



Ministerstwo
Sprawiedliwości

Regulating platforms -private law perspective

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Private law perspective

- Regulating business models v. regulating patterns of (human) behaviour?
- Private law cannot be eradicated (by authoritarian regimes) , because it reflects the way humans interact (Szymon Rundstein)
- Private law attributes human-like status to non-human beings (legal persons)

The effect of regulating business models



Creation of the modern technology

- Platforms: various business models based on legal infrastructure that builds on the technological advancements
- The technological platform trio (?) Internet – digitalisation – algorithms

Platforms in the private law dimension

The key questions:

1. How do platforms (modern technologies) changed the patterns of human behaviour?
2. Do the current private law mechanisms reflect those changes properly?
3. Do the current private law mechanisms provide (adequate) solutions to the technological and contractual / regulatory measures used by the platforms?

New patterns of human behavior

Relevant / not relevant ?

1. Decreased cognitive functions, decreased well being
2. Increased willingness and pressure on contracting
3. Increased accessibility of contracting (concluding contracts as emotional outlet)
4. „Selling” oneself

Technological & contractual / regulatory measures used by the platforms

1. From a 2-party contract to triangles
2. Control over the marketplace (more than a party to a contract)
3. Automated contracting / „invisible“ contracts
4. Collection / use of data
5. Algorithmic management (is there any contract law left?)

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