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Drones - Ethical and Legal Issues in Civil and Military Research as a Future Opportunity

Geta MITREA[1]

[1] Lecturer PhD, Sociologist, Iasi, Romania, mitrea.geta@gmail.com

Abstract: Civil and military research is characterized by common rules in some issues because both have as main purpose the innovation and creativity goals. But, also each of them has their own regulations and particularities given by their special and unique field of action, civil and military. Step by step, drones gained their place in the actual research area and we need to know and explore all the actual legal regulations existing at European level and global one. We should not ignore the fact that drones have many positive advantages and disadvantages; and, we need to take into consideration all the ethical issues that can occur in different stages of research.

A clear and coherent image of the ethical and legal issues that appear in actual civil and military research for drones is representative for our field of study. Also a future representation for their usage is significant and must be brought into discussion.

We presented in this paper the case studies of European Union and United States of America who already have adopted legal and ethical regulations regarding the usage of civil drones or so named `Remotely Piloted Aircraft Systems`. We will also have in our attention the comparison of current ethical and legal regulations from the European Union and United States of America and also the differences between civil and military drones and their existing particularities.

At the end of our paper we include future possible usage of drones in the near future respecting the ethical issue that those include and we did not take into consideration.

Keywords: *drones; ethical issue; civil research; military research; legal regulations.*

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Introduction

In our global present times the research community needs to be up to date with recent challenges and proper solutions to different problems that appear and need to be solved (Forster, 2002). In the spirit of proofing innovation and be part of the change required by the society the community of researchers, civil and military, need to work together to find proper solution so that the evolution must not be stopped by issues that, at beginning, seem to be impossible to overstep (Brooks, 2019). In this direction are the `drones`, which came as a solution to different challenges that people found for all kind of problems. At the beginning these seamed a fair solution but in time we realized that we need to include some regulations, laws and ethical boundaries that need to be respected that will not affect the citizens (Barton, 2012).

At international level there are used different names for `drones` (Bassi, 2020). For example, The International Civil Aviation Organization (ICAO) a United Nations Specialized Agency refers on its official website to `Unmanned aircraft or unmanned aerial vehicles (UAV), remotely piloted aircraft systems (RPAS) and unmanned aircraft systems (UAS)` and the differences between them (*The International Civil Aviation Organisation*, n.d.). Also, Federal Aviation Administration (FAA) from the United States Department of Transportation present regulations regarding `Small Unmanned Aircraft System (Small UAS)` (*Federal Aviation Administration*, n.d.).

In the Oxford Advanced Learner's Dictionary the noun `drone` is named as `an aircraft without a pilot, controlled from the ground, used for taking photographs, dropping bombs, delivering goods` (*Oxford Advanced Learner's Dictionary*, n.d.-a). In the Romanian Dictionary the word `drone` is defined as an `airplane without human pilot on board, guided remotely or with autopilot` (*The explanatory dictionary of the Romanian language*, n.d.) and it is considered as being a noun originally form the English word `drone`.

Even though when we hear about the word `drone` our thoughts go to military purposes we can easily notice that the same word, step-by-step, entered in the people's minds as being a tool used also by civil society for delivering goods or for entertainment (Angstrom, 2013), such as filming or taking pictures in certain fixed limitations.

1. Methodology of the Study

For the present paper we have choose to use the *comparative case study* to identify and present the similarities and differences or particularities

among civil and military drones, advantages and disadvantages of usage of both of them in different activities, international and national existing regulations for drones, ethical issues borne from the usage of drones in civil and military domain with possible solutions, and future directions for drones in research in both fields improving innovation (Rahbek-Clemmensen et al., 2012).

We used as source of information: official papers, policies, regulations, infographics, scientific papers published in the websites if the main organizations that focuses on drones at international level, such as: European Commission, United Nations through some of its agencies like ICAO a United Nations Specialized Agency, European Aviation Safety Agency (EASA) (*European Aviation Safety Agency (EASA)*, n.d.), National Data Protection Authority from different european countries. For creating a simple image of drones we consider appropriate the fact that we present next the legal and ethical issues of drones in present times.

2. Legal and Ethical Issues of Drones in Present Times

When we refer to legal issues of drones in our actual period of time we take into consideration the existing international and/or national regulations (REGULATIONS COMMISSION DELEGATED REGULATION (EU) 2019/945 of 12 March 2019 on unmanned aircraft systems and on third-country operators of unmanned aircraft systems, n.d.), laws and legal practices for the usage of drones in current people's lives (European Commission, 2019), industry and research area both in civil and military domain (Europees parlement en de Raad, 2018). After a large content analyze of sources of information: official websites, existing regulations, legal practices in different cases, scientifically articles, research papers, books approaching this item we are able to present a clear and coherent image of the actual existing regulations.

For this analyze we compared the actual legal framework for drones existing at European Union (EU) and at United States of America (USA) level, their main responsible institutions and their main issues related to drones. Both entities, EU and USA, have as their prior target when using drones in recreational or professional purpose to be aware of all the information regarding operational safety, privacy and data protection of the data collected, insurance if is the case, respect the rules applied in that area, environment particularities (Boucher, 2015).

First, we must bring into your attention that at European level there is an initiative that all information regarding drones must be made available

on one single webpage. With this idea borne the drone-rules.eu website and has its main aim to be `the go-to reference resource in Europe for the Remotely Piloted Aircraft System (RPAS) rules and regulations and related matters, facilitating access to the European market for operators intending to use RPAS in their home country, or in other EU countries` (*Drone rules all in one place*, n.d.). The idea is great taking into consideration the diversity of the European Union and its countries, but unfortunately at the time this article was written the website was unable to be accessed. Probably because of a soft error of the webpage, we do not know precise the cause of the malfunction. We hope that in time this page will be fully functional at its all capacity because it can be a really useful source of information for the drone's actual and future issue.

The European Aviation Safety Agency is the main institution at European level `responsible for ensuring safety and environmental protection in air transport in Europe` (*European Aviation Safety Agency (EASA)*, n.d.); also is the promoter of the highest standards of safety and develops rules for drones usage and all air transport vehicles. On its official website we find published regulations and guidance regarding all issues related to drones and all air transport in the member countries of European Union. The most recent guideline regarding drone incidents near airports was published on 8 March 2021 intitule `EASA issues guidelines for management of drone incidents at airports` (Agency, n.d.) and it came as a response to repeated recent drone incidents in the airport area; it focused on solutions for national authorities to solve such situations and to establish a legal framework that should be respected by the persons using drones near airport.

Secondly, in USA the main institution who establishes the framework for drones is Federal Aviation Administration from the United States Department of Transportation (*Federal Aviation Administration*, n.d.). On its official website you are able to find information, regulations, policies related to air traffic and all elements that are involved, including drones. A distinctive element is that all drones must be registered on FAA Drone Registration, online at https://www.droneregistration.com/. Here we can find the option to register a drone for recreational purpose and you have to pass an `aeronautical knowledge and safety test` (*Federal Aviation Administration Drone Registration*, n.d.). The main conditions for registering your drone in USA are if: the drone you have weights more than 0.55 pounds (250 grams) and you are using it outside. Supposing that a researcher uses a civil drone outside and that weights more than 250 grams he or she needs to register the drone he uses in his research domain.

After we, as researchers respected all the legal rules regarding the drone's usage in military or civil research that we coordinate, we must also take into consideration the proper elements for ethics of the research. In Jupp's work, ethics is defined as `the field of moral philosophy concerned with the standards that should regulate behavior` (Jupp, 2010) of an researcher during his study and give credit to transparency, freedom of person, equality etc.

When we refer to ethical issues for usage of drones in civil and military research (Feaver, 1999) we take into consideration the quality standards that a research must fulfill and they are important and must be respected, without limiting ourselves to these, namely: data protection of collected data, guarantee of confidentiality and anonymity of participants, obtain the informed consent of the respondents, voluntary participation.

Regarding the protection of collected data during a research in civil or military domain we must have as reference point the REGULATION (EU) 2016/679 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (GDPR). This is the essential act that presents all the information regarding the collection of data, including for research, and the way we can use it by not harming the persons involved and respecting freedoms and fundamental human rights (Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, 2016). This regulation stipulates that the data collected should be obtained transparently and legally, have a specific reason, must be accurate, to be kept for a limited period of time (as much as possible), to be necessary for the purpose of the research or institution, should ensure security during their processing.

Discussions for such a regulation were started from the early 2010, when different situations regarding the personal data were treated differently in court, and there was no common legal reference ground. The notorious case of Edward Snowden (Ray, 2020) and Cambridge Analytica (Confessore, 2018) also contribute the framework created so that similar situations did not occur anymore. Before this regulation there were common practices used that different research data were sold on huge amounts of money for different companies who had totally different purpose for those information. For example, there were situations when a person answered to a simple quiz for a beer and after a period of time he was contacted to be

offered an internet package that was on the market at that time, even though that person did not apply for the such a service. After the issue of this regulation such situations were reduced or even stopped.

Data protection of collected data is an issue that is much applied in the social sciences research where we work with persons in different stages of our research (Gallacher, 2017). In this field of study there are involved persons in social experiments, opinion polls, focus group meetings, interview, case studies, observation of persons or groups. For example, if we conduct a research in sociology where we have to apply a questionnaire, an interview or focus group for a number of persons we are bound to guarantee the anonymity and confidentiality of the collected date. All the respondents involved in that research give some demographic information about their selves, at the beginning or at the end of the discussion, such as: name and surname, phone number, age, address, occupation, marital status, number of children, total number of members of the family, annual salary, religion, sexual orientation, political affiliation etc. Depending on the sampling method some of the respondents can occur to be public persons or people who do not want for their data or opinions to become public. In other cases, the research needs to be filmed or be registered for future analyze, interpretation and publication of the results. In this cases, the respondents are asked for their written consent for being filmed and/or registered.

According to the regulation 2016/679, with the condition that the research is organized in the territory of European Union, the researcher civil or military, obeys this rules and needs to cover the data protection of collected data that he gathers during his research.

Therefore, we ask ourselves how does the research using civil or military drones reach to respect these regulations regarding data protection of collected data? As an intuitive answer we can easily say that any researcher that uses the civil or military drones in his planned research easily manages to offer protection to the data he collected. But we must not ignore the fact that this type of research has its own implications and particularities so we have to take also in consideration the holistic legal an ethical framework. For example, in phycology for observing groups behaviors we can easily use a drone for our research. In this case we can state the fact that is a better solution for using a drone, that can be invisible for the analyzed group. The drone can film and take pictures for the entire period and all the data collected can easily be deposited in safe servers for analyze and interpretation. In respect of respecting the ethical codes the researcher prior speaks with the group members and puts them up to date with the purpose

of the research and its limits. He assures the persons that they will keep their anonymity and confidentiality and the images and videos will not be made public or will cover the faces of persons, depending on the situation agreed.

In the example given above we can wonder ourselves if such a research could be made without the knowledge of the group members. Having at our disposal the possibility of using a civil drone which can be invisible we can program it to film or take pictures a determined group and we can do our research and issue results. Is it ethic? No, of course. Because we all have our own internal moral, ethical rules that governs our principles of work and life we have a research conduct that we are forced to apply each time we are researchers, and we do so.

Closely connected with the data protection of collected data are also anonymity and confidentiality provided to participants at civil or military research. When we refer to confidentiality in civil or military research we mean that the researcher is the only person who can identify the participant, and also `a situation in which you expect somebody to keep information secret` (*Oxford Advanced Learner's Dictionary*, n.d.-b) and not to make it public in any context. Here we speak about public persons who agree to be part of research and do not want to be associated with it, or simple people who want to keep private.

The anonymity refers to the fact that nobody, not even the researcher itself, will recognize the given answers of the respondent. For example, for an opinion poll we mix the final answers so that we are not able to connect the person with the given answer. Both, anonymity and confidentiality are among the fundamental rights of people and must be properly assured by the civil or military researcher ("The Nuremberg Code," 1996). The final result of the research matters not the individual unique answer.

Another key element in the ethical issues is the informed consent (Ferreira & Serpa, 2018). This is an element large discussed and analyzed in the existing codes and ethics literature. There are pro and cons opinions regarding the obtaining of the informed consent from the participants at the research. Some researchers consider that there are some situations in which it is not possible to be completely open to all participants at the research. Also, is recognized that there are levels of openness and masking the information in social research (Zamykalová & Šimek, 2006). Usually, consent and information are obtained at the beginning of the interview/study, but some researchers have argued that informed consent can only be obtained at the end of the interview, when the nature of the study is known and understood by a respondent. As an argument is that

there are situations where some information should not be told because it could affect respondents' willingness to participate - such as increased response rates, it is possible to obtain false answers and this way the purpose of the research is not reached.

Elements that can be included in the informed consent can be: the identity of the researcher, the research body and the sponsor (if it is the case), purpose of the study, presentation of the benefits of the study (for example, some studies offer money, voucher, gifts for the participation), assurance of anonymity and / or confidentiality, voluntary and that the respondent is free to withdraw at any time or refuses to answer any questions, mentions of possible risks, information on how the participant was selected for the study, information on how the collected data will be used, information if the data will be archived and possible future uses (Shuster, 1997). Usually, all this information is written in an introductory message at the beginning of the questionnaire/interview if it is online or face-to-face printed at the beginning of the quiz.

As a recent solution to duplicate the study that a researcher made on a special theme and to see if the same results are reached by other researchers the open research data platform gain filed in the last years and it supposes that in a few years all researches will be made public. In this way another researcher can be certified that he respected the legal and ethical framework. In present exists Open Research European (European Commission, 2020), many international data bases and open access reviews available on the internet. Next we will bring in your attention the similarities, differences and particularities of civil and military drones in research.

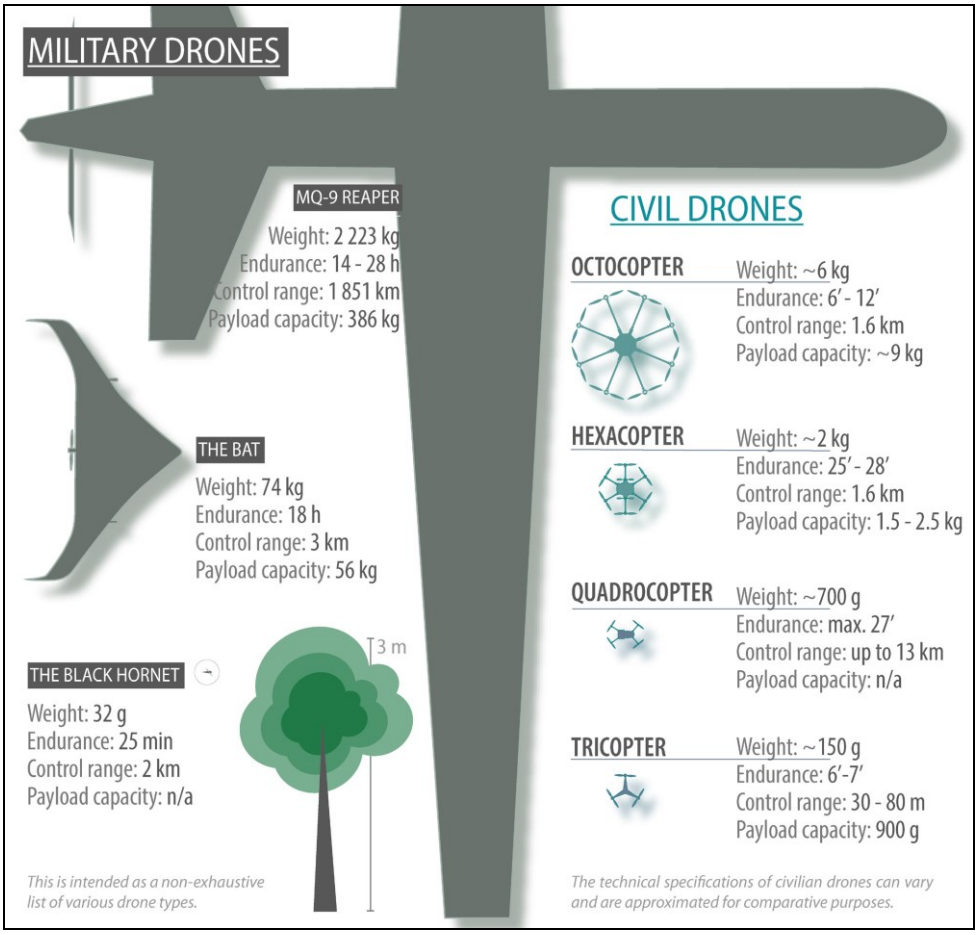
3. Differences, Similarities and Particularities of Civil and Military Drones in Research

Even though drones are considered to be used more in the military sector we can easily notice that they gained field in civil sector as well; and stared to be used even more often in the industry, agriculture and research sector (Gallacher, 2017). With multiple purpose and functions that came as solution to different needs drones proven that they are a real solution to solving needs of this global world (Rahbek-Clemmensen et al., 2012).

When we refer to *differences* between civil and military drones we can easily notice that there is a huge shape difference between these two types. Some of the military drones are bigger and have the possibility to weight much more than the civil ones, for example: model MQ-9 REAPER weights 2 223 kg comparing with the civil drone named OCTOCOPTER who

weights ~ 6 kg. Also, the military drones may have high flight autonomy, meaning that they can stay in the air for a longer period of time and distance. On the other side, the civil drones are designed for precise purpose and have their one limitations. For example, a civil drone designed for agriculture purpose has the possibility to fly only when the weather allows it and for short distance.

Also some military drones may have the possibility of payload capacity meaning it can be equipped with proper elements, for example: on one drone we can put one bomb or four missiles or medical equipment; on the other side, the civil drones have a smaller payload capacity designed for research or not applicable at all, because they are too tiny and are not designed to carry stuff form a place to another. As we can see in Figure no. 1 bellow, the smallest military drones weight even 32 g or less and they can be used for spying the opponent or as small bombs.



Source: European Parliamentary Research Service (ERPS), 2019

Figure no. 1. Examples of military and civil drones

Both military and civil drones have *similarities* such as: both of them can be remotely piloted by a person from a determined distance; may have the possibility to take pictures, make inspection, filming, transport cargo from one place to another; can be programmed to make simple tasks for short period of time. For example, in research for a wild fauna for a determined period of time we can program the drone to observe on exact schedule a precise ambit for an animal specimen that is in our attention. Both drones, military and civil, used in research have the possibility to take pictures from one country and to be downloaded and accessed life in another country where is the main headquarter.

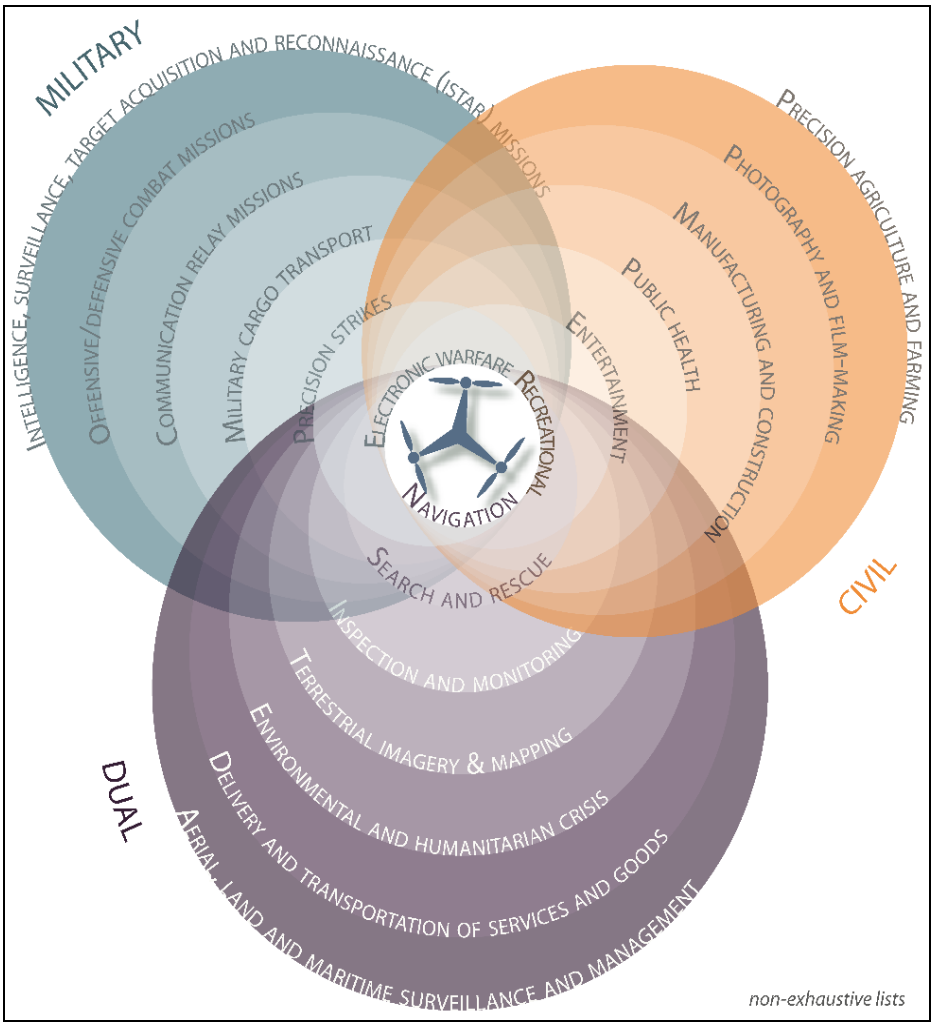
Among *particularities* of drones we must bring into your attention that there are some exceptions applied for the military drones in certain circumstances. These exceptions refer strictly to when the national security is threatened or drones are used in conflict areas, in compliance with international regulations of human rights and humanitarian interventions.

Taking into consideration that the military drones have access to internal national and international satellites network there is the possibility that drones can operate in Middle East and can be remotely piloted from Europe. The satellite network is the connection link and it can be done only for military drones for the moment. We presume that, in future, some multinational companies will create their own privet satellite network and will be able to operate civil drones in different parts of the globe. For the moment we do not have official information that such private satellite network exists.

So, even though both military and civil drones used for research follow the international and national rules there are some advantages and disadvantages of them that we presented next.

4. Advantages and Disadvantages of Usage of Civil and Military Drones

As each new discovery first was received with a lot of enthusiasm and openness, drones enjoyed the same statute. Even if at the beginning were designed to different purpose, step by step new opportunities emerged and new designed were requested and new innovative solutions were found to solve problems. Undoubtedly, drones have many advantages for their usage in the military and civil research and many other sectors of action. As we can see in Figure no. 2 bellow, drones are actually used for different activities particular in military and civil sector and common in both of them.



Source: European Parliamentary Research Service (ERPS), 2019

Figure no. 2. Examples of activities that military and civil drones can be used in

Among the *advantages* of military and civil drones we can bring into your attention the terrestrial imagery and mapping made in the purpose of research. For example, there are different areas on Earth inaccessible for people, caves, abyss, mountain peaks where a drone can easily navigate and film or take pictures for that area. In this matter we can cover all the unexploited places. Also in such areas using drones is a real advantage because it can help in rescue or searching persons, animals, objects. Or,

closely monitoring the steps made by the rescue team and sustain or help it if needed.

Another advantage is the utility in delivering and transportation of service and goods. As an example, in our current global pandemic of COVID 19 drones can be very useful to deliver goods or medicines for persons infected and who must be in quarantine and keep away from others.

Drones can contribute to environmental and humanitarian crises (Heaslip & Barber, 2017) by surveilling different areas and identify the environment issue in proper time, this way specialists can prevent or reduce natural disasters. Using a military drone for getting information in a certain conflict area it can help evaluate and step in to prevent an armed conflict in a country. New job positions are created and specialists are needed, we need to adapt what we knew until now and combine with new abilities to develop new abilities for persons who manipulates or works with drones. We are a continuous emerging labor market in this new field and new key workers are required.

These are only few of the advantages that we can immediate see, but there are many other ones that we did not take into consideration because are not in our target for the moment. We cannot oversee the disadvantages that military and civil drones have on us. For example, persons in jobs replaced by drones need to re-qualify. Also many jobs will disappear (for example, one drone can easily take pictures, when in some cases you needed more persons to do that action). Appear new ethical situations with no proper protocol to follow and we need to act for immediate solution.

Another disadvantage is that we seem not to have any more private life, we are monitored everywhere and our consent is not given. Another disadvantage is that with drone terrorist acts can happen easily and the responsible person is harder to be found (Outay et al., 2020). Drone are dangerous in proximity of aircraft and helicopters (Lykou et al., 2020); this is way recent regulations were issued. Due to their structure they have short period of flight time and can be easily affected by bad weather (wind, rain, snow). They are risk for collision with children, adults and appears the risk of injury; also possible collisions with different buildings, structures, monuments found in their flight. There is also the disadvantage of using commercial drones for military purposes (Wolf, 2017). Malfunction problems such as loosing connection between the pilot and the drone can get the accidental destruction or loss of it. And their maintenance is pretty expensive so only some persons or companies afford having them.

Conclusions

Today's technology of drone evolves very fast and, unfortunately for our personal and national safety, starts to be more difficult to be tracked and controlled. Thus, it is very to enter into the illegality and even violation of existing codes of ethics. The civil and military drones are actually used in many domains; research is one of them as it should normally be, here is where innovation was borne and evolved. Because of their expensive maintenance only some projects enjoy the expertise of drone, for the moment.

From the present analyze we can notice two important things: on both continents, UE and USA, there are created legal framework for the usage of drone, in recreational purpose and research one. Some of them existing laws need to be upgraded once the time passes and new challenges for drones appear, as it is normal to happen in an emerged world that we live in.

Even though we put in balance the advantages and the disadvantages of the drones in our current life, in different domains: recreation, industry, agriculture, research, military; we totally agree that the advantages are really true opportunities for our society and we must exploit them much more that we did until now. We keep learning and adapting the advantages that drones have for us and try to find new directions that fits with our needs, as the COVID 19 global pandemic and the usage of drones to carry medicine or goods.

We are positive that drones, as robots and artificial intelligence are part of our near future and we must adapt our thinking and actions to be opened to the new challenges that will occur for us.

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