Original Article

law& pass International Journal of Law, Public Administration and Social Studies https://lawpass.org

https://doi.org/10.47353/lawpass.v3i3.123

Algorithmic Administrative Authority: Reconstructing the Legal Boundaries of Government Power in the Age of Artificial Intelligence

Laura Dehaibie[1]*, Frank C. Maes[2]
Université Laval, Quebec, Canada[1]; Universiteit Gent, Ghent, Belgium[2]
*Corresponding author: laura.dehaibie@rlt.ulaval.ca

Abstract

The rapid integration of artificial intelligence (AI) into public administration is transforming the institutional conditions under which governmental power is exercised. Administrative law has traditionally located public authority in legally empowered institutions and identifiable human officials who are expected to deliberate, give reasons, consider relevant circumstances, and remain accountable for the legality of their decisions. Algorithmic decision-making complicates this model. An AI system may classify individuals, predict risks, rank cases, recommend outcomes, or automatically determine administrative results while remaining outside the formal architecture of public authority. This article asks whether existing administrative-law doctrines are capable of controlling this technologically mediated exercise of governmental power. Using normative legal research with statutory, conceptual, doctrinal, and comparative approaches, the article examines administrative discretion, delegation, legality, reason-giving, human oversight, accountability, equality, and judicial review in the context of AI-assisted government. The analysis argues that the principal legal problem is not that algorithms become autonomous holders of public authority, but that they can acquire de facto influence over the substance of governmental decisions. To address this problem, the article develops the concept of algorithmic administrative authority and proposes a five-part framework based on legal attribution, bounded algorithmic discretion, procedural algorithmic transparency, institutional responsibility, and effective human and judicial review. The article argues that the greater the algorithmic influence over a legally consequential decision, the stronger the corresponding public-law safeguards must be. This framework seeks to preserve technological innovation while reaffirming the foundational principle that governmental power remains subject to law.

Keywords: algorithmic administrative authority; artificial intelligence; administrative law; administrative discretion; delegation; governmental power; judicial review; algorithmic governance.

Introduction

Artificial intelligence has moved from an experimental technology to an increasingly important component of contemporary government. Public authorities use computational

Received: July 3, 2026 | **Revised:** July 18, 2026 | **Accepted:** August 24, 2026 | **Publication:** August 31, 2026

systems to process applications, identify fraud, assess risk, allocate benefits, prioritize inspections, manage public resources, support regulatory enforcement, and deliver services. The attraction is understandable: algorithms can process information at a scale and speed that human bureaucracies cannot easily reproduce. Yet public administration is different from ordinary organizational management because administrative action constitutes an exercise of public power. A decision to grant or deny a benefit, impose a regulatory burden, classify a person as high risk, or restrict access to a public service can alter legal positions and materially affect individual lives. The deployment of AI therefore raises a constitutional and administrative-law question rather than merely an information-technology question.

Traditional administrative law is built around a recognizable institutional chain. Legislatures establish legal authority; statutes confer competence on public bodies; officials exercise that competence; decisions are explained and recorded; and courts or other review institutions assess legality. The model presupposes a human decision-maker capable of exercising judgment and bearing responsibility. The growing use of automated and semi-automated systems unsettles this architecture. A computational system may influence which facts are considered, which individuals are prioritized, what risks are calculated, and what outcome is recommended before a public official formally decides. The resulting decision may therefore be human in its legal form but algorithmically mediated in its substantive production.

Existing scholarship has identified many dimensions of this problem. Bovens and Zouridis (2002) described the movement from street-level to system-level bureaucracy as information technology changes the location of administrative discretion. Coglianese and Lehr (2017) examined machine-learning decision-making through the lens of administrative law. More recent work has expanded the discussion to good governance, administrative discretion, delegation, transparency, and judicial review. Roehl (2024) identifies tensions involving accountability, equality, fairness, privacy, rule of law, and transparency in automated administrative decision-making. Covilla (2025) argues that AI-assisted discretion requires adaptations concerning duty of care, reason-giving, and judicial review. Butler (2025) shows that algorithmic decision-making challenges traditional doctrines of delegation in public administration. These contributions establish the importance of the field but also reveal a conceptual gap.

The gap concerns the legal concept of authority itself. Much of the literature asks how an algorithm should be made accountable, explainable, transparent, or reviewable. These are indispensable questions, but they are downstream questions. Before accountability can be assigned, the legal system must determine who is exercising public power, through what institutional mechanism, and under what legal authority. An algorithm cannot vote, hold public office, possess statutory competence, or bear democratic responsibility. Yet it may materially shape the substance of a governmental decision. This creates a distinction between formal legal authority and substantive algorithmic influence that conventional administrative-law categories do not fully capture.

This article introduces the concept of algorithmic administrative authority to describe that condition. The concept does not claim that AI systems become independent legal authorities. Rather, it describes a technologically mediated mode of exercising governmental authority in

which algorithmic systems materially influence the formulation, prioritization, assessment, or determination of administrative outcomes. The concept is deliberately narrower than algorithmic governance. It is concerned with the point at which technological systems become structurally significant to the exercise of legally constituted administrative power.

The distinction is important because formal human involvement does not necessarily preserve meaningful administrative discretion. A public official may be the final signatory while an algorithm has already determined which evidence is relevant, assigned a risk score, classified an applicant, or generated the recommended outcome. If the official is institutionally expected to follow the system, lacks access to the model's reasoning, or cannot practically depart from its output, the existence of a human decision-maker may become largely symbolic. The question is therefore not whether a human is technically present, but whether human administrative judgment remains legally and institutionally capable of controlling the algorithm.

The problem is intensified when governments acquire AI systems from private providers. Software companies may design models, select variables, establish thresholds, construct data architectures, or update systems through processes that are not transparent to the public authority or the affected citizen. Private actors can consequently exercise substantial influence over governmental outcomes without possessing the formal responsibilities associated with public office. The outsourcing of technological infrastructure may thus create a new version of an old administrative-law problem: delegation of public decision-making to actors who are not directly subject to democratic and administrative accountability.

The European Union's regulatory response demonstrates the seriousness of the issue. Regulation (EU) 2024/1689 establishes harmonized rules for AI and places particular requirements on high-risk systems, including obligations relevant to human oversight and fundamental-rights impact assessment for certain public-sector deployments. The regulation expressly connects AI governance with fundamental rights, democracy, and the rule of law. This is significant because it treats AI deployment by public authorities as a matter requiring institutional and legal safeguards rather than merely technical compliance.

The comparative debate also shows that conventional administrative-law doctrines remain central. Covilla (2025) argues that the use of AI in discretionary administrative decisions must remain within rule-of-law boundaries, particularly regarding duty of care, reason-giving, and judicial review. Butler (2025) demonstrates that algorithmic decision-making puts pressure on the doctrine of non-delegation because the machinery of government is increasingly capable of distributing decision-making across technical systems. Roehl (2024) similarly identifies improper delegation, fettering of discretion, opacity, and the difficulty of giving reasons as important legal limits.

Recent empirical and doctrinal research further demonstrates that algorithmic systems can fail in ways that produce administrative error rather than eliminate it. Gules-Guctas (2026) documents how failures in algorithmic public-benefit systems can become conduits for arbitrary administrative determinations. Research on judicial review has likewise argued that courts should examine not only final automated outcomes but also upstream design choices, data use, system

objectives, and oversight mechanisms. The legal system therefore faces a lifecycle problem: legality may be affected before the final administrative decision is formally issued.

The central proposition of this article is that the law should respond to this transformation by reconstructing, rather than abandoning, the concept of administrative authority. AI should remain legally subordinate to governmental institutions, but its material influence should trigger additional public-law controls. The law should not allow a government to avoid responsibility because a decision was generated by software, nor should it permit a private technology provider to become an invisible participant in the exercise of public power.

The article asks three questions. First, how does AI-assisted decision-making transform the relationship between administrative authority, discretion, and delegation? Second, what legal boundaries should govern algorithmically mediated governmental power? Third, what institutional and judicial mechanisms are necessary to preserve legality, fairness, accountability, and effective remedies?

The article advances three contributions. First, it reframes algorithmic administration as a problem of public authority rather than merely a problem of technological accountability. Second, it distinguishes formal authority from substantive algorithmic influence and explains why the latter can create de facto delegation and fettering of discretion without a formal transfer of legal competence. Third, it proposes an Algorithmic Administrative Authority Framework (AAAF) designed to guide legislators, public authorities, courts, and regulators in evaluating AI-assisted administrative decisions.

On this basis, the article argues that the appropriate legal response is neither technological prohibition nor uncritical adoption. The appropriate response is calibrated legality. Where AI merely organizes information, ordinary administrative safeguards may suffice. Where AI recommends outcomes, stronger controls over discretion and reasons become necessary. Where AI determines legally consequential outcomes, the requirements of legal authorization, impact assessment, human control, documentation, explanation, auditability, and review should become substantially more demanding. The intensity of legal control should therefore correspond to the intensity of algorithmic influence.

Method

This study uses normative legal research with statutory, doctrinal, conceptual, and comparative approaches. The objective is to reconstruct the legal boundaries of governmental authority when AI systems materially participate in administrative decision-making. The study does not evaluate the predictive accuracy of a particular model or conduct interviews with public officials. Its object is the legal relationship among government authority, administrative discretion, algorithmic systems, and affected individuals.

The statutory approach examines primary legal instruments relevant to AI and public administration, particularly Regulation (EU) 2024/1689, the European Union's Artificial Intelligence Act, together with broader administrative-law principles governing legality, delegation, reasons, procedural fairness, and judicial review. International soft-law instruments,

including the OECD AI Principles and UNESCO Recommendation on the Ethics of Artificial Intelligence, are used as comparative normative materials.

The doctrinal approach analyzes contemporary scholarship on automated administrative decision-making, administrative discretion, algorithmic governance, delegation, good governance, and judicial review. Particular attention is given to peer-reviewed and authoritative sources published from 2017 through 2026, with emphasis on recent contributions that directly address public-sector AI. The literature is not treated as a simple inventory. It is used to identify doctrinal tensions and areas where existing concepts are insufficient.

The conceptual approach develops the category of algorithmic administrative authority by distinguishing four analytical variables: the source of legal authority, the degree of algorithmic influence, the degree of human control, and the availability of review. These variables enable the article to differentiate low-impact algorithmic assistance from high-impact algorithmic determination.

The comparative approach draws principally on European and common-law administrative-law debates, while the proposed framework is formulated in a jurisdiction-neutral manner. The comparative method is appropriate because AI deployment in government is global, whereas the doctrinal mechanisms for controlling public power differ across legal systems.

Analysis proceeded through four stages. First, the article identified the legal characteristics of administrative authority and discretion. Second, it mapped the points at which algorithmic systems can influence administrative decision-making. Third, it tested conventional doctrines of legality, delegation, reason-giving, accountability, and judicial review against those points of influence. Fourth, it synthesized the findings into the AAAF. The result is a normative framework intended to preserve the legal accountability of public authority while allowing responsible technological innovation.

The Transformation of Governmental Authority in the Algorithmic State

Governmental authority is traditionally understood as a legal capacity conferred on an institution or official to act on behalf of the State. Its legitimacy depends on a chain of authorization connecting the administrative action to a legal norm. The algorithmic state does not necessarily change the source of that authority, but it changes the infrastructure through which authority is exercised. The decision-making chain becomes longer, more distributed, and potentially less visible.

The crucial transformation is therefore infrastructural rather than formal. The government remains the legal actor, but its decision may depend on technical systems operating across organizational and contractual boundaries. The administrative act can be represented as a sequence: legal mandate, policy translation, data selection, algorithmic processing, recommendation or determination, human intervention, and final decision. Each stage can affect the legality of the eventual outcome.

This matters because traditional administrative law often concentrates its scrutiny on the final act. In an algorithmic environment, however, a defect may originate much earlier. A biased

dataset can distort a risk model; a poorly selected variable can function as an unlawful proxy; a default threshold can effectively create a policy choice; and a software update can alter decision outcomes without a new legislative or administrative authorization. The final decision may therefore appear facially lawful while its technological infrastructure embeds legally problematic choices.

The concept of algorithmic administrative authority captures this distributed character. It recognizes that public authority can be technologically mediated without becoming technologically owned. The legal system should therefore preserve the distinction between the source of authority and the mechanisms through which it is exercised.

From Administrative Discretion to Algorithmically Mediated Discretion

Discretion is not a defect in administrative law. It is often necessary because statutes cannot anticipate every factual circumstance. The legal challenge arises when discretion is exercised through systems that narrow the range of outcomes without being treated as exercises of discretion themselves. AI can transform discretionary judgment into an apparently objective computational output.

An algorithm can encode decisions about what counts as risk, relevance, similarity, priority, or eligibility. These are not purely technical decisions. They may contain policy judgments with legal consequences. The danger is that such choices can become invisible because they are expressed as mathematical parameters or software rules rather than explicit administrative judgments.

Roehl (2024) identifies fettering of discretion as an important rule-of-law limit in automated administration. The underlying principle is that a public authority entrusted with discretion must remain prepared to consider individual circumstances and depart from general rules when the law requires it. An algorithm that becomes an inflexible decision rule can undermine this obligation even when the system was initially described as advisory.

Covilla (2025) similarly emphasizes that AI-assisted discretion requires adaptations concerning duty of care, reason-giving, and judicial review. The implication is that administrative discretion must be evaluated not only at the point of formal decision but also in relation to the technological environment that structures the decision.

This article therefore proposes the idea of algorithmically mediated discretion. It exists when an official retains legal discretion but the practical exercise of that discretion is substantially structured by an algorithmic system. The legal response should focus on whether the official retains a genuine capacity to consider relevant circumstances, depart from the algorithm, and provide independent reasons.

Algorithmic Authority and the Problem of Delegation

Delegation is one of the most important doctrinal lenses through which algorithmic administration should be examined. The traditional non-delegation principle is concerned with ensuring that a person or institution entrusted with public decision-making does not improperly

transfer its authority. The algorithmic context complicates the doctrine because the transfer may occur without a conventional delegation instrument.

Butler (2025) argues that algorithmic decision-making exposes serious limitations in the existing doctrine of delegation. A public body may formally retain the decision while relying on an algorithm whose design and outputs effectively determine the result. The problem is therefore not only formal delegation but functional delegation.

Functional delegation occurs when an actor without legal competence exercises decisive influence over the content of a governmental decision. In the algorithmic context, that actor may be a software system or the private actors who design and maintain it. The relevant legal question becomes whether the public authority has retained meaningful control over the normative choices embedded in the system.

The article proposes a distinction between permissible technological assistance and impermissible functional delegation. Assistance is permissible when the public authority remains capable of independently assessing the output, understands the relevant limitations, and retains authority to depart from it. Functional delegation emerges when the system effectively determines the outcome and the public authority lacks practical capacity to challenge the result.

This distinction is especially important in procurement. Contracts with technology providers should not be treated as ordinary service agreements where the legal implications of system design are ignored. Procurement specifications should identify the decision functions being automated, the legal limits on those functions, audit and documentation rights, access to relevant information, change-control procedures, and responsibilities for system failure.

The Principle of Legality and Algorithmic Government

Legality requires that governmental power be grounded in law. In an algorithmic environment, legality must be assessed at two levels. The first is substantive legality: whether the government has legal authority to make the underlying decision. The second is algorithmic procedural legality: whether the technological mechanism through which the decision is produced is itself used within lawful procedural boundaries.

The distinction prevents an institution from assuming that general statutory competence automatically authorizes unlimited automation. A government may have authority to administer a welfare scheme, but it does not follow that it may delegate every element of eligibility determination to an opaque model. The more significant the algorithm's role, the stronger the legal justification for its deployment should be.

The EU AI Act provides an important comparative example. Regulation (EU) 2024/1689 establishes a risk-based framework and expressly links AI regulation with fundamental rights, democracy, and the rule of law. Article 27 introduces fundamental-rights impact assessment requirements for certain high-risk deployments by public-law bodies and private entities providing public services. The significance is doctrinal: technological deployment becomes part of the legal responsibility of the public authority rather than a separate technical matter.

The legality principle should therefore require a public authority to identify the statutory or regulatory basis for using AI, the purpose for which it is deployed, the categories of decisions affected, the risks to rights and interests, the safeguards adopted, and the mechanisms for review. A system that cannot satisfy these requirements should not be used for high-impact administrative decisions merely because it is technologically available.

Reason-Giving, Explainability, and Procedural Fairness

Reason-giving is a foundational component of administrative justice. Reasons enable citizens to understand decisions, enable administrators to discipline their own judgment, and enable courts to review legality. Algorithmic administration can weaken all three functions when the system produces an output that cannot readily be translated into legally intelligible reasons.

However, the legal requirement should not be reduced to disclosure of source code. Technical transparency and legal explainability are different. A citizen affected by an automated decision generally needs to know the legal basis, the role played by the algorithm, the principal factors that materially influenced the result, and how the decision can be challenged. Requiring complete technical disclosure in every case may be unnecessary and may conflict with cybersecurity or legitimate intellectual-property interests.

Warthon (2024) demonstrates that access to information about AI decision-making can involve proportionality conflicts between transparency and public interests such as system integrity and administrative efficiency. This suggests that the law should adopt a functional standard: information must be sufficient to make the decision meaningfully contestable.

Procedural fairness also requires that affected individuals have a genuine opportunity to correct erroneous data, present relevant circumstances, and obtain human reconsideration where the decision has significant consequences. The right to challenge an algorithmic decision is hollow if the authority cannot explain the decision or if officials are unable to depart from the system.

Human Oversight: From Formal Presence to Substantive Control

Human oversight has become a central principle of contemporary AI governance. Yet the phrase can conceal a significant problem: a human being present in a decision process is not necessarily a human being exercising meaningful judgment. The legal standard should therefore be substantive control rather than formal participation.

Substantive human control requires at least four conditions. First, officials must possess sufficient competence to understand the system's purpose and limitations. Second, they must have institutional independence sufficient to reject an algorithmic output. Third, they must have access to the information necessary to evaluate the output. Fourth, they must have practical authority to modify or reject the result.

The EU AI Act's human-oversight architecture illustrates the move toward treating oversight as a formal governance requirement. The broader OECD AI Principles likewise emphasize human agency and oversight, transparency, explainability, and accountability. These

principles should be integrated into administrative law rather than treated as voluntary ethics alone.

The critical point is that human oversight must preserve the possibility of lawful deviation. If an official is punished for departing from an algorithm, if organizational performance targets reward strict compliance with automated outputs, or if the official lacks access to relevant information, human oversight becomes ceremonial. The legal system should therefore protect the official's authority and duty to intervene when individual circumstances require it.

Algorithmic Bias, Equality, and Non-Arbitrariness

Algorithmic systems may reproduce or amplify historical inequalities. The problem is not limited to intentional discrimination. A model may generate unequal effects because of biased training data, proxy variables, measurement errors, or design choices that correlate with protected characteristics.

Administrative law already contains principles of equality, impartiality, proportionality, and non-arbitrariness. AI does not eliminate these principles; it changes the evidentiary conditions under which they must be applied. A government authority using an algorithm should be able to demonstrate that relevant variables are legally appropriate, that foreseeable discriminatory effects have been assessed, and that mitigation measures exist.

Algorithmic bias also creates a problem of institutional responsibility. If a model was developed by a private vendor, the public authority cannot simply argue that the bias is a technical defect outside its control. Once the government deploys the system to exercise public power, the resulting legal consequences fall within its responsibility.

The appropriate response is therefore not merely post hoc correction of discriminatory outcomes. Public authorities should conduct impact assessments before deployment, monitor performance after deployment, test for disparate effects, document material system changes, and maintain accessible channels for individual challenge.

Institutional Accountability and Public–Private Technology Providers

The privatization of technological infrastructure creates a particularly difficult accountability problem. Public administration increasingly depends on vendors for cloud infrastructure, data systems, AI models, analytics, and maintenance. Yet private suppliers do not ordinarily possess public-law legitimacy or democratic accountability.

The legal principle should be clear: outsourcing technology does not outsource governmental responsibility. The public authority remains responsible for ensuring that its exercise of statutory power complies with administrative law. This principle should be reflected in procurement contracts, audit rights, documentation obligations, incident reporting, and requirements governing material system changes.

Public procurement should therefore become an important site of administrative-law control. Contracts should identify which functions are merely technical and which functions materially influence governmental decisions. Where a vendor's system affects eligibility,

sanctions, risk classification, or access to public benefits, the authority should retain meaningful control over the relevant normative parameters.

Vendor secrecy should not automatically defeat public-law review. Commercial confidentiality may justify tailored protection, but it should not create a private zone immune from scrutiny when the technology is used to exercise public power. Courts and oversight bodies should have mechanisms for examining protected information under appropriate confidentiality arrangements.

Judicial Review of Algorithmic Administrative Decisions

Judicial review is the ultimate safeguard against unlawful governmental power. AI creates two related difficulties. First, courts may face uncertainty about what exactly should be reviewed: the final output, the model, the data, the system design, or the human decision. Second, the administrative record may fail to capture the technological processes that shaped the outcome.

Recent scholarship proposes treating algorithmic systems as legally reviewable decision infrastructures rather than neutral tools. Ameen et al. (2026) argue that judicial review should extend to earlier design choices, data use, system objectives, and oversight mechanisms where these materially affect legality.

This article develops a four-stage lifecycle model. Ex ante review asks whether deployment is legally authorized. Design-stage review examines whether objectives, data, variables, thresholds, and safeguards are lawful. Decision-stage review evaluates the individual administrative decision and the role of the algorithm. Ex post review considers remedies, systemic correction, and whether recurring defects require suspension or redesign.

Judicial review should not require judges to become software engineers. Courts can rely on expert evidence, independent technical assessors, disclosure orders, and structured procedural mechanisms. The central legal task remains conventional: determine whether the government acted within its authority, considered relevant matters, respected procedural fairness, and provided a legally sufficient basis for its decision.

The remedy question is equally important. Where an algorithmic defect affects a large class of decisions, an individual remedy may be inadequate. Courts and oversight bodies may need powers to require reconsideration, suspend system use, order corrective measures, or require improved documentation. Algorithmic administration therefore requires a remedial architecture capable of addressing both individual and systemic harm.

Reconstructing the Legal Boundaries: The Algorithmic Administrative Authority Framework

The foregoing analysis supports a five-principle framework for algorithmic administrative authority. The first is legal attribution. Every legally consequential AI-assisted decision must remain attributable to a legally competent public institution or official. AI cannot become an autonomous source of governmental authority.

The second is bounded algorithmic discretion. Algorithms may structure administrative judgment but cannot independently expand the scope of governmental discretion. Material parameters that determine legal outcomes should be subject to institutional and legal control.

The third is procedural algorithmic transparency. Affected persons should receive information sufficient to understand the legal and factual basis of an AI-assisted decision and to challenge it effectively. Transparency should be calibrated to the impact of the decision but never reduced to meaningless disclosure.

The fourth is institutional responsibility. A public authority remains responsible for the legality of governmental decisions even when technological functions are outsourced. Procurement and vendor arrangements must preserve the authority's ability to audit, intervene, document, and explain.

The fifth is effective human and judicial review. Human officials must possess a genuine capacity to reject algorithmic recommendations, and courts must be able to examine the relevant algorithmic infrastructure when necessary to determine legality.

The framework can be operationalized through a proportionality of algorithmic influence. Low-impact informational systems require ordinary administrative safeguards. Advisory systems require stronger documentation, human oversight, and reason-giving. Determinative systems require the highest level of legal authorization, impact assessment, auditability, human intervention, and judicial review. The framework therefore avoids both technological prohibition and regulatory minimalism.

The central theoretical proposition is consequently simple: the greater the algorithmic system's material influence over the substance of a governmental decision, the stronger the legal controls required to preserve the rule of law. Algorithmic administrative authority is not a new source of power; it is a new mode of exercising existing public power.

Conclusion

Artificial intelligence does not eliminate governmental authority, but it changes the infrastructure through which that authority is exercised. The traditional administrative-law model assumes that legal authority, discretion, reasons, and responsibility can be connected to identifiable human decision-makers. Algorithmic administration introduces an additional layer in which data, models, software providers, and computational outputs can materially shape governmental outcomes.

The principal danger is therefore not that algorithms become legal persons or autonomous sovereigns. It is that they acquire de facto influence without corresponding public-law responsibility. A government may formally retain decision-making competence while an algorithm effectively structures the substance of the decision. This condition can produce functional delegation, fettering of discretion, opacity, unequal treatment, and difficulties in judicial review.

The concept of algorithmic administrative authority addresses this problem by preserving the legal attribution of public power to government while recognizing the technological

mediation of its exercise. The proposed Algorithmic Administrative Authority Framework rests on five principles: legal attribution, bounded algorithmic discretion, procedural algorithmic transparency, institutional responsibility, and effective human and judicial review.

The framework has important implications for lawmakers and public authorities. AI deployment in government should be preceded by a clear legal basis and an assessment of the system's impact on rights and administrative discretion. High-impact systems should be subject to stronger requirements concerning documentation, validation, human oversight, auditability, explanation, and remedies. Public procurement should also be treated as an administrative-law control point rather than a purely commercial process.

For courts, the emergence of algorithmic administration requires an expanded understanding of the administrative record. Where an algorithm materially contributes to a decision, judicial review may need to examine upstream design choices, data practices, system objectives, and oversight arrangements. The court need not become a programmer; it must remain capable of asking the traditional public-law questions of authority, relevance, reasonableness, fairness, and legality in a technologically transformed environment.

The broader implication is that the legitimacy of algorithmic government cannot be measured solely by efficiency or predictive accuracy. A system can be accurate and efficient yet legally illegitimate if it operates without authority, reasons, accountability, or effective review. Conversely, a properly governed AI system can improve administrative capacity without displacing democratic and legal control.

The future of administrative law should therefore not be framed as a choice between human government and machine government. The more precise challenge is to determine the legal conditions under which humans and machines may participate in government without allowing technological systems to become invisible sources of public power. The governing principle should remain that technology may mediate governmental authority, but it cannot place that authority beyond the reach of law.

References

Ameen, K. S., Towfiq, T. A., Mousa, K. M., & Pooyanmehr, M. (2026). Judicial review of algorithmic administrative systems: Legality, evidence and remedies in the smart city state. Frontiers in Artificial Intelligence, 9, 1802986. https://doi.org/10.3389/frai.2026.1802986

Appel, S. M., & Coglianese, C. (2020). Algorithmic governance and administrative law. In W. Barfield (Ed.), The Cambridge handbook of the law of algorithms (pp. 162–181). Cambridge University Press. https://doi.org/10.1017/9781108680844.009

Bovens, M., & Zouridis, S. (2002). From street-level to system-level bureaucracies: How information and communication technology is transforming administrative discretion and constitutional control. Public Administration Review, 62(2), 174–184. https://doi.org/10.1111/0033-3352.00168

Butler, O. (2025). Algorithmic decision-making, delegation and the modern machinery of government. Oxford Journal of Legal Studies, 45(3), 727–752. https://doi.org/10.1093/ojls/gqaf018

Cetina Presuel, R., & Martinez Sierra, J. M. (2024). The adoption of artificial intelligence in bureaucratic decision-making: A Weberian perspective. Digital Government: Research and Practice, 5(1), Article 6. https://doi.org/10.1145/3609861

Coglianese, C., & Lehr, D. (2017). Regulating by robot: Administrative decision making in the machine-learning era. Georgetown Law Journal, 105(5), 1147–1223.

Covilla, J. C. (2025). Artificial intelligence and administrative discretion: Exploring adaptations and boundaries. European Journal of Risk Regulation, 16(Special Issue 1), 36–50. https://doi.org/10.1017/err.2024.76

European Parliament & Council of the European Union. (2024). Regulation (EU) 2024/1689 laying down harmonised rules on artificial intelligence (Artificial Intelligence Act). Official Journal of the European Union.

Gules-Guctas, E. (2026). How do algorithmic decision-making systems used in public benefits determinations fail? Insights from legal challenges. Public Administration Review. https://doi.org/10.1111/puar.70043

Kroll, J. A., Huey, J., Barocas, S., Felten, E. W., Reidenberg, J. R., Robinson, D. G., & Yu, H. (2017). Accountable algorithms. University of Pennsylvania Law Review, 165(3), 633–705.

Mir, O. (2024). Algorithms, automation, and administrative procedure at EU level. In Governance of automated decision-making and EU law (pp. 52–77). Oxford University Press. https://doi.org/10.1093/9780198919575.003.0003

OECD. (2024). OECD AI principles. Organisation for Economic Co-operation and Development.

Roehl, U. B. U. (2024). Automated, administrative decision-making and good governance: Synergies, trade-offs, and limits. Public Administration Review. https://doi.org/10.1111/puar.13799

Sawicki, J. (2025). The role of decision-making algorithms in public administration – Legal and ethical challenges. Zeszyt Prawniczy UAM, 15, 99–111. https://doi.org/10.14746/zpuam.2025.15.8

UNESCO. (2021). Recommendation on the ethics of artificial intelligence. UNESCO.

Warthon, M. (2024). Restricting access to AI decision-making in the public interest: The justificatory role of proportionality and its balancing factors. Internet Policy Review, 13(3). https://doi.org/10.14763/2024.3.1801

Williams, R. (2022). Rethinking administrative law for algorithmic decision making. Oxford Journal of Legal Studies.