment to the internet, IoT enables their mutual communication (Mayumdar, 2019).

<sup>6</sup> The Big Other: this is a sensory, computer, connected doll that displays, surveils, calculates and modifies human behaviour. The Big Other combines all these functions of knowledge and activity in order to achieve an all-encompassing and incredible means of behaviour modification. Economic logic of surveillance capitalism is directed through the enormous abilities of the Big Other toward producing and instrumental power, replacing data soul engineering with behaviour engineering (Zuboff, 2019).

<sup>7</sup> In March 2021 Facebook share in the global social media market was 72%, and Google share in the browser market was 92%. Google, Apple, Facebook, Amazon and Microsoft generated a total annual revenue of 899 billion US dollars in 2019. If they were a national economy, they would rank 18th according to GDP rank of countries, behind The Netherlands and in front of Saudi Arabia (Borodovsky, 2020; Bilić et al., 2021).

<sup>8</sup> In the 2016 American presidential election there were several network companies included such as Facebook, Cambridge Analytica, AggregateIQ, Strategic Communication Laboratories, Global Science Research with a primary goal to impact election via the abuse of personal data of 50 million Facebook users, mostly from the United States, identifying their political preferences and using them to attempt to affect their vote at the elections (The Verge, 2018).

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