**Civil law and civil procedure****UDC 347.1:004.8****DOI** <https://doi.org/10.5281/zenodo.18504641>**Legal Validity of Prior Consent for the Digital Reconstruction of a Person
After Death****Oleksandr Tuholukov,**

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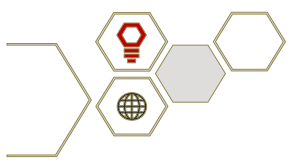
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Abstract: The purpose of this study is to formulate a holistic, scientifically grounded concept for the legal regulation of post-mortem digital personality reconstruction. This concept accounts for contemporary challenges posed by the development of artificial intelligence, digital platforms, and the transformation of privacy as a legal institution. The paper analyzes doctrinal approaches to the post-mortem protection of non-property rights, digital identity, and a person's lifetime expressions of will. It identifies gaps in current legal regulation, particularly within inheritance, civil, and information law.

The methodological basis of the study comprises general scientific and specific legal methods, including formal-legal, comparative-legal, and system-structural approaches, as well as the method of legal modeling. These methods enabled a comprehensive assessment of European and Anglo-American approaches to regulating digital assets and post-mortem privacy.

The study substantiates that digital personality reconstruction cannot be reduced solely to an object of inheritance or a set of personal data, as it involves the



continuation of an individual's non-property rights after death. The article proves the necessity of distinguishing lifetime consent for digital reconstruction as an independent legal institution. This institution is of an interdisciplinary nature and requires specific criteria regarding its content, form, and implementation limits. The author proposes a model of legal regulation that integrates elements of civil, inheritance, and information law. This model aims to balance technological innovation with respect for human dignity and the protection of the deceased's memory.

It is concluded that implementing a special legal regime for digital reconstruction in Ukraine will enhance legal certainty, minimize abuses in artificial intelligence usage, and harmonize national legislation with European standards regarding privacy protection and human dignity.

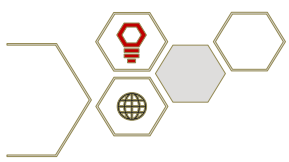
Keywords: digital heritage, postmortem privacy, artificial intelligence, lifetime consent, non-property rights, legal modeling, digital identity.

Юридична валідизація прижиттєвої згоди на цифрову реконструкцію особистості після біологічної смерті

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Анотація: Метою дослідження є формування цілісної науково обґрунтованої концепції правового регулювання цифрової реконструкції особистості після смерті людини з урахуванням сучасних викликів розвитку штучного інтелекту, цифрових платформ та трансформації інституту приватності. У роботі здійснено аналіз доктринальних підходів до постмортального захисту немайнових прав, цифрової ідентичності та



прижиттєвого волевиявлення особи, а також виявлено прогалини в чинному правовому регулюванні, зокрема у сфері спадкового, цивільного та інформаційного права.

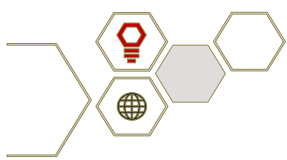
Методологічну основу дослідження становлять загальнонаукові та спеціально-юридичні методи, зокрема формально-юридичний, порівняльно-правовий, системно-структурний та метод правового моделювання, що дозволило комплексно оцінити європейські та англо-американські підходи до регулювання цифрових активів і постмортальної приватності.

У результаті дослідження обґрунтовано, що цифрова реконструкція особистості не може бути зведена ні до об'єкта спадкування, ні до сукупності персональних даних, оскільки вона пов'язана з продовженням немайнових прав особи після її смерті. Доведено необхідність виокремлення прижиттєвої згоди на цифрову реконструкцію як самостійного юридичного інституту, що має міжгалузевий характер та потребує спеціальних вимог до змісту, форми й меж реалізації. Запропоновано авторську модель правового регулювання, яка поєднує елементи цивільного, спадкового й інформаційного права та спрямована на забезпечення балансу між технологічними інноваціями, повагою до гідності особи та захистом пам'яті про неї.

Зроблено висновок, згідно з яким упровадження спеціального правового режиму цифрової реконструкції в Україні сприятиме підвищенню правової визначеності, мінімізації зловживань у сфері використання штучного інтелекту та гармонізації національного законодавства з європейськими стандартами захисту приватності та людської гідності.

Ключові слова: цифрова спадщина, постмортальна приватність, штучний інтелект, прижиттєва згода, немайнові права, правове моделювання, цифрова ідентичність.

Introduction. In the context of the rapid digitalization of modern society, a profound transformation of an individual's private life is taking place, accompanied

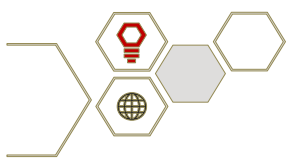


by the accumulation of significant volumes of personal and behavioral data. Social networks, cloud services, artificial intelligence systems (hereinafter AI), Big Data technologies, digital avatars, deepfakes, and digital twins shape a new reality of personal existence in the digital space, which is increasingly less constrained by the boundaries of physical life. An individual's digital footprint is preserved, reproduced, and may be reused even after biological death, creating qualitatively new challenges for legal theory and practice.

Practices of postmortem use of personal data are becoming particularly relevant, including data from social networks, digital images, video recordings, voice messages, texts, and algorithmically generated behavioral models. On the basis of these data, artificial intelligence tools make it possible to create digital reconstructions of a personality that are capable of imitating communication style, worldview positions, emotional reactions, and other individual traits of a deceased person. Such technologies are increasingly used for commercial, memorial, media, and entertainment purposes; however, their legal implications remain insufficiently regulated.

In Ukrainian law, the issue of postmortem use of personal data and the creation of digital representations of an individual effectively lies outside the scope of systematic legal regulation. Existing provisions of civil, information, and inheritance law do not account for the specific features of digital personality reconstruction and do not establish clear rules regarding the permissible limits of such use. The European Union (hereinafter the EU) also lacks a unified and comprehensive approach to this issue. Although the General Data Protection Regulation (GDPR) establishes general principles for the protection of personal data, it does not explicitly apply to the data of deceased persons, which results in fragmented regulation at the national level and inconsistent judicial practice.

Against this background, the scholarly problem of defining the legal nature of digital personality reconstruction after biological death becomes increasingly acute. The legal qualification of such reconstruction remains a matter of debate, whether it



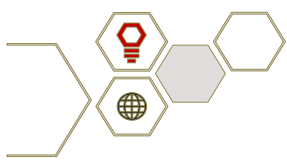
should be regarded as an object of intellectual property law, a derivative digital product, a form of personal data processing, or a specific category of nonproperty rights related to human dignity and the memory of the individual. The absence of a clearly defined legal status complicates the determination of the subjects of rights and obligations, as well as the permissible limits of third party interference with the digital identity of the deceased.

An important component of this issue is the lack of a normatively established mechanism for a person's lifetime consent to postmortem digital representation. Current legislation does not set requirements regarding the content, form, or scope of such consent, which leads to legal uncertainty and risks of abuse. In the absence of a clearly articulated and legally valid expression of a person's will, conflicts arise among heirs, developers of digital products, and platforms that own or process the relevant data.

A separate problem is posed by conflicts between the right to privacy and personal data protection, the right to respect for human dignity, and the interests of inheritance law. On the one hand, digital reconstruction may violate the autonomy of the deceased person's will and distort their personality; on the other hand, heirs or third parties may claim the right to manage digital assets or to use the image of the deceased for proprietary purposes. In the absence of clear legal guidelines, such conflicts not only complicate law enforcement but also call into question the effectiveness of protecting fundamental human rights in the context of the development of artificial intelligence and the digital environment.

These circumstances necessitate scholarly reflection on the problem of the legal validation of lifetime consent to the digital reconstruction of personality after biological death and the substantiation of a comprehensive legal approach to its regulation.

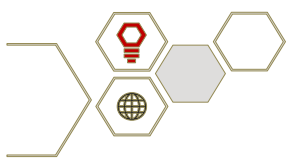
Literature Review. Contemporary scholarly research demonstrates a persistent tendency to reconsider traditional forms of expression of will and the legal status of the individual in the context of digitalization. Thus, V. Savchenko and



R. Maidanyk substantiate the possibility of recognizing implicit forms of expression of will as legally significant, which is of fundamental importance for understanding lifetime consent in the digital environment [1]. A. Tymchyshyn and D. Tymchyshyn draw attention to the evidentiary value of documents, including digital ones, as procedural sources, thereby highlighting the problem of authenticity and verification of lifetime expressions of will [2]. The technological capabilities of digital personality reconstruction are confirmed by I. Demidov et al., who demonstrate the potential for accurate reproduction of event dynamics through the use of modern digital technologies [3].

In foreign doctrine, considerable attention is devoted to the ethical and legal consequences of the digital “revival” of personality. In particular, Y. T. Yang analyzes the phenomenon of digital resuscitation through the lens of neurorights and emphasizes the need for an intercultural legal approach to the protection of postmortem identity [4]. E. Harbinja et al. point to high user expectations regarding the preservation of privacy after death, which generates a social demand for appropriate legal regulation [5]. Managerial and regulatory challenges associated with the use of posthumous digital remains, particularly in the areas of responsibility and ethical governance of artificial intelligence, are examined by M. Cunneen and coauthors [6].

A separate group of studies is represented by works devoted to the cultural and social aspects of digital memory. Thus, J. Ciani Sciolla and U. Pagallo analyze the impact of AI memorials on the perception of memory of the deceased person and the risks of manipulation of their image [7]. J. Chowdhury raises the issue of the transformation of inheritance law in the context of the spread of digital heritage and social networks [8]. Researchers Y. Lei, S. Ma, Y. Sun and X. Ma identify an ambivalent societal attitude toward the AI afterlife, combining interest in digital immortality with concerns about the loss of control over postmortem identity [9]. The technical and legal aspects of postmortem digital data management are examined by X. Chen, A. Shaghaghi, J. Laeuchli and S. Kanhere who propose the



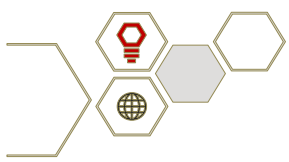
concept of a digital will as an instrument for postmortem information governance [10].

A significant theoretical contribution to the formation of the legal framework of the issue under study is made by C. Mak [11], who substantiates postmortem privacy as an element of an individual's digital identity, as well as by H. Nakagawa and A. Orita, who analyze the permissibility of using the personal data of deceased persons in the context of AI ethics [12].

In domestic legal scholarship, these approaches are further developed by M. Pohrebniak, who examines the transformation of civil law under the influence of digitalization [13], and by P. Sukhorolskyi and R. Shpyrka, who emphasize the protection of personal autonomy and the adaptation of the institution of civil liability to the challenges associated with the development of artificial intelligence [14; 15].

Identification of Previously Unresolved Aspects of the General Problem.

An analysis of existing publications indicates that, despite a substantial body of research in the fields of digital heritage, postmortem privacy, and AI ethics, the issue of legal validation of lifetime consent to digital personality reconstruction remains insufficiently systematized, which necessitates the development of a coherent cross sectoral legal model. The legal nature of digital personality reconstruction has not yet been unambiguously defined; in existing studies, it is often equated with digital identity, personal data, or inheritable property, which leads to conceptual and normative conflicts. The lack of a clear distinction between an individual's image, their nonproperty rights, and a derivative digital product complicates the determination of permissible limits for the postmortem use of digital avatars and AI persons. The relationship between lifetime consent and traditional institutions of civil law, in particular wills, consent to personal data processing, and medical informed consent, also remains insufficiently elaborated, which hinders the practical implementation of such expressions of will. This article aims to systematize conceptual approaches to the legal nature of digital personality reconstruction and to substantiate a cross sectoral model for regulating its use.



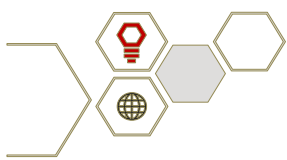
Formulation of the Article's Objectives (Statement of the Research Tasks). The purpose of this study is to develop a coherent and scientifically grounded concept of legal regulation of digital personality reconstruction after biological death, taking into account contemporary challenges associated with the development of artificial intelligence, digital platforms, and the transformation of the institution of privacy.

The objectives of the article are to:

- 1) conduct a doctrinal analysis of the concept and characteristics of digital personality reconstruction;
- 2) examine the legal nature of lifetime consent to digital reconstruction and postmortem data use;
- 3) determine the legal limits and conditions of postmortem use of personal data and an individual's digital traces;
- 4) substantiate and formulate a model of legal regulation of digital personality reconstruction.

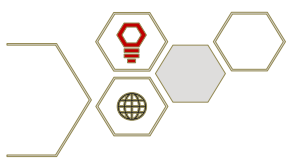
Results of the Study. Modern digital technologies have led to the emergence of a new phenomenon, digital personality reconstruction, which is based on the analysis, processing, and reproduction of data accumulated by an individual during their lifetime. In the theoretical and legal dimension, digital reconstruction should be understood as a set of technological and legal processes aimed at creating a digital representation of a person capable of imitating certain features of their appearance, voice, manner of communication, behavioral patterns, or cognitive characteristics. Such reconstructions may take different forms depending on the volume and quality of the data used, the level of autonomy of artificial intelligence systems, and the purpose of their application, including commemorative, communicative, or managerial functions.

In the context of digital transformation, the creation and use of digital reconstructions after a person's death is closely linked to the broader issue of digital inheritance management, which requires the use of intelligent information systems



capable not only of processing large volumes of heterogeneous data but also of forecasting possible scenarios of post-mortem asset management. In this regard, Trach emphasizes that «machine learning algorithms, predictive analytics systems, and deep neural networks make it possible to automate the identification of digital assets, verify their authenticity, forecast the risks of loss of access, and ensure cybersecurity» [16]. Such technological capabilities form the infrastructural basis for lawful, secure, and predictable management of digital assets and data that may subsequently be used for digital personality reconstruction. The study found that digital assets combine the characteristics of financial instruments, intangible resources, and investment objects, which necessitates a multilevel accounting system capable of reflecting their complex economic nature and diverse functional roles [17]. Such hybridity complicates traditional approaches to valuation, ownership, and control, particularly in digitally mediated environments. As digital assets are increasingly managed by autonomous AI agents, they form a dual economic and legal regime in which algorithmic value creation, automated decision-making, and data-driven optimization processes are inextricably linked to the legal consolidation of ownership and responsibility rights [18]. This interaction raises fundamental questions regarding accountability, risk allocation, and the limits of technological autonomy [19]. In this context, the legal regulation of digital assets requires their recognition as independent objects of civil rights, endowed with specific features that distinguish them from traditional intangible assets and justify the development of specialized regulatory frameworks adapted to AI-driven asset governance.

One of the most widespread forms is the digital avatar, which typically represents a visual or multimedia model of a person created on the basis of photographs, video recordings, and other visual materials. Digital avatars may be used for memorial as well as commercial or informational purposes; however, they generally do not possess a high level of autonomy and do not reproduce complex cognitive processes of the individual. A more sophisticated form is the posthumous

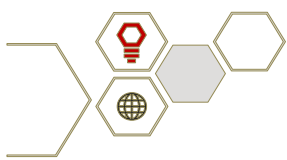


AI persona, that is, an artificially intelligent digital model capable of generating responses, texts, or behavioral reactions based on algorithmic analysis of data relating to the deceased person. Such a model may create the illusion of continued communication with a person after their death, which significantly increases the risks of image manipulation and violations of the right to respect for human dignity.

A distinct place is occupied by the digital twin, which in the legal context should be distinguished from purely technical digital twins used in industry or medicine. A digital twin of personality involves the systematic reproduction not only of individual traits but also of dynamic behavioral patterns of a person, based on large volumes of personal and behavioral data. Even more controversial is the virtual simulation of behavior and voice, which, through the use of deepfake technologies and speech synthesis, makes it possible to reproduce a person's vocal characteristics and nonverbal behavior with a high degree of plausibility, thereby complicating the distinction between authentic and artificially generated content.

For proper legal analysis, it is fundamentally important to distinguish between related but not identical concepts that are often conflated in public and academic discourse. Digital identity encompasses the set of data and attributes by which an individual is identified in the digital environment; however, it cannot be reduced to a collection of personal data within the meaning of information protection legislation. Personal data, accordingly, constitute only the material for creating a digital reconstruction and are not identical to it. The image of a person, as an object of nonproperty rights, is associated with an individual's appearance and reputation, whereas digital reconstruction may relate to a much broader range of characteristics, including linguistic, cognitive, and behavioral elements.

An individual's nonproperty rights, in particular the right to dignity, honor, and respect for private life, cannot be automatically equated with digital reconstruction, since the latter is a technologically created product. From this perspective, digital reconstruction should be qualified as a derivative digital product created on the basis of personal data and other intangible assets, but one that does

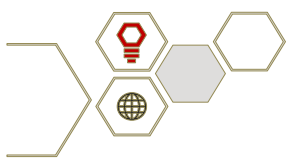


not constitute a continuation of the person in the legal sense. Such an approach makes it possible to avoid metaphysical interpretations of digital life after death and to focus on concrete legal mechanisms of control, liability, and rights protection.

The philosophical and legal dimension of the problem of digital personality reconstruction is closely connected with the concept of postmortem dignity, which recognizes the need to respect a person's will, reputation, and values even after death. Although an individual's legal capacity terminates at the moment of death, modern law increasingly recognizes the existence of legally protected interests associated with the memory of the person and their nonproperty interests. In this context, digital personality reconstruction may both facilitate the preservation of memory and create risks of its distortion.

The principle of anthropocentrism in digital law is also of significant importance, according to which AI technologies should serve the individual and their fundamental rights, rather than the reverse. Applying this principle requires establishing clear limits on the permissible use of digital reconstructions and prioritizing the person's will expressed during their lifetime. In this light, the idea of digital immortality cannot be treated as an absolute value but should be assessed through the lens of legal, ethical, and social constraints. At the same time, the implementation of anthropocentric regulation presupposes the use of advanced technological tools, as artificial intelligence and big data technologies enable the continuous analysis of vast flows of transactional and behavioral data in order to detect anomalies, identify early signs of intrusion, and forecast emerging threats, thereby contributing to the secure and rights-oriented governance of digital representations [20].

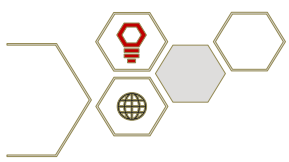
From a legal perspective, the limits of digital immortality are defined by the need to prevent violations of dignity, privacy, and personal autonomy, as well as to avoid commercialization of a person's image without an appropriate legal basis. Accordingly, theoretical and legal reflection on digital personality reconstruction should serve as a foundation for developing mechanisms of lifetime consent and the



legal validation of postmortem use of digital representations. At the same time, the effective implementation of such mechanisms presupposes a clear understanding of the legal nature of the underlying data and resources. Accordingly, the identification of digital assets may be defined as the process of establishing the compliance of the characteristics and features of an object of civil rights with those characteristics inherent to a digital asset of a particular type, which is a prerequisite for lawful governance of digital representations after death [21].

In the context of digital personality reconstruction after biological death, lifetime consent is an important legal instrument intended to ensure the realization of an individual's autonomy of will and to prevent the unlawful use of their digital identity. Within the system of current civil legislation of Ukraine, such consent may be conceptualized through the provisions of the Civil Code of Ukraine (hereinafter the CCU), in particular Articles 202, 203, and 205, which define the concept of a legal transaction, the general requirements for its validity, and the form of expression of will [22]. Given the nonproperty nature of the interests implicated by digital reconstruction, lifetime consent is simultaneously a form of personal nonproperty expression of will related to the exercise of rights *закреплених у* Articles 270–275 of the CCU, in particular the right to respect for dignity, honor, business reputation, and private life [22].

By its functional orientation, lifetime consent to digital reconstruction bears a certain resemblance to a will, the legal regulation of which is set out in Book Six of the Civil Code of Ukraine [22]. Both institutions are aimed at implementing an individual's will after death; however, lifetime consent is not a testamentary disposition in the narrow sense, as it does not concern the transfer of property rights. At the same time, it may complement a will by forming a specific type of digital disposition that goes beyond the scope of traditional inheritance law. From the perspective of legal logic, a more relevant analogy is the institution of informed consent in the field of health care, enshrined, in particular, in Article 43 of the Fundamentals of the Legislation of Ukraine on Health Care, where the principles of

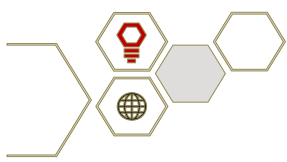


informedness, voluntariness, and revocability of the expression of will occupy a central place [23].

The legal validity of lifetime consent to digital reconstruction of a person is directly related to compliance with the requirements for the legal capacity of the subject. According to Articles 30–34 of the Civil Code of Ukraine, only a fully capable person has the right to independently make decisions that have legal consequences. Violation of this requirement calls into question the legitimacy of consent and may serve as grounds for its appeal. Equally important is the requirement of adequate information, which correlates both with the civil law principles of good faith and reasonableness enshrined in Article 3 of the Civil Code of Ukraine and with European law approaches to personal data protection.

In this context, Regulation (EU) 2016/679 (GDPR) is particularly important. Although it does not directly apply to the data of deceased persons (Recital 27), it establishes general standards for consent as the legal basis for the processing of personal data. The requirements for consent to be “freely given, specific, informed, and unambiguous” can be used as a guideline for the formation of a national mechanism for lifetime consent to digital reconstruction [24]. Similar approaches are reflected in the Law of Ukraine “On the Protection of Personal Data,” which defines the consent of the subject of personal data as one of the main grounds for their processing and emphasizes the need to clearly define the purpose of such processing [25].

An important condition for the legal validity of lifetime consent is its specificity and certainty. In light of civil law provisions, consent must clearly define the purposes of using digital reconstruction, permissible forms of its creation and application, duration, and possible restrictions. The absence of such parameters creates the risk of arbitrary interpretation of a person's will and violation of their non-property rights, which contradicts Article 28 of the Constitution of Ukraine, which guarantees respect for human dignity. A fundamentally important guarantee of autonomy of will is also the possibility of revoking consent during a person's

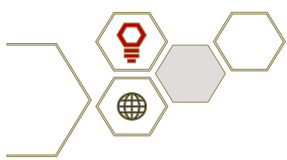


lifetime, which is consistent with both civil law doctrine and the approaches of the GDPR and national legislation on the protection of personal data [26].

The form of recording lifetime consent is important for ensuring its evidential value. The use of electronic documents is possible in accordance with the Law of Ukraine “On Electronic Documents and Electronic Document Management” [27] and the Law of Ukraine “On Electronic Identification and Electronic Trust Services” [28], provided that a qualified electronic signature is used. A promising form is a digital will, which can be considered a special disposition within the framework of inheritance and information law, although such an institution is not yet directly enshrined in Ukrainian legislation. The use of smart contracts as a tool for the automated execution of a person’s will is possible, taking into account the general provisions of civil law on transactions, but requires special regulatory regulation.

Given the complexity and potentially high risks of violating a person's non-property rights, it seems appropriate to introduce notarization of lifetime consent to digital reconstruction of a person as a proposal *de lege ferenda*. This approach is consistent with the provisions of the Law of Ukraine “On Notaries” and will facilitate the verification of a person's legal capacity, the recording of the scope of information provided, and the minimization of disputes after their death [29]. In the future, this could become the basis for the formation of a comprehensive legal mechanism for protecting the autonomy of will and dignity of individuals in the context of the development of digital technologies and AI.

A comparative legal analysis of legal approaches to the post-mortem use of digital identity reveals the main models of regulation in different legal systems, in particular in French and German law, the practice of the European Court of Human Rights (hereinafter referred to as the ECHR), and Anglo-American jurisdictions. In France, considerable attention is paid to the autonomy of the subject's will to dispose of their data after death; in Germany, digital accounts are considered objects of inheritance law; the practice of the ECHR emphasizes the protection of privacy and

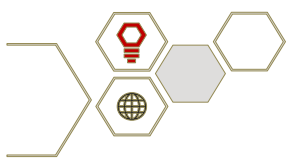


memory of the deceased in the context of Article 8 of the Convention for the Protection of Human Rights and Fundamental Freedoms. Anglo-American models, particularly in the US, offer special legal mechanisms for accessing digital assets and give higher priority to explicit consent of the user, while in the UK, contract-oriented regulation prevails. Ukraine is characterized by the absence of a special legal regime, which creates legal uncertainty and requires a cross-sectoral approach to protect the autonomy of will and non-property rights of individuals in the digital environment.

Table 1

Comparative Legal Analysis of Approaches to the Postmortem Use of
Digital Identity

Jurisdiction / Model	Approach to Postmortem Digital Data	Role of Individual Consent	Legal Focus
France	Introduction of the institution of digital instructions (directives numériques), allowing individuals to determine during their lifetime the procedure for processing personal data after death	Central: individual consent has priority over the will of heirs	Personal data protection, autonomy of will, postmortem privacy
Germany	Digital accounts are recognized as inheritable objects by analogy with correspondence and property rights	Consent is not an independent instrument; the inheritance based approach prevails	Proprietary nature of digital assets, legal succession
ECtHR practice	Recognition of continuing protection of privacy and reputation after death in the context of family rights	Indirect: through the interests of relatives and the memory of the deceased	Human dignity, private and family life, memory of the deceased
United States	Access to digital assets is regulated through inheritance law and fiduciary access mechanisms	Determinative: explicit user consent prevails over platform terms	Contractual autonomy, priority of expression of will
United Kingdom	No unified special regime; digital assets are regulated fragmentarily	Limited, dependent on service terms	Predominance of contractual regulation



Jurisdiction / Model	Approach to Postmortem Digital Data	Role of Individual Consent	Legal Focus
Ukraine	No special legal regulation; postmortem digital identity is not legally defined	Not regulated as an independent legal institution	Fragmentation, conflicts between privacy, inheritance, and dignity

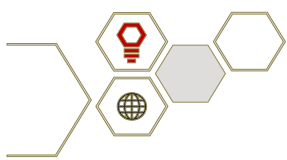
Source: created by the author on the basis of [22; 24; 25; 30–34]

The model is based on an anthropocentric approach and proceeds from the priority of human dignity and autonomy of will in the context of the digital transformation of private life. It integrates the norms of civil, information, and inheritance law, taking into account challenges associated with the use of artificial intelligence, deepfake technologies, and digital avatars. The model has a comprehensive character and is intended not only to legitimize lifetime consent as an independent legal instrument but also to delineate the boundaries of lawful digital personality reconstruction, establish control mechanisms, and introduce safeguards against abuse in the postmortem digital environment (Table 2).

Table 2

Legal Validation of Lifetime Consent to Digital Personality Reconstruction

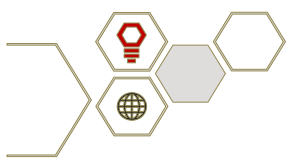
Model Level	Core Element	Substantive Content	Legal Function
I. Anthropocentric foundation	Human dignity and autonomy of will	Recognition of the priority of an individual's will regarding their own digital representation after biological death	Normative boundary of the permissibility of digital reconstruction
II. Object of regulation	Digital personality reconstruction	AI persona, digital avatar, digital twin, simulation of voice and behavior	Delimitation from continuation of the person and inheritable property
III. Legal instrument	Lifetime consent	Personal nonproperty expression of will, revocable during lifetime	Legitimation of postmortem use
IV. Validity criteria: subject related	Subject	Legal capacity, absence of defects of will	Ensuring the validity of the expression of will



Model Level	Core Element	Substantive Content	Legal Function
IV. Validity criteria: substantive	Content	Purpose, limits, form of reconstruction, duration of its use	Prevention of arbitrary interpretation of consent
IV. Validity criteria: procedural	Procedure	Form, fixation, evidentiary reliability	Legal certainty and verifiability
IV. Validity criteria: technological	Technological support	Compliance of algorithms with declared parameters	Control of digital risks
V. Legal construct (de lege ferenda)	Digital disposition of personality	Special nonproperty legal transaction	Institutionalization of consent
VI. Implementation infrastructure	Register of digital expressions of will	Fixation, storage, verification	Guarantee of authenticity
VII. Control mechanism	Independent oversight	Ombudsman or judicial review	Protection of postmortem dignity
VIII. Risks	Technological and ethical threats	Deepfakes, manipulation of memory, algorithmic autonomy	Identification of dangers
IX. Safeguards	Legal and technical limitations	Labeling of AI content, developer liability	Prevention of abuse
X. Result	Legally valid digital reconstruction	Permissible use within the limits of consent	Balance of rights, dignity, and innovation

Source: created by the author

The proposed model of legal validation of lifetime consent demonstrates the possibility of forming a coherent legal framework that ensures a balance between the innovative development of digital technologies and the protection of fundamental nonproperty rights of the individual. Its application makes it possible to treat digital personality reconstruction as a legally permissible object only where there is a valid, informed, and limited expression of will articulated by the person during their lifetime. The model provides a foundation for the institutionalization of digital disposition of personality, the introduction of a special register of digital expressions of will, and effective mechanisms of independent oversight, which

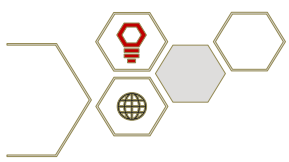


together contribute to preventing manipulation of the memory of the individual and abuses involving algorithmic systems. Accordingly, the model may serve as a conceptual basis for the further development of Ukrainian legislation in the field of digital rights and postmortem dignity in the context of the formation of digital law.

Conclusions. As a result of the conducted research, a comprehensive analysis of the legal foundations of lifetime consent to digital personality reconstruction after biological death has been carried out in the context of rapid digitalization of private life and the development of artificial intelligence. It is substantiated that digital personality reconstruction cannot be regarded as a continuation of an individual's legal personality or as an element of inheritable property, but should be qualified as a derivative digital product whose legitimacy is determined exclusively by the autonomous will of the person expressed during their lifetime. It is established that the current legislation of Ukraine does not provide a special legal regime for regulating the postmortem use of digital identity, which gives rise to conflicts between the norms of civil, information, and inheritance law and the principles of protection of human dignity and privacy.

The scientific novelty of the study lies in the development of an original concept for the legal validation of lifetime consent to digital personality reconstruction, based on an anthropocentric approach and taking into account subject related, substantive, procedural, and technological criteria for the validity of such an expression of will. For the first time, a legal construct of digital disposition of personality is proposed as a personal nonproperty expression of will that is not equated with a will or consent to personal data processing and is aimed at defining the permissible limits of postmortem use of digital reconstruction. The expediency of establishing a special register of digital expressions of will and mechanisms of independent oversight is substantiated in order to protect postmortem dignity and prevent abuses involving the use of artificial intelligence technologies.

The practical significance of the obtained results lies in the possibility of their use by the legislator in developing a special legal regime for postmortem digital

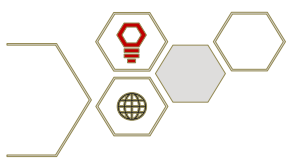


identity and introducing amendments to the civil and information legislation of Ukraine. For notarial practice, the proposed model may serve as a basis for introducing new forms of recording lifetime expressions of will in the digital environment and ensuring the evidentiary value of such consent. For the IT sector, the research results have applied value in shaping ethical and legal standards for the creation and use of digital avatars, AI personas, and other forms of digital reconstruction, as well as in the development of mechanisms of algorithmic accountability.

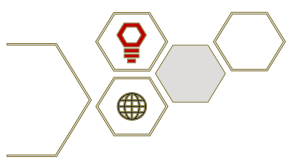
Further scholarly research should be directed toward detailing the legal status of digital reconstructions in the context of private international law, analyzing the liability of AI subjects and platforms for violations of the limits of lifetime consent, and developing procedural mechanisms for judicial protection of postmortem dignity and the memory of the individual in the digital space.

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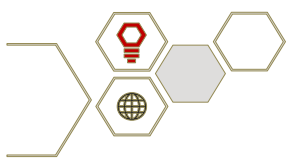
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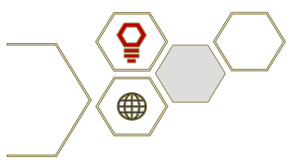
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