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Data Governance, Student Rights, and Inclusive Digital Universities: A Comparative Legal-Institutional Analysis of Higher Education Reform in France and South Korea

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ABSTRACT

The expansion of data-intensive higher education has transformed universities into legally regulated digital institutions where student information, algorithmic systems, platform governance, and institutional accountability increasingly shape educational opportunity and economic development. This article comparatively examines France and South Korea to analyze how data governance frameworks regulate digital higher education and influence student rights, institutional trust, and inclusive human capital development. France represents a rights-based European governance model shaped by the General Data Protection Regulation, republican equality, public accountability, and institutional autonomy. South Korea represents a developmental digital governance model shaped by national innovation strategy, strong state coordination, high digital infrastructure, and workforce modernization. Using comparative institutional analysis and socio-legal governance theory, the study argues that digital university governance depends on the interaction between legal safeguards, institutional coordination, technological capacity, and equity-oriented public policy. The findings show that France provides stronger formal protections for data rights and educational equality but faces bureaucratic fragmentation and uneven institutional innovation. South Korea demonstrates stronger implementation capacity and rapid digital transformation but faces governance risks related to surveillance, platform dependence, and limited participatory accountability. The article contributes to law, education, governance, and development scholarship by showing that student data governance is a core mechanism linking educational legitimacy with digital economic resilience.

Keywords: data governance; student rights; higher education law; digital universities; France; South Korea;

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educational equality; economic development

Introduction

Higher education systems are undergoing a structural transition from institution-centered administration to data-intensive governance. Universities now use digital platforms, learning analytics, artificial intelligence systems, biometric authentication, cloud-based assessment, automated advising tools, and predictive student support systems. These technologies are increasingly justified as instruments for improving learning quality, reducing dropout, personalizing education, expanding lifelong learning, and aligning university outputs with labor market needs. Yet their adoption also raises serious legal and institutional questions concerning student rights, data protection, equality, transparency, accountability, and democratic governance.

This study argues that student data governance has become a central legal and developmental issue in higher education. Digital universities do not merely deliver education through technological tools; they reorganize institutional authority through data collection, algorithmic classification, platform dependency, and administrative automation. As UNESCO's 2023 Global Education Monitoring Report warns, educational technology can support access but may also intensify inequality when introduced without adequate evidence, public accountability, and equity safeguards. UNESCO specifically stresses that technology in education should be appropriate, equitable, scalable, and sustainable, rather than adopted simply because it is available.

The issue is also economically significant. OECD's *Education at a Glance 2024* presents education as a key domain for evaluating access, participation, institutional resources, and labor market outcomes across countries, demonstrating that higher education remains central to human capital development and social mobility. The World Bank's *World Development Report 2024* further argues that countries seeking higher productivity must move beyond investment alone toward technology infusion and innovation, a developmental transition in which universities and skills systems are critical. Thus, digital higher education governance is directly linked to economic competitiveness, innovation capacity, and inclusive development.

France and South Korea provide analytically rich comparative cases. France represents a European rights-based governance model shaped by the GDPR, national data protection institutions, public service traditions, republican equality, and strong legal concern for individual rights in automated decision-making. French universities operate within a regulatory environment that emphasizes legality, student protection, public accountability, and non-discrimination. South Korea, by contrast, represents a developmental digital governance model characterized by high broadband penetration, strong state-led digital policy, rapid technological adoption, and close alignment between higher education reform and national innovation strategy. Korean universities are positioned as critical institutions for artificial intelligence, digital skills, and industrial upgrading.

The comparison matters because both countries face similar pressures but respond through different legal-institutional pathways. Both seek to modernize higher education, strengthen digital skills, improve competitiveness, and support labor market adaptation. Yet France approaches digital university governance primarily through legal accountability and rights protection, while South Korea approaches it through policy

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coordination, technological modernization, and national competitiveness. This contrast allows the article to examine how governance traditions shape implementation, legitimacy, and development outcomes.

Existing scholarship provides important but incomplete insights. Williamson and Eynon (2020) argue that digital platforms and data systems increasingly shape the organization of education. Selwyn (2022) warns that educational technology often expands surveillance and managerial control. Zawacki-Richter et al. (2019) show that artificial intelligence applications in higher education are expanding faster than institutional governance capacity. Yeung (2018) conceptualizes algorithmic regulation as a form of governance requiring legitimacy and accountability. Veale and Borgesius (2021) emphasize that European AI regulation attempts to translate rights-based principles into operational obligations. Czerniewicz et al. (2021) demonstrate that digital education can reproduce inequality when institutional capacity and student resources are uneven.

However, the literature remains limited in five respects. First, educational technology studies often examine learning outcomes without fully integrating legal governance. Second, data protection scholarship frequently focuses on privacy law without analyzing universities as complex public institutions. Third, comparative education studies rarely connect student data rights with economic development. Fourth, AI governance literature often emphasizes technical ethics but underexamines institutional implementation. Fifth, policy research has not sufficiently explained how legal safeguards and developmental governance interact in digital higher education systems.

This article addresses these gaps by developing a comparative legal-institutional analysis of data governance in French and South Korean higher education. The study argues that effective digital university governance requires more than privacy compliance or technological modernization. It requires regulatory coherence, institutional accountability, participatory governance, digital infrastructure, and equity-sensitive public investment. Student data rights and economic development should therefore not be treated as competing objectives. Rather, the article argues that rights-based trust is a condition for sustainable digital transformation.

The article's novelty lies in its integration of law, governance, education, and development within a single comparative framework. It conceptualizes student data governance as a causal institutional mechanism linking legal regulation, university accountability, educational legitimacy, human capital development, and digital economic resilience. The research objective is to compare how France and South Korea govern student data in digital higher education and to explain how legal and governance differences shape student rights, educational equality, and development outcomes.

Method

This study employs comparative institutional analysis and socio-legal governance analysis to examine how student data governance shapes digital higher education reform in France and South Korea. The comparative design follows a most-different systems logic because both countries are advanced knowledge economies with substantial digital education agendas but differ markedly in regulatory philosophy, legal tradition, administrative coordination, and developmental strategy. France was selected as a rights-based European case

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in which higher education data governance is shaped by the GDPR, national data protection oversight, public law traditions, republican equality, and institutional autonomy. South Korea was selected as a developmental digital governance case in which higher education reform is closely linked to state-led innovation policy, artificial intelligence strategy, digital infrastructure, and human capital competitiveness. The unit of analysis is the higher education data governance regime, including legal frameworks, ministerial policy, university accountability mechanisms, platform regulation, data protection practices, student rights, and economic-development linkages.

Empirical evidence was drawn from publicly available legal, institutional, and policy materials from 2020–2026, including European and French data protection frameworks, Korean digital education and AI policy documents, OECD education indicators, UNESCO technology-in-education reports, World Bank development reports, university governance policies, and peer-reviewed scholarship on digital education and regulatory governance. Process tracing was used to identify causal mechanisms linking legal frameworks to institutional behavior and educational outcomes. Comparative coding focused on regulatory coherence, student rights protection, institutional coordination, platform accountability, educational equality, digital capacity, and labor market-development alignment. Triangulation across law, policy documents, international datasets, and scholarly literature was used to strengthen analytical validity. The study does not use interviews or fabricate respondent evidence. Its main limitation is that digital higher education governance is evolving quickly, making some institutional effects emerging rather than fully settled.

Findings and Discussion

1. Legal Regulation and the Institutional Meaning of Student Data

The first major finding is that France and South Korea assign different institutional meanings to student data. In France, student data is primarily treated as a rights-bearing legal category. University data systems must be governed in accordance with European data protection principles, including lawfulness, transparency, purpose limitation, data minimization, storage limitation, security, and accountability. The GDPR's influence is particularly important because it establishes binding obligations that affect admissions systems, learning analytics, digital assessment tools, student support systems, and automated administrative decisions.

This rights-based approach reflects a broader European legal philosophy. Data governance is not merely a matter of institutional efficiency; it is a constitutional and administrative accountability issue. Students are treated not simply as users of platforms but as rights-bearing subjects whose educational participation must be protected from arbitrary or opaque digital decision-making. This framework strengthens institutional legitimacy because students can expect formal protections concerning consent, access, correction, processing transparency, and complaint mechanisms.

However, France's rights-based model also produces implementation complexity. Universities must interpret overlapping rules from European law, national data protection authorities, higher education policy, institutional procurement rules, and platform contracts. Large universities may possess internal legal and technical expertise, but smaller institutions often face capacity constraints. The result is a gap between formal

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legal protection and practical institutional implementation.

South Korea assigns a more developmental meaning to student data. Data is treated as a strategic resource for improving education quality, expanding digital learning, supporting AI innovation, and strengthening workforce competitiveness. Korean universities increasingly use digital platforms and analytics to support student management, adaptive learning, institutional planning, and employment preparation. This approach aligns with South Korea's wider digital transformation strategy and strong state commitment to technological competitiveness.

The Korean model has significant advantages. High digital infrastructure and centralized policy coordination allow universities to implement digital tools rapidly. Student data systems can be integrated with national skills policy, employability planning, and educational modernization. However, this model may underemphasize student rights and participatory governance. When data is primarily treated as a developmental asset, the risk is that privacy, transparency, and contestability become secondary concerns.

The comparison reveals a foundational governance tension. France protects student data through legality and rights, but implementation may be slow and uneven. South Korea mobilizes student data for modernization and development, but legitimacy risks arise when accountability mechanisms are not equally strong.

2. Institutional Coordination, Platform Procurement, and Accountability

The second finding concerns institutional coordination. Digital higher education governance depends not only on laws but also on how universities procure platforms, negotiate with vendors, audit systems, and coordinate responsibilities across administrative units.

In France, platform governance is mediated through public procurement rules, institutional data protection officers, national data protection guidance, and university-level governance committees. These arrangements create multiple accountability points. Yet they may also fragment responsibility. Academic departments, central IT offices, legal units, and external vendors often operate with different priorities. This creates governance complexity, especially when universities adopt commercial learning management systems, proctoring tools, or analytics platforms.

South Korea benefits from stronger national coordination. Government strategies for digital education and AI adoption provide clearer direction for universities. Public funding and national policy priorities encourage institutions to modernize digital infrastructure and develop data-driven education services. This enhances implementation capacity and reduces policy fragmentation.

However, central coordination does not automatically produce accountability. If procurement decisions are driven primarily by efficiency, innovation, or competitiveness, universities may not sufficiently evaluate student rights, algorithmic bias, or long-term platform dependency. The governance risk is that universities become dependent on private technology providers without adequate public oversight.

The analytical implication is that platform accountability requires hybrid governance. Legal compliance alone is insufficient if institutions lack technical capacity. State coordination alone is insufficient if students and faculty lack meaningful participation. Effective governance requires procurement transparency, data impact

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assessment, independent oversight, and educational accountability.

3. Educational Equality, Student Rights, and Digital Inclusion

The third finding concerns inequality. Digital university reform is often promoted as inclusive because online platforms can expand access, reduce geographic barriers, and support flexible learning. Yet the evidence from international organizations suggests that education technology can also exclude students when affordability, connectivity, accessibility, and institutional support are uneven. UNESCO's 2023 report explicitly notes that technology may offer an education lifeline for millions while excluding many others.

France's governance framework connects digital education to public equality. Universities are expected to respect principles of non-discrimination, accessibility, and public service. The legal environment is comparatively strong in protecting students against arbitrary data practices and discriminatory automated systems. However, digital inequality persists across regions, socioeconomic groups, and institutions. Elite institutions often possess stronger digital infrastructure and compliance capacity than resource-constrained universities.

South Korea has high national digital infrastructure, which reduces some connectivity barriers. Its universities are generally well positioned to adopt digital education technologies. Digital learning can support lifelong learning, adult reskilling, and regional innovation. Yet Korean higher education also faces pressures of intense competition, demographic decline, and regional university vulnerability. If digital transformation is concentrated in prestigious institutions, it may reinforce hierarchy rather than reduce inequality.

The comparison shows that digital inclusion requires more than access to technology. It requires enforceable rights, accessible design, affordable participation, institutional support, and equitable funding. Student data governance is therefore a distributive governance issue: it determines who benefits from digital transformation and who bears its risks.

4. Human Capital Development and Digital Economic Resilience

The fourth finding links student data governance with economic development. France and South Korea both seek to use higher education to strengthen digital skills and innovation capacity. However, they follow different developmental pathways.

France's pathway emphasizes regulated digital transformation. The policy objective is to modernize higher education while preserving public values, privacy, equality, and institutional autonomy. This approach can strengthen trust and long-term legitimacy. In development terms, France prioritizes a human-centric digital economy in which innovation is constrained by public law and rights protection.

South Korea's pathway emphasizes accelerated digital modernization. Universities are expected to support AI industries, smart manufacturing, platform economies, and digital labor market transformation. This model can produce strong innovation outcomes and rapid workforce adaptation. It aligns with World Bank arguments that economies seeking productivity growth must combine investment with technology infusion and innovation.

However, development without trust is fragile. If students perceive data systems as intrusive, opaque, or

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unfair, institutional legitimacy weakens. Conversely, excessive regulatory complexity may slow innovation and reduce competitiveness. The comparative evidence therefore suggests that sustainable digital economic resilience depends on balancing data rights with innovation capacity.

Table 1. Analytical Matrix of Comparative Governance, Law, and Educational Development

Variable	Case 1: France	Case 2: South Korea	Empirical Evidence	Analytical Interpretation
Governance model	Rights-based public governance	Developmental digital governance	GDPR framework; Korean digital education strategy	Governance philosophy shapes the purpose of student data
Legal framework	Strong data protection and public law safeguards	Strategic digital policy and privacy regulation	EU data law; Korean AI and digital policy	Legal design influences trust and implementation speed
Institutional coordination	Multi-layered and legally complex	Centralized and policy-driven	University governance policies; ministerial strategies	Coordination affects institutional capacity
Platform accountability	Strong formal obligations but uneven technical capacity	Strong implementation capacity but accountability risks	Procurement and digital governance reports	Accountability requires both law and technical oversight
Educational equality	Formal equality and rights protection	Infrastructure strength and modernization access	OECD and UNESCO education indicators	Inclusion depends on both rights and resources
Student rights	Stronger procedural protection	Emerging but less participatory	Data protection and education policy frameworks	Rights protection mediates institutional legitimacy
Economic development linkage	Human-centric digital economy	Innovation-led digital competitiveness	World Bank and OECD development reports	Development models shape university reform priorities
Governance risk	Bureaucratic fragmentation	Technocratic surveillance and platform dependence	Comparative governance literature	Each model creates distinct legitimacy challenges

The table demonstrates that France and South Korea represent two partial but incomplete models of digital

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university governance. France provides stronger legal safeguards but faces coordination and innovation constraints. South Korea provides stronger implementation capacity but faces risks of technocratic governance and insufficient student participation. The central comparative lesson is that digital university governance must combine rights-based protection with developmental coordination.

Theoretical Propositions

Proposition 1: Student data governance mediates the relationship between digital higher education and institutional legitimacy.
Universities gain trust when students can understand, contest, and control how their data is used. Without credible data governance, digital transformation becomes administratively efficient but socially fragile.

Proposition 2: Legal rights require institutional capacity to produce educational equality.
France demonstrates that strong formal data rights do not automatically guarantee equal implementation. Rights become effective only when universities possess legal, technical, and financial capacity.

Proposition 3: Developmental digital governance accelerates innovation but requires participatory accountability.
South Korea demonstrates that centralized policy coordination can modernize higher education rapidly, but student participation and independent oversight are necessary to prevent surveillance risks.

Proposition 4: Inclusive digital economic development requires hybrid governance.
Sustainable digital universities require the integration of data protection, platform accountability, public investment, educational accessibility, institutional autonomy, and labor market alignment.

Conclusion

This article compared France and South Korea to examine how data governance shapes student rights, digital university reform, and inclusive economic development. The central finding is that student data governance is not a secondary compliance issue. It is a core institutional mechanism through which law, governance, education, and development interact.

France's rights-based governance model provides strong formal protection for student data, equality, and institutional accountability. Its strength lies in legality, public trust, and rights-based legitimacy. Its weakness lies in regulatory complexity and uneven institutional capacity. South Korea's developmental digital governance model provides strong coordination, implementation speed, and economic alignment. Its strength lies in technological modernization and human capital strategy. Its weakness lies in risks of technocratic governance, platform dependence, and limited participatory accountability.

The theoretical contribution of the article is its conceptualization of student data governance as a developmental legal institution. Digital higher education outcomes depend not only on infrastructure or innovation policy but also on legal accountability, institutional coordination, and educational trust. The

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empirical contribution lies in showing how two advanced systems generate different governance trade-offs because of different legal and developmental traditions.

The policy implication is that governments and universities should avoid treating data governance as either a bureaucratic burden or a purely technical matter. Instead, student data governance should be designed as a public accountability system. Universities should conduct data impact assessments, strengthen procurement transparency, establish student participation mechanisms, audit algorithmic tools, and align digital education with equity goals.

The economic development implication is equally important. Human capital development in digital economies depends on universities that can innovate while maintaining trust. Digital skills and AI capacity will not produce inclusive development if education systems reproduce inequality or weaken student rights.

This study is limited by its macro-institutional design and reliance on public sources. Future research should examine university-level platform contracts, student perceptions of data governance, algorithmic decision-making in admissions and assessment, and longitudinal employment outcomes of digital higher education reforms. Ultimately, the future of digital universities will depend on governance systems capable of combining technological innovation with legal accountability, educational equality, and inclusive development.

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