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The Principle of Legal Certainty in Digital Administrative Decision-Making: A Comparative Conceptual Analysis

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Abstract

The increasing use of digital technologies in public administration has raised important questions concerning the protection of fundamental legal principles in automated decision-making processes. Among these principles, legal certainty occupies a particularly significant position, as it requires public authorities to act in a predictable, transparent, and legally grounded manner. This article examines the relationship between legal certainty and automated administrative decision-making through a comparative conceptual approach. It considers the potential implications of algorithmic systems for administrative transparency, procedural safeguards, and the effective exercise of individual rights. The analysis focuses on three principal dimensions: accessibility of applicable rules, transparency of administrative reasoning, and the availability of effective review mechanisms. It argues that technological efficiency cannot replace the legal safeguards traditionally associated with administrative decision-making. Rather, digital administrative systems should be designed and implemented in a manner that preserves the essential requirements of legality, accountability, and procedural fairness. The article concludes that the effective integration of digital technologies into public administration requires a coherent legal framework capable of ensuring both administrative efficiency and the protection of individual rights.

Keywords: Legal Certainty; Administrative Law; Digital Governance; Automated Decision-Making; Transparency; Fundamental Rights.

1. Introduction

Digital transformation has become an important feature of contemporary public administration. Governments increasingly rely on technological systems to process applications, allocate public resources, assess eligibility for administrative benefits, and communicate decisions to individuals.

Although these developments may improve administrative efficiency, they also create challenges concerning the traditional principles governing the exercise of public authority. In particular, automated administrative decision-making raises questions about the transparency and predictability of administrative action.

The principle of legal certainty requires that individuals be able to understand the legal consequences of their conduct and reasonably anticipate the decisions of public authorities. This principle is closely connected with the rule of law and the protection of legitimate expectations.

The purpose of this article is to examine whether the traditional understanding of legal certainty remains sufficient in an environment where administrative decisions may be produced or substantially influenced by

automated systems.

The central argument is that digitalisation does not diminish the importance of legal certainty. On the contrary, it makes transparency, accountability, and effective procedural safeguards even more important.

2. The Principle of Legal Certainty in Administrative Law

Legal certainty is generally understood as a fundamental requirement of the rule of law. It implies that legal rules should be accessible, sufficiently clear, and reasonably foreseeable.

In administrative law, this principle limits the exercise of discretionary powers and requires public authorities to act within the boundaries established by legislation.

The importance of legal certainty becomes particularly evident in situations where administrative decisions directly affect individual rights and legitimate interests.

Three elements are especially relevant. First, accessibility of legal rules: individuals should have access to the legal provisions governing administrative procedures and decisions. Second, predictability of administrative action: public authorities should apply legal rules consistently and avoid arbitrary or unexpected decisions. Third, procedural protection: individuals should have an opportunity to understand, challenge, and seek review of decisions affecting their legal position.

These elements provide a conceptual foundation for assessing the compatibility of automated administrative procedures with the requirements of the rule of law.

3. Automated Decision-Making and Administrative Transparency

Automated decision-making refers to the use of technological systems to perform tasks that traditionally required human administrative assessment.

Such systems may process large quantities of information and apply predetermined criteria to individual cases. However, the use of automated processes may create difficulties when individuals cannot understand how a particular decision was reached.

A decision that cannot be adequately explained may undermine public confidence in administrative institutions.

Transparency therefore requires more than simply informing an individual that an automated system was used. It also requires an appropriate explanation of the relevant legal criteria, the principal factors influencing the decision, and the available procedural remedies.

Administrative authorities should remain responsible for decisions produced through technological systems. The use of automated tools should not create a situation in which public institutions avoid responsibility by referring to the technical operation of an algorithm.

4. Procedural Safeguards and the Protection of Individual Rights

The legitimacy of administrative decision-making depends not only on the substantive legality of decisions but also on the availability of procedural safeguards.

In a digital administrative environment, individuals should be able to obtain information about decisions affecting them and understand the principal grounds on which those decisions were based.

An effective review mechanism is particularly important where an automated system produces an incorrect or potentially discriminatory result.

The possibility of requesting human reconsideration may constitute an important safeguard, especially in cases involving complex factual circumstances or the exercise of administrative discretion.

Furthermore, public authorities should ensure that technological systems are subject to appropriate monitoring and periodic evaluation.

The responsibility for protecting individual rights should remain with the competent administrative authority, irrespective of whether a decision was prepared manually or with the assistance of automated technology.

5. A Conceptual Framework for Legal Certainty in Digital Administration

On the basis of the preceding discussion, three interconnected requirements may be identified as essential components of legally certain digital administration.

First, legal clarity requires that the legal basis and applicable criteria for automated administrative procedures be established in accessible legal instruments.

Second, institutional accountability requires that public authorities retain responsibility for the legality and consequences of administrative decisions.

Third, effective review requires that individuals have access to appropriate mechanisms for challenging decisions and correcting errors.

These requirements should be considered together rather than as separate technical obligations.

A digital administrative system may be technologically efficient while remaining legally inadequate if it does not provide sufficient transparency or meaningful opportunities for review.

Accordingly, the assessment of digital administrative procedures should consider both their operational effectiveness and their compatibility with fundamental legal principles.

6. Conclusion

The digital transformation of public administration creates significant opportunities for improving institutional efficiency and the delivery of public services. Nevertheless, technological development should not be understood as a reason to weaken established administrative law principles.

This article has demonstrated, at a conceptual level, that legal certainty remains essential in the context of automated administrative decision-making.

Accessibility of legal rules, transparency of administrative reasoning, institutional accountability, and effective review mechanisms are necessary conditions for ensuring that digital technologies operate within the boundaries of the rule of law.

The principal conclusion is that the legitimacy of digital administration depends not merely on the technical accuracy of automated systems but also on their compliance with legal and procedural safeguards.

Future research may further examine the relationship between artificial intelligence, administrative discretion, and the protection of fundamental rights in different legal systems.

References

Note: All references below are fictional placeholders created exclusively for testing the OJS platform. They are not real academic publications or legal authorities.

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Declarations

Declaration of Interests: This fictional manuscript has no actual author or institutional affiliations. The information is provided exclusively for technical testing.

Funding: No funding. This is a fictional test manuscript.

Acknowledgements: Not applicable.

Ethics Statement: Not applicable. No human participants or personal data were involved.

Data Availability: Not applicable.

Manuscript Status: TEST ONLY — NOT SUBMITTED FOR PEER REVIEW OR PUBLICATION.