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**The framework of employer's rights in the context of digital work environment – The
labour law limits of digital monitoring and algorithmic decision-making**

Theses of PhD dissertations

Miskolc

2026.

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I. Subject and objectives of the dissertation

The central research topic of the dissertation is the examination of the structural and functional transformation of employer rights as a result of digitalization. The thesis starts from the recognition that technological developments—in particular, the application of artificial intelligence, the spread of algorithmic decision-making, and the proliferation of digital work organization solutions—are not only transforming the technical conditions of work, but also affecting the internal power structures of employment relationships. The classic powers of employers, above all the right to give instructions, manage, supervise, and make decisions, are taking on new forms and intensity in the digital environment, which necessitates a dogmatic rethinking of these powers.

Employment is traditionally a long-term, personal legal relationship characterized by structural asymmetry. The normative basis for this is the employer's right to manage and supervise, which gives rise to the legal form of employee subordination. Subordination is not merely an economic or sociological category, but a defining dogmatic element of labor law: the employee performs his or her work according to the employer's instructions and within the employer's organizational framework, while the employer is entitled to determine and control the manner, time and place of work, as well as the quality requirements for performance. The balance of these powers is ensured by the employer's obligations to provide care, information, and personal protection.

Digitalization affects this classic construct on several levels. On the one hand, the form of employer instruction is changing: personal, direct control is increasingly being replaced by rules built into IT systems, automated performance indicators, and algorithmic decision-making logic. On the other hand, the technical possibilities for monitoring are expanding radically. Data-driven monitoring of work, continuous performance measurement, biometric identification, and online presence and activity monitoring enable a level of control intensity that was previously not realistically achievable. Thirdly, decision-making – particularly in the areas of selection, evaluation, promotion, or even termination of employment – is supported in whole or in part by algorithms, raising new questions about accountability, justification, and transparency.

The dissertation starts from the premise that continuous, data-driven, and automated monitoring is not merely a technical change in tools, but results in a qualitative transformation of the exercise of employer power. In an algorithmic management environment, the exercise of employer rights becomes partly indirect: decisions are not always the result of direct human

judgment, but are made on the basis of pre-programmed evaluation logic and the processing of large amounts of data. However, this indirectness does not exempt the employer from legal responsibility; on the contrary, it imposes increased guarantee requirements in terms of the traceability and auditability of the decision-making chain. Digitalization therefore does not mean the "disappearance" of employer authority, but rather its technological mediation and potential intensification.

One of the central hypotheses of the thesis is that algorithmic decision-making and the use of digital monitoring tools result in an extension of the employer's monitoring powers, which leads to an increase in employee subordination. However, in examining this hypothesis, the research comes to the differentiated conclusion that algorithms cannot be considered unlawful or inherently restrictive tools in themselves. The decisive question is not whether a technological solution can be used in the exercise of employer rights, but rather the guarantee environment in which the given system operates. From the perspective of the future development of labor law, therefore, it is not the rejection of technology that is relevant, but rather its integration into a normative framework and the rule of law.

The aim of this dissertation is to explore this process from multiple perspectives. From a dogmatic point of view, it is necessary to reinterpret the classic construct of employer rights in the digitalized work environment, with particular regard to the right to give instructions, the right to supervise, and the issue of indirect decision-making. Taking a comparative law approach, the thesis examines how EU legal developments—in particular, data protection and artificial intelligence regulations—and Anglo-Saxon and continental models provide different responses to the challenges of algorithmic management. In terms of procedural law, the research analyzes the relationship between the burden of proof, the obligation to provide justification, and the transparency of the algorithmic decision-making chain, with particular regard to the specificities of labor law disputes. From a fundamental rights perspective, the study focuses on recalibrating the balance between employees' personal rights, data protection, and employers' right of control. From an empirical-reflexive perspective, the examination of domestic employer practices, in particular the use of biometric identification and AI-based systems, as well as the assessment of data collection restrictions, contributes to a more nuanced understanding of the topic.

Overall, the thesis concludes that the digitization of employer rights cannot be interpreted solely as technical modernization. The process results in a realignment of the power structure of the employment relationship, which poses a dual challenge for the law: on the one hand, the classic guarantees of employee protection must be preserved, and on the other hand, it must be ensured

that technological innovation is integrated into the functioning of the work organization in a transparent and responsible manner within the framework of the rule of law. From this perspective, the future development of labor law cannot be understood in terms of accepting technological determinism, but rather in terms of consciously and proactively establishing normative limits.

In connection with the research, I formulate the following basic principles:

The premise of the dissertation is that the algorithmization of labor law decision-making and the spread of digital monitoring tools are noticeably shifting the balance of power between employers and employees. Algorithmic systems simultaneously increase the intensity of monitoring, the aggregability of data, and the speed of feedback, resulting in an effective expansion of employers' monitoring powers. Although legal restrictions may remain formally unchanged, increased technological capacity tends to increase employee subordination, especially when the operation and parameterization of the models used as a basis for decision-making are not transparent.

According to the second fundamental principle of the research, the algorithmic environment also transforms the structures of evidence and legal enforcement. Although the formal distribution of the burden of proof remains unchanged, without revealing the technical components of the decision chain, the employee's ability to contest decisions may be reduced. The employer can refer to the objectivity of the system, while the value choices and data selections embedded in the model may carry hidden normative preferences. As a result, transparency, auditability, and actual human review become central elements of labor law guarantees.

As a third fundamental principle, the dissertation argues that the EU regulatory framework—in particular, the norms relating to data protection and artificial intelligence—prescribes more structural and detailed compliance mechanisms than those currently explicitly provided for in national law. The general clauses provide a strong normative basis, but the effectiveness of enforcement depends largely on institutional capacities and the development of uniform judicial standards. Effective protection depends not only on the quality of the normative text, but also on the functioning of the enforcement ecosystem.

As a fourth fundamental principle, the paper emphasizes that the protection of employee dignity and privacy is not necessarily diminished by the use of digital monitoring tools, provided that the necessity-proportionality test is applied consistently and throughout the entire technological life cycle. The legality of algorithmic monitoring is not a matter of abstract prohibitions, but

must be assessed in terms of specific purpose limitation, data minimization, time limitation, and substantive justification.

Overall, the research concludes that the use of AI in employer decision-making does not replace traditional employer roles and responsibilities. Artificial intelligence systems can perform a decision-support function, but they cannot fully replace human judgment, contextual assessment, and the integration of ethical considerations. The preservation of human oversight and responsibility is a fundamental condition for maintaining the rule of law in employment relationships. In an algorithmic environment, employer power does not cease to exist, but appears in a technologically mediated form, which requires increased normative and procedural guarantees.

II. Structure of the dissertation

The structure of the dissertation follows a consciously constructed, logical order: it proceeds from historical and systematic foundations through a dogmatic analysis of employment relationships and reflections on legal theory to the complex, multidimensional issues of digital work organization. The purpose of the structural arc is to show that the problems raised by digitalization cannot be understood without knowledge of the classical conceptual and historical framework of labor law, while at the same time these traditional frameworks are seen in a new light in the light of technological changes.

The first major section of the thesis provides historical and systematic background. The presentation of the development of the employer's right to give instructions begins with the Roman legal concept of *locatio conductio operarum*, which can be considered a distant precursor of the modern employment relationship. This historical analysis shows that although Roman law did not recognize subordination in the modern sense of the term and did not develop a separate system of norms to protect wage workers, the concept of *operae* availability already contained the rudimentary forms of the right to give instructions. The task specified by the principal, the expected performance, and the determination of remuneration were structural elements that later formed the basis of the management dimension of the employment relationship.

The purpose of this historical overview is not merely to present interesting facts from legal history, but to demonstrate that the asymmetrical structure of employment relationships is a historically embedded phenomenon. During the development of modern labor law, industrialization and the widespread adoption of wage labor necessitated the creation of special norms aimed at protecting employees. The system of employer powers and employee guarantees thus developed in close correlation with each other, based on mutual corrective mechanisms. The historical chapter thus establishes the basic premise that the employment relationship has always been a legal relationship in which the employer's organizational and management powers can only be legitimized within a normative framework that ensures the protection of employees.

The second major section of the thesis provides a detailed dogmatic analysis of the paradigm of subordination and dependency. The concept of subordination is a central category of labor law that cannot be equated solely with economic vulnerability. Legal subordination refers to the structural characteristics of the employment relationship: the hierarchical relationship in which the employer is entitled to determine and control the manner in which the work is

performed. Theories of economic and personal dependence shed light on different aspects of this construct, but the thesis argues that the dogmatic core of the employment relationship is the right of management and control in the normative sense.

This chapter places particular emphasis on presenting the balance between employers' rights and obligations. The employer's right to give instructions and exercise control is counterbalanced by the duty of care, the principle of good faith and fair practice, and respect for the personal rights of employees. Digitalization also modifies the content of these obligations: the obligation to provide information is expanded with a new dimension, namely the requirement for transparency in algorithmic decisions; data processing obligations become more intensive as a result of continuous data collection and analysis; and the importance of procedural guarantees is enhanced in the context of technologically mediated decision-making. Employers' powers are thus not only extended but also become more complex, as the exercise of power is subject to increased normative control.

The dissertation then deepens the analysis with a legal theory perspective. Examining the exercise of digitized employer power from the perspectives of legal realism and positivism helps to reveal how the law relates to technological changes. According to the concept of technological determinism, law is fundamentally reactive and shapes its regulatory responses retrospectively, following technological innovation. In contrast, the theory of normative constraints emphasizes that law, as an active player, is capable of and obliged to set value-based frameworks for technological development. The thesis argues that the latter approach is particularly justified in the field of labor law, as employment relationships fundamentally concern human dignity, personal rights, and existential security, in which technological solutions cannot override the guarantees of the rule of law. The chapter on legal theory is therefore not an abstract philosophical digression, but forms the normative basis for subsequent practical analyses. The next section of the structural arc is a detailed examination of the exercise of employer rights in the online space. This chapter focuses on the engineering, methodological, and legal conditions of AI-based decision support. The analysis explores the preconditions for the lawful use of algorithmic systems, with particular regard to the traceability of decisions, the actual content of human review, and the identifiability of the chain of responsibility. The issue of the burden of proof is placed in a new light: although the rules of labor law and equal treatment remain formally unchanged, the content and intensity of proof are significantly altered in the context of algorithmic decision-making, as the enforcement of rights may become meaningless without the disclosure of the technical components of the decision-making process.

The comparative legal analysis examines the different approaches of the EU, Anglo-Saxon, and continental models. Particular attention is paid to data protection regulations, especially the fundamental rights-based approach of the GDPR and the risk-based system of the AI Act, which imposes stricter compliance requirements on high-risk AI applications, such as decision-making systems affecting employment relationships. The requirements of human oversight, transparency, and accountability appear as normative cornerstones that limit the exercise of digitized employer power.

The final structural unit of the dissertation is the empirical dimension. The original aim of the research was to explore domestic employer practices through qualitative interviews. However, the failure to collect data is not merely a methodological limitation, but gains an independent dimension of interpretation. The lack of institutional response and the absence of reactions to inquiries suggest that the use of AI and algorithmic management is a sensitive area, often burdened by a lack of transparency, in which organizations behave cautiously or with reserve. This phenomenon also points to regulatory uncertainty and reputational risks.

A separate subchapter deals with the issue of biometric identification in the context of employment relationships in the healthcare sector. This study highlights that the tension between the employer's right of control and data protection is particularly acute in the case of technologies that affect the physical characteristics of employees. Biometric data processing lies at the intersection of the right to informational self-determination personal rights, and the confidential nature of the employment relationship, making it suitable as a case study to illustrate the central problem of the thesis as a whole: how to maintain the normative balance of the employment relationship in the age of digitalized control and decision-making.

The structure of the dissertation is therefore not merely a thematic division, but a logical construction that spans from historical roots to contemporary technological challenges and examines the transformation of employer rights in the digital age within a unified theoretical framework.

III. Methods used in the research and evaluation of the literature on the topic

The methodological structure of the dissertation is tailored to the nature of the problem under investigation. The digitization of employer rights cannot be interpreted solely from the perspective of a single field of science: the issue has dogmatic, legal theory, data protection, procedural law, and technological dimensions. Accordingly, the research uses several complementary methods, which, when organized into a unified analytical framework, provide an opportunity to conduct a comprehensive examination of the phenomenon.

The primary method of the study is a legal-dogmatic-analytical approach. Within this framework, the thesis examines the classic construction of employer rights, their normative foundations, and their place in the system in light of current Hungarian labor law regulations. The aim of the dogmatic analysis is to explore the structural elements of the right to give instructions, the right to supervise, and the right to make decisions, how they relate to the hierarchical structure of the employment relationship, and the limits within which they can be exercised. The legal dogmatic method is suitable for exploring and demonstrating how the issues raised by digitalization affect the basic conceptual framework of this construct and at what points their reinterpretation becomes justified.

The second key methodological pillar of the thesis is comparative legal analysis. The digitization of employer rights is not only a national phenomenon, but also a regulatory challenge at the global and EU level. The research therefore covers the examination of EU data protection and artificial intelligence standards, as well as a comparison of the different approaches of Anglo-Saxon and continental legal systems. The aim of the comparative law method is not merely to describe the differences, but to explore what normative priorities the different regulatory models reflect and how these influence the framework for the exercise of employer power in the digital environment. The analysis points out that while continental models typically impose stronger fundamental rights restrictions, the Anglo-Saxon approach often relies on ex post control mechanisms and organizational self-regulation.

The research also uses historical methods, especially when exploring the development of the employer's right to give instructions. The aim of the historical approach is to show how the structural asymmetry of the employment relationship and the employer's right to manage developed, and under what socio-economic conditions it took its current form. The historical

context highlights that digitalization is not the cause of the emergence of employer power, but rather its manifestation in a new form that fits into previous development trends.

The study is multidisciplinary in nature, as the digitization of employer rights is inseparable from technological and data management aspects. The basic logic of artificial intelligence systems, the structure of algorithmic decision-making, and the specifics of data-driven management are issues that are also relevant to legal analysis. The thesis therefore integrates relevant findings from IT and data protection literature, with particular regard to the transparency of automated decision-making, the problem of model bias, and the requirement for auditability. This multidisciplinary approach does not mean that legal analysis is replaced by other scientific fields, but rather that it is supplemented and substantiated. The research covers a detailed examination of Hungarian labor law, with particular regard to the legal limits of employer authority, subordination, and control. At the same time, it analyzes the data protection regulatory framework, in particular the provisions of the General Data Protection Regulation (GDPR) on automated decision-making and profiling, as well as the EU regulatory framework for artificial intelligence. The aim of the study is to explore how these standards fit into labor law doctrine and what new requirements they impose on employers in the context of algorithmic decision-making.

The dissertation also has an empirical dimension, which would have been based on qualitative interviews. However, the partial failure of data collection is not merely a methodological limitation, but becomes the subject of reflexive analysis. The lack of organizational response and institutional isolation suggest that the application of AI-based systems in practice is a sensitive area fraught with reputational and legal risks. The thesis evaluates this circumstance as an independent empirical phenomenon that highlights the problem of regulatory uncertainty and lack of transparency. The reflexive methodological evaluation thus contributes to the credibility of the research, as it accounts for the limitations of the study and their interpretative consequences.

The review of the literature is one of the key pillars of the thesis. On the one hand, the dissertation draws on classic works of Hungarian labor law dogmatics, particularly in the areas of employer rights, subordination, and employee protection. These works provide the conceptual and systematic basis on which the analysis of digitalization can be built. On the other hand, the thesis integrates the results of international AI and algorithmic management literature, which examines the problems of digital control, platform-based work, and automated HR decisions. The literature review is organized around three major thematic blocks. The first block focuses on classical labor law dogma, in particular the analysis of the employer's right to

give instructions, control, and the subordination structure of the employment relationship. The second block deals with the issues of digitalization and algorithmic management, presenting the organizational and legal consequences of data-driven work organization and the use of artificial intelligence. The third block examines the dimensions of data protection and the protection of fundamental rights, with a particular focus on automated decision-making, profiling, and biometric data processing.

The paper consistently argues that technological solutions cannot fully replace human judgment and responsibility. The decision-making logic of artificial intelligence systems is based on statistical patterns and pre-programmed parameters, which are unable to take full account of the contextual and fairness considerations necessary for legal assessment. Accordingly, AI can primarily play a decision-supporting role in employer decision-making, which does not replace but rather complements the responsibility of human decision-makers. In order to maintain the rule of law, it is therefore essential to ensure human oversight, transparency, and accountability. The methodological and literature-based foundation together ensure that the dissertation is not limited to describing technological phenomena, but also provides a normative and dogmatic interpretation of them. The aim of the research is not to uncritically accept or reject technological development, but to examine the means by which labor law can integrate new solutions while maintaining the rule of law and fundamental rights.

IV. Summary and further use of the research results

As a result of the dogmatic, comparative law, legal theory, and partly empirical analysis conducted in the dissertation, several interrelated scientific findings can be formulated. These findings relate, firstly, to the structural transformation of employers' rights, secondly, to changes in the system of law enforcement and liability, and thirdly, to future tasks in the areas of lawmaking and law enforcement.

One of the key findings of the research is that algorithmic decision-making and data-driven work organization result in an intensification of employers' control powers. Digitalization creates the conditions for continuous, detailed, and quantified monitoring of work performance, which goes beyond traditional, ad hoc, or random checks. Control is not only becoming more extensive in technical terms, but is also undergoing structural change: algorithm-generated assessments, performance indicators, and predictive models are becoming an integral part of employer control. This process can lead to the objectification and formalization of employee subordination if decision-making is based on automated logic, reducing the consideration of individual circumstances. However, the paper concludes that intensification does not necessarily entail a weakening of employee rights protection, provided that technological tools operate with appropriate normative and procedural safeguards.

The second significant result is the reinterpretation of the burden of proof in an algorithmic environment. The current labor law and equal treatment rules are not formally changed by digitalization: the burden of proof continues to be distributed in accordance with the relevant legal provisions. However, research shows that algorithmic decision-making significantly changes the content and complexity of evidence. In many cases, the subject of legal disputes is no longer solely the justification of the employer's decision, but also the transparency and traceability of the decision-making chain. Without disclosure of the algorithmic components, the data used, the model parameters, and the threshold values, the burden of proof may become meaningless, especially in discrimination or dismissal lawsuits. The paper therefore concludes that, in addition to the formal stability of the burden of proof, the application of the law must take into account the actual difficulties of proof arising from technological asymmetry.

The third scientific finding concerns the central role of transparency in the employer's decision-making chain. In an algorithmic management environment, a key issue in enforcing rights is determining what database, what evaluation logic, and what human review the adverse legal consequences were based on. Transparency is not merely a data protection requirement, but a prerequisite for the enforcement of labor law liability. The paper concludes that the lawful

exercise of employer rights will increasingly require the documentation and auditability of the decision-making process in the future, ensuring accountability to employees, authorities, and courts.

The fourth finding of the research confirms that digitization does not eliminate human responsibility. The use of algorithms cannot result in the "de-responsibilization" of decision-making. The exercise of employer rights remains a normative category, which is associated with legal consequences and responsibilities. The paper points out that, despite technological mediation, the employer—as a legal entity—is obliged to ensure the effective exercise of human supervision and cannot simply refer to the functioning of the algorithm as justification for the decision. The question of responsibility is thus linked to the transparency of the organizational decision-making structure and the clear demarcation of powers.

In this context, the fifth scientific finding is that the person exercising employer rights must be identifiable even in an algorithmic environment. Digitalization must not result in the decision-maker "disappearing" behind the technological system. The responsibility of the employer as a legal entity, or the natural person or body designated by it, remains, even if automated systems are involved in the preparation or making of the decision. The rule of law requires that the actors and levels of responsibility involved in the decision-making process be clearly identifiable.

The results of the research are not only of theoretical significance, but also have practical applications. One important conclusion of the paper is that labor law regulations need to be fine-tuned in certain areas in order to explicitly address algorithmic management. This does not necessarily require new, comprehensive codification, but rather clarification of existing norms—in particular, the right to give instructions, the right to monitor, and the obligation to provide justification—in a technological context.

The paper can provide guidance for judicial practice in assessing issues of evidence and liability in algorithmic decisions. Examining the decision chain, verifying the actual content of human review, and enforcing transparency requirements are aspects that may be of decisive importance in future legal disputes.

At the organizational level, research can contribute to the development of HR compliance systems. When algorithmic tools are used, compliance cannot be limited to formal data protection documentation, but must also extend to monitoring the entire life cycle of the decision-making process, model validation, and regular review. The development of AI auditability requirements is an integral part of this, as lawful operation can only be ensured in a documented and verifiable system.

Based on these findings, the paper proposes a model of a compliance ecosystem in which technological and legal dimensions are integrated. At the heart of this model is a risk-based approach that differentiates algorithmic systems affecting employment relationships according to their potential impact on fundamental rights and labor law. At the same time, it is essential to ensure effective, rather than merely declarative, human oversight, to document and trace the decision-making chain, and to strengthen employee participation and information. Balance can be achieved not by excluding technology, but by integrating it into a normative framework.

The results of the research confirm that the digitization of employer rights does not mean the dismantling of the basic structure of labor law, but rather its restructuring. The role of the law is not to make retrospective corrections to technological developments, but to establish a forward-looking framework of guarantees in which the use of algorithmic tools is compatible with the requirements of employee protection and the rule of law.

Digitalization does not eliminate the basic structure of labor law, but it does significantly transform its operating mechanisms. The employment relationship remains asymmetrical and based on subordination, with the employer's management and control rights being of structural importance. In an algorithmic environment, however, the exercise of these powers becomes technologically mediated: instruction, performance evaluation, and decision-making are carried out in whole or in part through IT systems, data-driven models, and automated evaluation mechanisms.

This mediation does not mean the disappearance of employer power, but rather its emergence in a new form, which requires increased normative control. In this context, the role of the law cannot be limited to the retrospective, ad hoc correction of technological developments. Exclusively reactive regulation inevitably lags behind rapid technological innovation and is unable to ensure the effective protection of employee rights. According to the dissertation, labor law must therefore play a proactive role: guarantees—such as transparency, human review, accountability, and data minimization requirements—must be integrated into technological systems at the design stage. The future of labor law therefore does not lie in accepting technological determinism, i.e., the idea that the law merely follows technological changes, but in the development of a human-centered, normative framework for digital work organization that is capable of managing technological innovation within the values of the rule of law and the protection of fundamental rights. In this model, technology is not presented as an autonomous power factor, but as a tool structured by law and integrated into relationships of

responsibility, serving the efficiency of the work organization without dissolving the personal and dignity-protecting dimensions of the employment relationship.

V. Candidate's own publications:

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