

LIMITS OF THE USE OF ARTIFICIAL INTELLIGENCE IN THE ALTERNATIVE RESOLUTION OF ADMINISTRATIVE DISPUTES¹

LIMITY VYUŽITIA UMELEJ INTELIGENCIE V ALTERNATÍVNOM RIEŠENÍ SPRÁVNYCH SPOROV

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ABSTRACT

The integration of artificial intelligence (AI) into public administration presents both opportunities and significant risks, challenging the traditional principles upon which public administration is founded. While AI is still finding its place within decision-making processes, it is essential to consider its application in transforming public administration from a purely authoritative model to a more cooperative one. This paper proceeds from the premise that the regulated integration of AI can act as an indirect catalyst for enhancing the legitimacy and acceptance of ADR within public administration. It examines the risks associated with AI, such as algorithmic bias and non-transparency, and within this framework, analyses the limitations of ADR in the Slovak and broader regional context. The paper concludes that the potential of AI can be best realised through a hybrid model, wherein AI serves as a support tool for a human conciliator or mediator. This requires a robust legal framework that guarantees transparency, accountability, and procedural justice. Four key conditions for successful implementation are identified, suggesting that technology can help overcome cultural resistance and foster trust in consensual dispute resolution.

ABSTRAKT

Integrácia umelej inteligencie (AI) do verejnej správy prináša príležitosť, ale tiež nezadanbateľné riziká spočívajúce v spochybnení tradičných princípov, na ktorých je verejná správa vybudovaná. Aj keď si AI svoj bezpečný priestor v rozhodovacej činnosti iba hľadá, je potrebné uvažovať aj o jej využití v prospech pretvárania verejnej správy z čisto autoritatívnej na kooperatívnu. Tento príspevok vychádza z predpokladu, že regulovaná integrácia AI môže pôsobiť ako nepriamy katalyzátor na zvýšenie legitimity a akceptácie ADR vo verejnej správe. Skúma riziká AI, ako sú algoritmická predpojatosť a netransparentnosť, a v tomto kontexte analyzuje aj limity ADR v slovenskom a regionálnom kontexte. V závere sa konštatuje, že potenciál AI je možno realizovať prostredníctvom hybridného modelu, kde AI slúži ako podporný nástroj pre ľudského konciliátora alebo mediátora. Vyžaduje si to silný právny rámec zaručujúci transparentnosť, zodpovednosť a procesnú spravodlivosť. Identifikujú sa štyri kľúčové podmienky úspešnej implementácie, ktoré naznačujú, že technológia môže pomôcť prekonáť kultúrny odpor a posilniť dôveru v konsenzuálne riešenie sporov.

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I. INTRODUCTION

In the contemporary development of the rule of law state, one significant factor is the gradual and increasingly extensive integration of artificial intelligence (AI) into the mechanisms of administration, governance, and decision-making. Digital technologies are permeating the activities of public administration and becoming the primary communication platform between citizens and public authorities, thereby bringing about a fundamental and profound transformation of public administration from analogue to digital. This process extends far beyond the mere acceptance and incorporation of new technological possibilities.

From the perspective of the speed and scale of digitalisation, it is possible, in our view, to speak of a paradigmatic change, which is often manifested in the modification of operational and managerial procedures, in the institutional structure, and, not least, in the normative framework for the exercise of public authority. The traditional principles of public administration and legal regulation by administrative law are thus exposed to challenges arising from the effort to keep pace with technological progress and its application in the private sphere. This progress necessarily brings with it changed societal expectations regarding the manner, speed, and quality of the exercise of public authority.

The aforementioned paradigmatic change did not occur in a single leap. The first signs of acceptance of the then-available forms of AI can be identified in the adoption of expert systems in the 1980s, which were primarily used in financial administration for control and fraud detection³. The acceptance and effort to integrate technological development into the activities of public administration are undoubtedly also connected with the ‘New Public Management’ (NPM) movement, whose goal was to implement tools typical of and proven in the private sector into public administration.⁴ Bovens and Zouridis identify this process as a shift from ‘street-level’ bureaucracy to ‘system-level’ bureaucracy⁵. The trend initiated by NPM has now evolved into a trend also referred to as ‘New Public Analytics’, which is characterised by the use of technologies based on data and predictions generated by machine learning, often with the political motivation of financial savings⁶.

The aim of this paper is, based on an in-depth analysis of the limits, expected benefits, and risks of introducing AI systems in public administration, and taking into account the low level of integration of alternative dispute resolution (ADR) procedures in its decision-making activities, to identify the possibilities and conditions for using AI to increase the rate of acceptance of consensual solutions in the decision-making processes of public administration. The primary focus of this paper will be on the area of individual decision-making processes.

³ VATAMANU, A. F. and M. TOFAN. *Integrating Artificial Intelligence into Public Administration: Challenges and Vulnerabilities*. *Administrative Sciences*, 15(4), 149. p. 2. ISSN 2076-3387. <https://doi.org/10.3390/admisci1504014>.

⁴ SMUHA, N.A. *The Use of Algorithmic Systems by Public Administrations: Practices, Challenges and Governance Frameworks*. In: SMUHA, N.A. (ed.). *The Cambridge Handbook of the Law, Ethics and Policy of Artificial Intelligence*. Cambridge : Cambridge University Press, 2025, p. 385. DOI 10.1017/9781009367783.

⁵ Street-level bureaucracy is carried out by officials in direct contact with citizens and with a wide degree of discretion. In practice, officials are policy-makers, applying legal regulations to the unique and often complex situations of individuals. With the advent of information and communication technologies (ICT), this model is gradually changing as officials are eliminated from the direct decision-making process, giving rise to system-level bureaucracy with automated decision-making and the significant, though hidden, influence of the creators and administrators of information systems. Efficiency is expected from the elimination of prejudice or a lack of uniformity and inconsistency in decision-making. The risk, however, lies in ‘digital rigidity’, in which the system does not take into account the specifics of an individual case, which subsequently leads to injustice. On this, see BOVENS, M. and S. ZOURIDIS. From street-level to system-level bureaucracies: How information and communication technology is transforming administrative discretion and constitutional control. *Public Administration Review*, 2002, 62(2): 174–184. Accessible at: <https://onlinelibrary.wiley.com/doi/abs/10.1111/0033-3352.00168>.

⁶ SMUHA, N.A. *The Use of Algorithmic Systems by Public Administrations: Practices, Challenges and Governance Frameworks*. In: SMUHA, N.A. (ed.). *The Cambridge Handbook of the Law, Ethics and Policy of Artificial Intelligence*. Cambridge : Cambridge University Press, 2025, pp. 386, 387. DOI 10.1017/9781009367783.

The fundamental hypothesis of this paper is the premise that the integration of AI systems into Slovak public administration, if guided by the principles of legality, transparency, efficiency, and accountability, can, after the adaptation of national legislation, serve as an indirect and strong catalyst to support trust in the use of ADR in public administration and its acceptance by both citizens and the state.

From this hypothesis arises the primary research question: Under what legal and institutional conditions could the integration of AI into Slovak public administration serve as an indirect catalyst for increasing the legitimacy and acceptance of ADR in administrative procedures with a contentious element?

This question can be answered based on the response to two secondary, partial research questions:

1. Which models and methods of using AI in ADR in the public sector could serve as a viable plan for the Slovak context, balancing innovation with the protection of fundamental rights?

2. How must the current Slovak legal framework for managing AI and for administrative procedure be reformed to create a synergistic relationship in which technological modernisation through AI supports trust in the use of consensual, amicable dispute resolution?

In seeking answers to these questions, we have primarily utilised a qualitative, socio-legal methodology. We combine a doctrinal legal analysis of Slovak and European legislation with a comparative study of administrative practices in other European states and a theoretical analysis based on the principles of procedural and administrative justice. The research is primarily focused on the Slovak Republic, but it necessarily draws on broader European and international models. The analytical part is based on a content analysis of legal and doctrinal texts and on a normative-analytical assessment of the impacts of the principles of procedural and administrative justice (transparency, accountability, efficiency) on mediation/ADR in public administration. The primary frame of reference is the Slovak Republic; foreign findings serve for functional comparison. The subject matter is administrative procedures and horizontal conciliatory mechanisms between parties in administration, not judicial proceedings or private/family law regimes.

Regarding the terminology used, it should be noted that in some parts of the paper we speak generally of ADR, while in others only of mediation, as it is the most common form of ADR in the public administration of other states. This allows for more effective comparison and work with foreign sources. Nevertheless, it is, of course, necessary to reflect the difference between mediation as a process with precise rules and procedures, conducted by a mediator, and a facilitated conciliatory process, which may also be carried out using mediation techniques and is managed by an official, often with the authority to decide the matter by way of an authoritative administrative decision (conciliation).

II. THE NASCENT DIGITAL STATE: EXPECTATIONS AND RISKS.

2.1. Public administration as a dynamic system in the digital era.

The digital transformation of governance can be analysed at several interconnected levels between the strategic vision and the reality of public administration practice.⁷ Criado and Gil-Garcia examine and analyse the impact of AI on the functioning of public administration at three levels.

⁷ DAVID, G. *Artificial Intelligence: Opportunities and Challenges for Public Administration*. In: Canadian Public Administration. 2024, vol. 67, p. 402. ISSN 1754-7121. DOI: 10.1111/capa.12580; KRIŠTOFIK A., *Využitie (asistenčných) systémov založených na strojovom učení v ODR a ich klasifikácia podľa aktu o umelej inteligencii* [Use of (Assistance) Systems Based on Machine Learning in ODR and Their Classification under the Artificial Intelligence Act], Právny obzor, 106 (2), 2023, p. 116-126. ISSN 0032-6984. <https://doi.org/10.31577/pravnyobzor.2023.2.03>.

The macro-level pertains to the central institutional and governmental levels of administration and the political governance of the state, or international and supranational organisations. It is manifested in the creation of strategies, plans, and regulatory frameworks that shape the central, overarching policy in relation to AI⁸. Directives at this level, however, may impose a legislative burden on member states, often presenting them with complex challenges in complying with regulations and implementing approved strategies⁹.

The meso-level is defined at the level of organisational and sectoral tasks and examines the impact of digitalisation on the implementation of public administration and public policies in the restructuring of workflows and service delivery procedures.¹⁰ It is at this, typically national, level that non-acceptance or conflict most often occurs due to established practice, natural institutional inertia, and resistance to change, which act as barriers to the seamless implementation of goals from the macro-level¹¹.

Finally, at the micro-level, the subject of examination is the individual behaviour of public employees and private persons in their interaction with public administration conducted through AI. It is primarily at this level that the change in the position of the official is manifested, who is supplemented or replaced in decision-making by algorithmic tools, which quite justifiably leads to questions about the nature and significance of discretion in automated decision-making and also about the issue of accountability in the digital exercise of administration¹².

From the aforementioned multi-level dynamics, it follows that there is tension along two lines. Tension between the macro-level, caused by the creation of strategies and regulations that do not reflect the specifics and capabilities of the meso- and micro-levels, and conversely, tension caused by the fact that the micro- and meso-levels are already implementing technologies in their activities in practice, but the macro-level fails to reflect this reality through the timely adoption of legal regulation. This legal gap is, at least temporarily, filled by non-binding rules of soft law, such as ethical codes and principles¹³. Such a reactive approach to norm-setting and regulation contributes to the weakening of legal certainty regarding the legality of the procedures of public authorities and the associated accountability.

⁸ CRIADO, J.I., R. SANDOVAL-ALMAZÁN and J.R. GIL-GARCIA. *Artificial intelligence and public administration: Understanding actors, governance, and policy from micro, meso, and macro perspectives*. In: *Public Policy and Administration*. 2025, vol. 40, no. 2, p. 175. ISSN 1749-4192. DOI: 10.1177/09520767241272921. DOI: 10.1177/09520767241272921.

⁹ KEVICKÁ, M. *Digitálna stratégia EÚ - právny rámec pre inovatívnu Európu*. [EU Digital Strategy: The Legal Framework for an Innovative Europe] In: DRAŽOVÁ, P. and V. ŤAŽKÁ (eds.). Bratislavské právnické fórum 2024: Právo a technológie v 21. storočí optikou európskeho práva. Bratislava : Univerzita Komenského v Bratislave, Právnická fakulta, 2024, pp. 31,32. ISBN 978-80-7160-728-1, [online]. [cit. 2025-10-01]. Accessible at: <https://dspace.uniba.sk/handle/123456789/225?show=full>.

¹⁰ CRIADO, J.I., R. SANDOVAL-ALMAZÁN and J.R. GIL-GARCIA. *Artificial intelligence and public administration: Understanding actors, governance, and policy from micro, meso, and macro perspectives*. In: *Public Policy and Administration*. 2025, vol. 40, no. 2, p. 6. ISSN 1749-4192. DOI: 10.1177/09520767241272921. DOI: 10.1177/095 207 672 41272921.

¹¹ JAKAB, R. *National Report on Automation in Decision-Making in Public Administration in Slovakia*. In: *Acta Universitatis Carolinae-Juridica*. 2024, no. 2, pp. 153,154. ISSN 2336-6478. DOI: 10.14712/23366478.2024.28; see also KREMSEK, K. *Digitalizácia verejnej správy: legislatívny rámec, strategické dokumenty a prax na Slovensku*. [Digitalisation of Public Administration: Legislative Framework, Strategic Documents, and Practice in Slovakia] In: MASLEN, M. (ed.). *Elektronizácia a digitalizácia verejnej správy*. Trnava : Trnavská univerzita v Trnave, Právnická fakulta, 2024, pp. 75,76. ISBN 978-80-568-0714-9, [online]. [cit. 2025-10-01]. Accessible at: https://publikacie.iuridica.uniri.sk/wp-content/uploads/2025/01/Zbornik-Maslen-Spravne-pravo_2.korektura.pdfhttps://dspace.uniba.sk/handle/123456789/225?show=full.

¹² DAVID, G. *Artificial Intelligence: Opportunities and Challenges for Public Administration*. In: *Canadian Public Administration*, 2024, vol. 67, p. 396. ISSN 1754-7121. DOI: 10.1111/capa.12580.

¹³ KLUČKA, J. *Úloha a dôležitosť etických pravidiel v systémoch umelej inteligencie*. [The Role and Importance of Ethical Principles in Artificial Intelligence Systems.] *Právny obzor*, 108, 2025, č. 3, s. 241. ISSN 0032-6984 <https://doi.org/10.31577/pravnyobzor.2025.3.02>.

Within larger integrated supranational groupings, such as the European Union, a different pace of adoption and acceptance of AI in public administration is also evident. A 2019 study drew attention to this fact, revealing that in Western Europe, 30% of respondents reported using AI, while in Eastern Europe, only 3% did¹⁴. The reason may also be that while in the private sphere the implementation of new technologies is motivated by profit, its integration in public administration is aimed at the creation of ‘public value’. This is a concept that transcends mere cost-effectiveness and includes principles such as equality, justice, and political feasibility. In this context as well, it is possible to point to the importance of ethical rules, which form a delicate balance between technological progress and the protection of human rights and the values of a democratic society, such as privacy, justice, and transparency¹⁵.

2.2. The entry of AI into decision-making processes

The political communication of the need for broader integration of AI into the public sector and its expected benefits, addressed to the public, is mostly limited to highlighting greater efficiency, consisting of higher speed and economy in decision-making activities. AI systems promise modernisation consisting of more responsive, accurate, and cost-effective administration¹⁶. Public administration also approaches the ways in which it deploys technologies into its activities with this vision.

The first possible method consists of developing its own systems. While this requires a significant volume of public funds, it increases transparency and contributes to so-called ‘digital sovereignty’. The second method involves purchasing and subsequently adapting a tool developed by a private entity. With this method, control by the operating organisation is already limited, and part of the operation and maintenance tools are outsourced. Finally, the third and, from a risk perspective, most unsuitable method is the use of publicly available tools such as ChatGPT in public administration activities, as this increases the risk of compromising confidentiality and the protection of personal data or protected data.¹⁷

Regardless of the method of implementation, provided that the necessary principles regarding security, transparency, and ‘public value’ are observed, AI tools and applications can contribute to supporting the efficiency and functionality of internal management processes, simplifying, clarifying, and generally improving the provision of public services, as well as increasing the quality of the public policy-making process by public administration¹⁸. This is also confirmed by several empirical studies, which have shown a statistically significant relationship between the level of digitalisation of public administration and the quality of governance in EU countries.¹⁹

According to estimates, 60-70% of the time of public administration employees is currently spent on internal or largely routine activities that could be automated, allowing employees to

¹⁴ WŁODYKA, E.M. *Implementation of e-Government and Artificial Intelligence in Polish Public Administration*. In: *TalTech Journal of European Studies*. 2024, vol. 14, no. 2, pp. 122. ISSN 2674-4619. <https://doi.org/10.2478/bjes-2024-0019>.

¹⁵ KLUČKA, J. *Úloha a dôležitosť etických pravidiel v systémoch umelej inteligencie*. [The Role and Importance of Ethical Principles in Artificial Intelligence Systems.] *Právny obzor*, 108, 2025, č. 3, s. 242. ISSN 0032-6984 <https://doi.org/10.31577/pravnyobzor.2025.3.02>.

¹⁶ BABŠEK, M., D. RAVŠELJ, L. UMEK and A. ARISTOVNIK. Artificial Intelligence Adoption in Public Administration: An Overview of Top-Cited Articles and Practical Applications. In: *AI*. 2025, vol. 6, no. 3, p. 7. ISSN 2673-2688. <https://doi.org/10.3390/ai6030044>.

¹⁷ WEERTS, S. *Generative AI in public administration in light of the regulatory awakening in the US and EU*. In: Cambridge Forum on AI: Law and Governance. 2025, vol. 1(e3), p.6. ISSN 3033-3733. doi:10.1017/cfl.2024.10.

¹⁸ BABŠEK, M., D. RAVŠELJ, L. UMEK and A. ARISTOVNIK. Artificial Intelligence Adoption in Public Administration: An Overview of Top-Cited Articles and Practical Applications. In: *AI*. 2025, vol. 6, no. 3, p. 19. ISSN 2673-2688. <https://doi.org/10.3390/ai6030044>.

¹⁹ VATAMANU, A. F. and M. TOFAN. *Integrating Artificial Intelligence into Public Administration: Challenges and Vulnerabilities*. *Administrative Sciences*, 15(4), 149. p. 16. ISSN 2076-3387. <https://doi.org/10.3390/admisci15040149>.

focus on work of greater significance. A practical example of suitable areas for automation in external decision-making processes could be the automation of fraud detection in the processing of tax returns in Poland to reduce the VAT²⁰ gap, or the use of AI-powered chatbots for providing information, or the automated assessment of claims for social benefits. However, these procedures carry risks of the dehumanisation of interactions between the citizen and the state, or the risk of bias in the training data. Finally, in the area of policy-making, potentially significant benefits of AI can be seen in predictive modelling, which allows for more effective estimation and allocation of resources, but at the same time raises contentious questions of accountability for predictive errors and, not least, questions of the democratic legitimacy of governance by means of artificial intelligence. AI can also be used in public administration to strengthen democratic processes, as several experiments have shown its possible role as a mediator of discussion, which will be addressed in the following sections of this article²¹.

2.3. Expectations, benefits, and risks

Although the promise of efficiency in AI-driven public administration is undeniably attractive, its integration into public administration is also associated with a whole range of ethical and normative challenges related to reflecting the fundamental principles of the rule of law.

The first identified risk is possible algorithmic bias and discrimination. Training AI systems on historical data can lead to the replication of historical prejudices and result in unjust outcomes, which can even lead to the reinforcement of social inequality²². This risk is confirmed by well-known failures of automated systems that have impacted hundreds or thousands of families and individuals and, in some cases, have even led to the resignation of governments²³. Documented incidents (the Robodebt scheme in Australia, the British Post Office scandal, the Polish system for classifying the unemployed, the SyRI system in the Netherlands) point to the risk of creating systematic injuries with mass effects.²⁴

Another major challenge is the so-called 'black box' problem, or algorithmic opacity, which consists in an insufficient understanding of complex AI systems and the logic of their decision-making, which is in direct conflict with the principles of good public administration or procedural administrative law. According to these principles, every decision must be duly reasoned²⁵. In some jurisdictions, this problem has led to a ban on fully automated decisions in cases that require administrative discretion²⁶. According to some authors, large language models also lack true legal understanding and offer only a convincing simulation of this conviction. They lack the "intrinsic judgment, ethical intentionality, and contextual awareness"

²⁰ WŁODYKA, E.M. *Implementation of e-Government and Artificial Intelligence in Polish Public Administration*. In: TalTech Journal of European Studies. 2024, vol. 14, no. 2, pp. 123. ISSN 2674-4619. <https://doi.org/10.2478/bjes-2024-0019>.

²¹ TESSLER, M.H. et al. *AI can help humans find common ground in democratic deliberation*. In: Science. 2024, vol. 386, eadq2852, p. 246. ISSN 1095-9203. DOI: 10.1126/science.adq2852.

²² KLUČKA, J. *Úloha a dôležitosť etických pravidiel v systémoch umelej inteligencie*. [The Role and Importance of Ethical Principles in Artificial Intelligence Systems.] Právny obzor, 108, 2025, č. 3, s. 240. ISSN 0032-6984 <https://doi.org/10.31577/pravnyobzor.2025.3.02>.

²³ SMUHA, N.A. *The Use of Algorithmic Systems by Public Administrations: Practices, Challenges and Governance Frameworks*. In: SMUHA, N.A. (ed.). The Cambridge Handbook of the Law, Ethics and Policy of Artificial Intelligence. Cambridge : Cambridge University Press, 2025, pp. 388, 389. DOI 10.1017/9781009367783.

²⁴ SANCHEZ-GRAELLS, A. *Resh(AI)ping Good Administration: Addressing the Mass Effects of Public Sector Digitalisation*. In: Laws. 2024, vol. 13, no. 1, p. 7,8. ISSN 2075-471X. <https://doi.org/10.3390/laws13010009>.

²⁵ CHAUDHARY, G. *Unveiling the Black Box: Bringing Algorithmic Transparency to AI*. In: Masaryk University Journal of Law and Technology. 2024, vol. 18, no. 1, pp. 99,100. ISSN 1802-5951. DOI: 10.5817/MUJLT2024-1-4, obdobne NEŠPOR, J. *Automated Administrative Decision-Making: What Is the Black Box Hiding?* In: Acta Universitatis Carolinae–Iuridica. 2024, no. 2, p. 72. ISSN 2336-6478. DOI: 10.14712/23366478.2024.23.

²⁶ NEŠPOR, J. *Automated Administrative Decision-Making: What Is the Black Box Hiding?* In: Acta Universitatis Carolinae–Iuridica. 2024, no. 2, p. 72. ISSN 2336-6478. DOI: 10.14712/23366478.2024.23.

that should be present in public administration decision-making, and reliance on AI conclusions carries the risk of a ‘silent erosion of legal authority’²⁷. The still-frequent ‘hallucinations’ of these language models also call into question the principle of legal certainty and the predictability of law.²⁸

Merely leaving a human in the decision-making process (human-in-the-loop) as a guardian of the aforementioned principles does not necessarily mean solving the problem of technical opacity. Research conducted by Alon-Barkat et al. has also reliably revealed the existence of cognitive biases in relation to employees working with AI, such as automation bias, i.e., the tendency of human operators to uncritically accept the outputs of an automated system²⁹. The human element also represents a weakness in cybersecurity. The use of public administration employees as a ‘human firewall’ often encounters a frequent absence of basic digital skills among employees³⁰. Moreover, human intervention, for example, in the appeal process, often has only an ad hoc character. While it may lead to the correction of a specific unlawful or ethically incorrect decision, it does not address the possible systemic bias that is the cause of such an unlawful decision³¹. Deep learning models essentially preclude the applicability of real-time human control, so it is probably necessary to direct considerations more towards the possibilities of ex post review of larger sets of decisions, with the subsequent possibility of identifying and correcting negative patterns³².

2.4. Establishing legal frameworks

In response to these risks, the European Union has adopted Regulation (EU) 2024/1689 as a groundbreaking legislative framework based on the acceptance of existing risks. It designates some AI practices as an ‘unacceptable risk’ and, in the case of practices designated as ‘high-risk’, which includes many applications used in public administration, it mandatorily imposes strict obligations to increase the safety of their use³³. The long-term effectiveness of the adopted regulation is questionable, given the relatively slow pace and often low quality of national legislation reflecting the adopted legal regulation, as well as the enormously rapid pace of technological progress in the field of AI³⁴. Smuha and Yeung also warn of the risks arising from

²⁷ PRINCE TRITTO, P. and I.C. TORRES ORTEGA. *Jurists of the Gaps: Large Language Models and the Quiet Erosion of Legal Authority*. In: Masaryk University Journal of Law and Technology. 2025, vol. 19, no. 2, p. 179. ISSN 1802-5951. DOI: 10.5817/MUJLT2025-2-4.

²⁸ WEERTS, S. *Generative AI in public administration in light of the regulatory awakening in the US and EU*. In: Cambridge Forum on AI: Law and Governance. 2025, vol. 1(e3), p. 16. ISSN 3033-3733. doi:10.1017/cfl.2024.10.

²⁹ ALON-BARKAT, S. and M. BUSUIOC. *Human-AI Interactions in Public Sector Decision Making: “Automation Bias” and “Selective Adherence” to Algorithmic Advice*. In: Journal of Public Administration Research and Theory. 2023, vol. 33, no. 1, pp. 154,155. ISSN 1477-9803. <https://doi.org/10.1093/jopart/muac007>.

³⁰ WŁODYKA, E.M. *Implementation of e-Government and Artificial Intelligence in Polish Public Administration*. In: TalTech Journal of European Studies. 2024, vol. 14, no. 2, pp. 129. ISSN 2674-4619. <https://doi.org/10.2478/bjes-2024-0019>.

³¹ KLUČKA, J.: *Úloha a dôležitosť etických pravidiel v systémoch umelej inteligencie*. [The Role and Importance of Ethical Principles in Artificial Intelligence Systems.] Právny obzor, 108, 2025, č. 3, s. 248. ISSN 0032-6984 <https://doi.org/10.31577/pravnyobzor.2025.3.02>.

³² KRIŠTOFIK A., *Využitie (asistenčných) systémov založených na strojovom učení v ODR a ich klasifikácia podľa aktu o umelej inteligencii* [Use of (Assistance) Systems Based on Machine Learning in ODR and Their Classification under the Artificial Intelligence Act], Právny obzor, 106 (2), 2023, p. 123, ISSN 0032-6984. <https://doi.org/10.31577/pravnyobzor.2023.2.03>.

³³ SMUHA, N.A. and K. YEUNG. *The European Union’s AI Act: Beyond Motherhood and Apple Pie?* In: SMUHA, N.A. (ed.). *The Cambridge Handbook of the Law, Ethics and Policy of Artificial Intelligence*. Cambridge : Cambridge University Press, 2025, pp. 229. DOI 10.1017/9781009367783.

³⁴ PINTEROVÁ, J. *Právna regulácia umelej inteligencie z európskej a medzinárodnej perspektívy a jej vybrané ústavnoprávne a správno-právne súvislosti*. [Regulating Artificial Intelligence: European and International Perspectives and Selected Constitutional and Administrative Law Implications] In: Justičná revue. 2024, 107(4), p. 362. ISSN 1335-6461. <https://doi.org/10.31577/pravnyobzor.2024.4.02>.

the relatively weak establishment of independent oversight³⁵. In this context, Klučka proposes the introduction of external verification mechanisms, such as an AI audit, the aim of which would be to assess whether systems meet the expected ethical and legal rules³⁶.

From the considerations presented, it is clear that the gradual integration of AI into the decision-making (norm-setting, managerial-organisational, and individual) activities of public administration is an inevitable transformative event to which public administration will have to respond to trends and technological innovations that are already becoming commonplace in the private sector and are often a catalyst for more efficient, economical, and modern functioning. The task of states in the near future will be to establish legal frameworks for the use of AI systems by public administration in such a way as to guarantee, to the greatest extent possible, the preservation of the principles of transparency, reviewability, and predictability of decision-making, but also the duty to fully ascertain the material facts and the free assessment of evidence, discretion, accountability for erroneous and unlawful decisions, or the right of citizens to be heard in the decision-making process.

It is clear that legal research on the use of AI in public administration needs to focus on an in-depth and partial analysis of individual areas, methods, and forms of public administration activity and subject them to a risk assessment, or a weighing of potential benefits and risks. In this paper, we focus this analysis specifically on an area that, even at present and without significant AI integration, is not sufficiently established in the legal regulation or practice of Slovak public administration: the use of mediation, mediation techniques and procedures, or other ADR in public administration.

III. COOPERATIVE PUBLIC ADMINISTRATION: A THREAT TO LEGALITY OR A PATH TO A NEW FORM OF LEGITIMACY?

3.1. The legal and theoretical basis for the use of ADR in public administration

The concept of ‘cooperative public administration’, resulting from the integration of consensual and cooperative elements into decision-making processes, has been gaining increasing attention over the last two decades, especially in the member states of the Council of Europe³⁷. The primary legal and political context for the use of consensual approaches in public administration was set by the Council of Europe through soft law, primarily formed by the Recommendation of the Committee of Ministers of the Council of Europe CM/Rec(2001)9³⁸. The European Commission for the Efficiency of Justice (CEPEJ) has in recent years become the main driving force of this agenda, particularly through documents such as the Guidelines on how to drive change towards the better implementation of the existing Council of Europe Recommendation concerning alternatives to litigation (2007) or the European Handbook for the creation of mediation legislation (2019). In the context of these documents, mediation in public administration is defined as a voluntary and confidential

³⁵ SMUHA, N.A. and K. YEUNG. The European Union’s AI Act: Beyond Motherhood and Apple Pie? In: SMUHA, N.A. (ed.). The Cambridge Handbook of the Law, Ethics and Policy of Artificial Intelligence. Cambridge : Cambridge University Press, 2025, pp. 229. DOI 10.1017/9781009367783.

³⁶ KLUČKA, J.: *Úloha a dôležitosť etických pravidiel v systémoch umelej inteligencie.* [The Role and Importance of Ethical Principles in Artificial Intelligence Systems.] Právny obzor, 108, 2025, č. 3, s. 247. ISSN 0032-6984. <https://doi.org/10.31577/pravnyobzor.2025.3.02>.

³⁷ MOLITORIS, P. and V. ŽOFCINOVÁ. *Možnosti využitia mediácie v správnych veciach v Slovenskej republike a vo vybraných európskych štátoch.* [Possibilities of using mediation in administrative cases in the Slovak Republic and in selected European countries]. In: Studia Iuridica Cassoviensia. 2024. Roč. 12, č. 2, p. 154, ISSN 1339-3995. DOI: 10.33542/sic2024-2-10.

³⁸ COMMITTEE OF MINISTERS OF THE COUNCIL OF EUROPE. (2001). Recommendation (2001) 9 of the Committee of Ministers of the Council of Europe on alternatives to litigation between administrative authorities and private parties. available at: <https://rm.coe.int/16805e2b59>.

process in which a neutral third party helps the parties to a dispute reach a mutually satisfactory agreement³⁹.

The academic discourse in this area is quite polarised. Proponents of the use of mediation and mediation techniques in public administration proceed from the assumption that it will increase the efficiency of administration or the processes of administrative justice, while also leading to an improvement in the relationship between the state and the citizen⁴⁰, and for these reasons, they speak of the introduction of mediation in public administration as a "necessary measure"⁴¹. Even authors who perceive mediation more as an element alien to public administration acknowledge its potential for a strong legitimising effect⁴².

Sceptics tend to speak of a conceptually problematic implementation of a private-law institute into public administration, which could become a 'Trojan horse for the rule of law' based on the principle of legality and the protection of the public interest⁴³. They mostly proceed from the conclusion that traditional, hierarchically conducted administrative procedures and decision-making processes do not offer space for consensual negotiation, especially not between a state authority and a private person, if the subject of the procedure is a public-law relationship⁴⁴. This briefly demonstrated conflict of opinion is manifested in the long-term discrepancy between the political pressure from the Council of Europe and the reality of public administration practice, which was also revealed by CEPEJ's own monitoring from 2018 and subsequently 2022, which confirmed that the initiatives of the Council of Europe and CEPEJ had "little or no effect"⁴⁵ in the field of public administration in most member states. The Slovak Republic is undoubtedly among these states.

3.2. Limits on the application of ADR in the decision-making processes of public administration in the Slovak Republic and neighbouring states

There are several reasons why the Slovak Republic has not, at the normative level, reflected any of the recommendations or conclusions of the Council of Europe concerning ADR in public administration (except consumer ADR). Not least among these is undoubtedly the resistance of the traditionally authoritative decision-making public administration to new elements that have no tradition in this environment, but also the insufficient 'bottom-up pressure' that does not create a real demand for such legislative regulation. It is not that compromise solutions, settlements, or agreements reached with the assistance of public administration bodies do not occur in the environment of public administration decision-making processes (especially at the

³⁹ ŻOŁĄDŹ, J. *Mediacja w sfere administracji publicznej jako przedmiot badań politologicznych*. Wrocławskie Studia Politologiczne, 2011. 12, p. 66. ISSN 2957-2444. available at: <https://wuw.pl/wrsp/article/view/5944>.

⁴⁰ on this point, see also YAROSHENKO, O. et al. *Alternative resolution of public law disputes in administrative proceedings of european union member states*, In: PA PERSONA E AMMINISTRAZIONE, 10(1), 2022. pp. 901–925. ISSN 2610-9050. available at: <https://journals.uniurb.it/index.php/pea/article/view/3578>.

⁴¹ YAROSHENKO, Oleg et. al.: *The use of Mediation in Administrative Proceedings: The Experience of European Union Member States*. In.: Revista Relacoes Internacionais do Mundo Atual Unicuritiba. 2021. Volume 3. Num. 32. p. 85, ISSN 2316-2880, DOI: <http://dx.doi.org/10.21902/Revrima.v3i32.5510>, available at <https://portaldeperiodicos.animaeducacao.com.br/index.php/RIMA/issue/view/1392>.

⁴² HOHMANN, B. *Possibilities for the Application of Alternative Dispute Resolution Methods in the Administrative Procedure*. In: European Journal of Multidisciplinary Studies, 2018. 3(4), p. 97. ISSN 2414-8385 DOI: 10.26417/ejms.v3i4.p90-98.

⁴³ BALTHASAR, A.: *Alternativní řešení sporů ve správním právu – významný krok vpřed pro větší spokojenost občanů, nebo trojský kůň pro právní stát?* In.: SKULOVÁ, Soňa., POTĚŠIL, Lukáš. a kol.: *Prostředky ochrany subjektivních práv ve veřejné správě – jejich systém a efektivnost*. 1. vydání. Praha: C. H. Beck, 2017, p. 419-426, ISBN 978-80-7400-647-0.

⁴⁴ VUČETIĆ, D. *Is mediation viable in administrative matters?* In: Facta Universitatis, Series: Law and Politics. 2016. Vol. 14, No 4, p. ISSN 2406-1786. DOI 10.22190/FULP1604495V.

⁴⁵ CEPEJ. *Roadmap of the CEPEI-GT-MED (2018)*. available at: <https://rm.coe.int/road-map-for-mediation-based-on-the-cepej-gt-med-report-on-the-impact-/16808c3fd5>; BOUSSARD, S., SALEM, K.: *State of play of the practice of mediation in administrative disputes in the Member States of the Council of Europe*. [citované: 8. september 2024]. <https://rm.coe.int/cepej-gt-qual-2022-1rev-en-state-of-play-of-the-practice-of-mediation-/1680ab3db7>.

level of municipal self-government), but as a rule, these procedures happen informally, and their legal basis may be questionable.

The legal order of the Slovak Republic lacks a legislative framework that would define the space for settlement or mediation in the decision-making activities of public administration while respecting the principles and limits arising from the public-law nature of the regulation⁴⁶. The Act on Mediation, even after its several amendments and adjustments, is still adapted exclusively to private-law and family disputes. The Administrative Procedure Code⁴⁷ is silent on this issue, although in its basic rules it imposes a duty on administrative authorities to try, in suitable procedures, to lead the parties to a settlement (§ 3(4) of the Administrative Procedure Code). The Act does not address how to assess the suitability of procedures. The use of ADR in public administration is, in addition to legislative silence, internally limited by the obligation of administrative authorities to protect the public interest and the rights of third parties in their decision-making. Consequently, an administrative authority could not accept, for example, a mediation agreement that would be contrary to the public interest or would adversely affect the legally protected rights and interests of persons who are not parties to the procedure and parties to the mediation⁴⁸. Despite these limitations, there is a narrow space in practice for the informal application of so-called horizontal mediation, especially in expropriation proceedings, construction proceedings, or proceedings on minor offences and administrative delicts⁴⁹.

However, the problematic nature of integrating mediation into the decision-making of public administration is not a Slovak specific. Since 2017, Poland has created a legal framework for both horizontal (between the parties themselves) and vertical mediation (between the parties and the administrative authority) in administrative procedure. Despite the fact that this regulation was accompanied by considerable media support, official statistics from 2018-2022 show that at most a handful of administrative procedures are resolved by mediation annually⁵⁰. Poland thus belongs to the countries where mediation in public administration is legally enshrined but in practice is virtually non-existent⁵¹. This state of affairs is attributed mainly to the internal conflict between the goals of mediation and the essence of administrative procedure, which is fundamentally non-contentious and unilateral, focused on the authoritative application of the law⁵². The introduction of vertical mediation is perceived by authorities as a non-systemic, revolutionary element that disrupts the division of roles between the administrator and the administered and forces the administrative authority to negotiate the application of the

⁴⁶ MOLITORIS, P. *Možnosti a limity využitia mediácie a mediačných techník v právnoaplikáčnych procesoch vo verejnej správe* [Possibilities and limits of the use of mediation and mediation techniques in the legal-application processes in public administration] In: *Mediácia a multidisciplinárna ako kľúč k harmonickým riešeniam konfliktov*. 2024. Bratislava: Inštitút mediácie a mimosúdneho riešenia sporov, 2024. p. 178. ISBN 9788097477325.

⁴⁷ Act No. 71/1967 Coll. on Administrative Procedure (the Administrative Procedure Code).

⁴⁸ MOLITORIS, P. *Možnosti a limity využitia mediácie a mediačných techník v právnoaplikáčnych procesoch vo verejnej správe* [Possibilities and limits of the use of mediation and mediation techniques in the legal-application processes in public administration] In: *Mediácia a multidisciplinárna ako kľúč k harmonickým riešeniam konfliktov*. 2024. Bratislava: Inštitút mediácie a mimosúdneho riešenia sporov, 2024. p. 181. ISBN 9788097477325.

⁴⁹ MOLITORIS, P. and V. ŽOFCINOVÁ. *Možnosti využitia mediácie v správnych veciach v Slovenskej republike a vo vybraných európskych štátach*. [Possibilities of using mediation in administrative cases in the Slovak Republic and in selected European countries]. In: *Studia Iuridica Cassoviensia*. 2024. Roč. 12, č. 2, p. 161, ISSN 1339-3995. DOI: 10.33542/sic2024-2-10.

⁵⁰ *Klapa mediacji, ale uproszczenia działają - resort rozwoju ocenia wprowadzone procedury*. [citowane 16. september 2025] <https://www.prawo.pl/samorzad/uproszczeniaprocedur-administracyjnych-nie-zawsze-dzialaja,516368.html>.

⁵¹ KALISZ, A. AND SERHIEIEVA, A. *When a State Is a Party to a Dispute (Court-)Administrative Mediation in Poland and in Ukraine (A Comparative Perspective)*. In: *Review of European and Comparative Law*. 2023. 53(2), p. 134. ISSN 2545-384X. DOI: 10.31743/recl.15967. A similar situation exists, for example, in Portugal or Ukraine.

⁵² SUWAJ, Robert: *Mediation as a new form of settling administrative matters in Poland*. In: *Przegląd Ustawodawstwa Gospodarczego*. 2019. p. 18. DOI 10.33226/0137-5490.2019.12.4.

law⁵³. According to Przylepa-Lewak, the low use of mediation is also contributed to by the reluctance of public employees to risk accountability for such an agreed outcome, and not least by the deeply rooted cultural patterns in the perception of public administration as a power-authoritative executor of public authority⁵⁴.

In 2021, Ukraine adopted a law on mediation explicitly allowing mediation also in administrative disputes. In this environment, too, its application remains very low, partly due to the limited discretion of administrative authorities⁵⁵. In Hungary, an institute similar to mediation using an impartial person as an intermediary (the so-called *Hatósági közvetítő*) existed in the legal regulation of Art. 41 of Act CXL: 2004, i.e., the administrative procedure code effective until 2017. The new legal regulation of administrative procedure (2016. évi CL. törvény az általános közigazgatási rendtartásról) effective from 2018 no longer contains such an institute. Bereczki states that the reason for the change was probably the fact that the official mediator was not appointable directly based on the administrative procedure code, but always only if a special regulation allowed it, and a special legal regulation allowing mediation in specific types of procedures apparently seems sufficient. Moreover, the original legal regulation was used in practice only to a very limited extent⁵⁶. The Czech legal regulation does not explicitly regulate the use of mediation in the decision-making processes of public administration, but the consensual approach is not entirely alien to it, as it offers a very detailed and functional regulation of public-law contracts, which can in certain cases, replace authoritative decisions⁵⁷.

Given the historical similarities in the construction of the principles of public administration and the cultural proximity of the environment of neighbouring states, it can be assumed, also in relation to the Slovak Republic, that a direct transposition of the broad model of mediation in public administration recommended by the Council of Europe and CEPEJ into the Slovak legal order would probably not have a significant impact on practice. Reform efforts should therefore be directed towards the systematic building of a legal framework for the use of horizontal mediation in public administration, especially within processes that have a direct impact on the rights and obligations of individuals and in which a conflict of interests of individual parties occurs. Vertical mediation would be conceivable primarily in administrative judicial review (outside the scope of this article) or in pre-rule-making consultations, not in routine first-instance administrative proceedings.

The key research question of this article also stems from the aforementioned partial conclusion, namely whether the gradual, broader introduction of legally regulated AI into decision-making processes can contribute to a greater interest in mediation or mediation techniques, on the basis of strengthening trust in this tool, with the promise of more effective, fairer, more acceptable, and faster decisions by public administration. Therefore, in the Slovak context, we recommend proceeding from horizontal forms, in precisely defined types of procedures with a conflict between the parties, where the public interest and the rights of third parties can be procedurally protected.

⁵³ KUŁAK-KRZYSIAK, K. AND ŚWITAL, P. *Mediation as Means of Communication for Public Administration in Settling Administrative Disputes*. In: Review of European and Comparative Law, 2023. 54(3), pp. 281. ISSN 2545-384X. DOI: 10.31743/recl.16226.

⁵⁴ PRZYLEPA-LEWAK, A. *Mediation as a Form of Communication in Administrative Proceedings*. In: Annales universitatis Mariae Curie – Skłodowska, Lublin, VOL. LXIX, 2. 2022. p. 71. DOI:10.17951/g.2022.69.2.61-73.

⁵⁵ KALISZ, A. AND SERHIEIEVA, A. *When a State Is a Party to a Dispute (Court-)Administrative Mediation in Poland and in Ukraine (A Comparative Perspective)*. Review of European and Comparative Law. 2023. 53(2), p. 137. ISSN 2545-384X. DOI: 10.31743/recl.15967.

⁵⁶ BERECKI, I. *A közigazgatási perek során elrendelt közvetítés alkalmazásának egyes kérdései*. In: Iustum Aequum Salutare. XIV. 3. 2018. p. 142,143.

⁵⁷ e.g., the planning agreement pursuant to § 130 et seq. of Act No. 283/2021 Coll., the Building Act; § 68 of Act No. 114/1992 Coll., on the Protection of Nature and Landscape.

IV. A ROBOT AS MEDIATOR?

Given the described limits, it is crucial to examine where AI has the highest added value in the use of ADR and mediation in public administration without undermining legality—especially in assistive, not autonomous, roles. The use of AI in mediating disputes has been the subject of research in the field of private law essentially since the beginning of the massive digitalisation of society. More recent research also confirms that AI can be used not only as a subject that decides but also as a sophisticated tool helping to find common ground, thereby expanding the framework of its potential use in the field of justice and public administration⁵⁸. Thus, the dominant question is no longer whether an algorithm can replace a human arbitrator or mediator, but under what conditions this is possible and whether such an approach would truly be beneficial.

With the advent of the internet, platforms for online dispute resolution (ODR) began to appear, especially in the field of e-commerce⁵⁹. The development of ODR led to the concept of technology as the ‘fourth party’ in two phases. In the first phase, technology was only a passive component of communication and served only as the technical background for a human communication facilitator. In the second phase, it became an active component, supplementing or even replacing the human facilitator. Despite high expectations from the substantive integration of AI into ODR, where it actively responds to the content of communication and proposes solutions, ‘assistive’ technologies requiring human input and supervision continue to dominate in ODR. This phenomenon is attributed both to the conservatism of institutions and to technological limitations⁶⁰. Despite this, it is precisely in the ODR environment that the basis for modern approaches to ADR can be seen, in which sophisticated AI actively analyses data, predicts the outcome of the dispute, and with increasing autonomy proposes solutions, thereby shifting the active role from the human to the machine⁶¹.

The use of AI in the ADR environment is multi-layered. In practice, it offers possibilities for automated document analysis and predictive forecasting of outcomes, or suggestions for settlement strategies. An example is the automated arbitration process via the SAMA platform in India. The platform uses data analysis from earlier cases and proposes solutions⁶². Several similar assistive systems to support negotiation operate in the field of family and family property or labour law⁶³. Despite this partial integration, there are still several specific problems that hinder the full integration of AI into conciliatory and mediation processes, which in essence do not differ much from the problems we pointed out in the first part of this paper.

⁵⁸ TESSLER, M.H. et al. *AI can help humans find common ground in democratic deliberation*. In: *Science*. 2024, vol. 386, eadq2852. p. 34. ISSN 1095-9203. DOI: 10.1126/science.adq2852.

⁵⁹ AHMAD, N. *Smart Resolutions: Exploring the Role of Artificial Intelligence in Alternative Dispute Resolution*, Cleveland State Law Review, 2025. 73(2), p. 280. ISSN 0009-8876. available at <https://engagedscholarship.csuohio.edu/clevstrev/vol73/iss2/6>; ALESSA, H. *The Role of Artificial Intelligence in Online Dispute Resolution: A Brief and Critical Overview*, Information & Communications Technology Law, 2022. 31(3), p. 321. ISSN: 1469-8404. DOI: 10.1080/13600834.2022.2088060.

⁶⁰ KRIŠTOFÍK A., *Využitie (asistenčných) systémov založených na strojovom učení v ODR a ich klasifikácia podľa aktu o umelej inteligencii* [Use of (Assistance) Systems Based on Machine Learning in ODR and Their Classification under the Artificial Intelligence Act], *Právny obzor*, 106 (2), 2023, p. 117 ISSN 0032-6984. <https://doi.org/10.31577/pravnyobzor.2023.2.03>.

⁶¹ CANDEIAS, T. de J. *Artificial Intelligence's Role in Enhancing Conflict Resolution within the Online Dispute Resolution (ODR) System*. SSRN Electronic Journal. 2023. p. 9. ISSN 1556-5068. <https://doi.org/10.2139/ssrn.4559439>.

⁶² KARTHIKEYAN, C. *AI (Artificial Intelligence) for Conflict Resolution and Negotiation: Enhancing Mediation and Collaboration Through Intelligent Technology*. In: Özsungur, F. (ed.) *Navigating Organizational Behavior in the Digital Age With AI*. Hershey, PA: IGI Global (Business Science Reference), p. 22. ISBN 979-8-3693-8445-9 <https://doi.org/10.4018/979-8-3693-8442-8.ch002>.

⁶³ KRIŠTOFÍK A., *Využitie (asistenčných) systémov založených na strojovom učení v ODR a ich klasifikácia podľa aktu o umelej inteligencii* [Use of (Assistance) Systems Based on Machine Learning in ODR and Their Classification under the Artificial Intelligence Act], *Právny obzor*, 106 (2), 2023, p. 118. ISSN 0032-6984. <https://doi.org/10.31577/pravnyobzor.2023.2.03>.

4.1. Who will trust robots? Specific problems in the use of AI in amicable conflict resolution

First and foremost is the problem of algorithmic bias⁶⁴, which can create a ‘vicious feedback loop’ leading to the reinforcement of initial prejudices. This problem was also addressed, for example, by the research of Tessler et al. from 2023. The research team created, on the basis of AI, a so-called Habermas machine, which, from a group of several presented attitudes of a research sample of people—actors in a dispute—on a certain contentious issue, created several possible solutions that could be accepted by the participants. It then predictively determined which of its generated solutions would be liked to what extent by the individual actors in the dispute. From the solutions, it created an imaginary ‘ranking’ of acceptable solutions for each actor in the dispute. It then determined the overall winner using the Schulze computational method. From the perspective of this article, the study presented a significant result in relation to prejudices. If AI systems were designed to use the Habermas machine model, the system, after a phase of human criticism of its results marked by tendencies towards prejudice, would be able to attach higher weight to minority opinions and would not express their simple share in the overall group, thereby demonstrating the ability to support inclusivity⁶⁵. However, a substantial part of publicly available generative AI systems does not work in this way.

Another problem in the introduction of AI in ADR is the black box problem, which greatly weakens trust in the true expertise and impartiality of the proposed solutions, which is, however, a necessary prerequisite for any mediation or conflict facilitation. Even the presence of a human mediator, who in reality does not have enough information about how the AI system they are using works and based on what algorithms it produces its results, does not eliminate this problem.

A specific problem for the field of ADR is the absence of unique human qualities in AI, such as emotional intelligence, life and work experience, or the ability to understand abstract legal and moral concepts (good faith, justice), which are a necessary prerequisite for achieving results based on consensus and at the same time justice in the context of the specific mediated or conciliated case⁶⁶. Finally, it is necessary to point out the factor of confidentiality, which is significantly threatened by the use of AI as a possible third party in a conflict. This is one of the key factors of ADR, and its frameworks are rigorously regulated by the GDPR⁶⁷.

4.2. Will artificial intelligence replace human officials in conciliation proceedings?

The broader integration of AI into mediation and other ADR will likely depend not only on suitable and similar legal regulation but, not least, on its acceptance by clients. In this area, empirical research applying the so-called Unified Theory of Acceptance and Use of Technology (UTAUT) has provided very useful answers. According to a recent study from the USA, it was found that even if mediation clients, as actors in a dispute, believe that AI is effective, their willingness to turn to a mediator who uses it depends on their trust that the mediator will use AI responsibly and ethically. In this context, significant factors for higher acceptance of AI in

⁶⁴ AHMAD, N. *Smart Resolutions: Exploring the Role of Artificial Intelligence in Alternative Dispute Resolution*, Cleveland State Law Review, 2025. 73(2), pp. 285. ISSN 0009-8876. available at <https://engagedscholarship.csuohio.edu/clevstlrev/vol73/iss2/6>.

⁶⁵ TESSLER, M.H. et al. *AI can help humans find common ground in democratic deliberation*. In: Science. 2024, vol. 386, eadq2852. p. 123. ISSN 1095-9203. DOI: 10.1126/science.adq2852.

⁶⁶ AHMAD, N. *Smart Resolutions: Exploring the Role of Artificial Intelligence in Alternative Dispute Resolution*, Cleveland State Law Review, 2025. 73(2), p. 286. ISSN 0009-8876. available at <https://engagedscholarship.csuohio.edu/clevstlrev/vol73/iss2/6>.

⁶⁷ see also SARTOR, G. and LAGIOIA, F. The impact of the General Data Protection Regulation (GDPR) on artificial intelligence. Brussels : European Parliament. 2020. DOI: [10.2861/293].

ADR processes are, in particular, transparency and proactive information from the human facilitator about the manner and extent of AI use.⁶⁸

These findings are fully consistent with the assertion that (iterative) processes that also contain feedback from a human (human-in-the-loop) are perceived by users as more valuable. In Tessler's experiment, solutions generated by AI and revised based on human criticism were significantly preferred over solutions without a human element. This proves that the active participation of the user supports trust in the correctness of the result⁶⁹. On the other hand, Tessler's research showed that when comparing outputs, participants demonstrated a statistically significant preference for consensual solutions generated by AI over those proposed by a human mediator (56% vs 44%), with the AI output receiving higher ratings for both the degree of agreement and overall quality⁷⁰.

The degree of acceptance of the use of AI in mediation also differs significantly depending on the role it is intended to perform. A high degree of acceptance exists for preparatory, so-called 'back office' tasks consisting of summarising documents and planning. Conversely, a low degree of acceptance relates to use 'at the table', i.e., use visible during a live meeting with the actors in the dispute for tasks such as real-time sentiment analysis, or for the use of anonymised data from other cases for training AI. Somewhere in the middle is the acceptance of the use of AI for predictive purposes⁷¹.

The cited research suggests that even if regulatory legislation is adopted, the future of AI in the amicable resolution of disputes probably does not lie in full automation, but in a reasonable degree of cooperation between human and machine. The solution appears to be a hybrid model, using AI for processing vast amounts of data and performing routine tasks. The irreplaceable role of human personnel will be to evaluate the AI-produced data on the basis of ethically formed judgment, applying principles of justice based on human emotional intelligence.

V. CONCLUSION

One of the key aspects hindering the broader acceptance of mediation in public administration, based also on a brief comparison of the experiences of neighbouring states, appears to be a lack of interest on the part of both the state and the administered entities. The reasons on the part of the state largely stem from the fear that an employee of an administrative authority, by entering into negotiation and conciliation, relinquishes their neutrality, loses the necessary distance essential for reflecting the public interest, and essentially becomes a party to the dispute. This problem would be eliminated if legislation explicitly allowed the use of external professional mediators in resolving conflicts arising from the decision-making activities of public administration authorities. With this, of course, questions would arise related to the control of the mediation agreement by an official, its approval, or questions related to the costs of mediation.

We believe that even the idea of an official trained in mediation techniques acting as a "mediator" is not entirely unacceptable. It is precisely in this respect that a suitably dimensioned artificial intelligence system could be helpful. The use of AI to an extent and in a manner precisely regulated by law and under the control of an official could lead to the identification of a space for possible agreement while preserving the legal frameworks and public interest, as

⁶⁸ CHOI, Y. Using AI in My Disputes? Clients' Perception and Acceptance of Using AI in Mediation, *Conflict Resolution Quarterly*, Early View (online first, 28 May 2025). p. 9. <https://doi.org/10.1002/crq.21483>.

⁶⁹ TESSLER, M.H. et al. AI can help humans find common ground in democratic deliberation. In: *Science*. 2024, vol. 386, eadq2852. p. 169. ISSN 1095-9203. DOI: 10.1126/science.adq2852.

⁷⁰ TESSLER, M.H. et al. *AI can help humans find common ground in democratic deliberation*. In: *Science*. 2024, vol. 386, eadq2852. p. 97, 100. ISSN 1095-9203. DOI: 10.1126/science.adq2852.

⁷¹ CHOI, Y. Using AI in My Disputes? Clients' Perception and Acceptance of Using AI in Mediation, *Conflict Resolution Quarterly*, Early View (online first, 28 May 2025). p. 8. <https://doi.org/10.1002/crq.21483>.

well as to the production of framework proposals for possible agreements. The official acting as a conciliator, against whom the disputing parties might suspect a targeted preference for a solution advantageous only to one of the participants, or to the state, would thus become an independent conciliator overseeing a fair, structured, and transparent process. For the sake of correctness, it should be stated here that if an official with the authority to also decide the matter by way of an authoritative administrative decision were to lead the parties to one of the agreement proposals generated by AI using mediation techniques, it is no longer appropriate to speak of mediation, but rather of conciliation aimed at an amicable consensual resolution of the dispute between the parties, which, however, does not diminish the potential benefit.

A prerequisite for the acceptance of the outlined approach would be, in addition to clear and detailed legislation, the elimination of the ‘black box’ problem. This would require the development, or ideally a share in the development, of proprietary AI systems within the public administration environment with sufficient security guarantees for the protection of personal data, the principle of legality, and the public interest. Such processes, based on purposefully designed algorithms, should be clearly auditable by state bodies with precisely defined powers. The interest of officials in using this type of tool could be stimulated precisely by the fact that they would not be facilitating parties in sensitive cases towards a solution that they would also have to propose from the position of a public authority. Another factor for overcoming institutional inertia and the cultural resistance of officials could be the expected higher efficiency and reduction of the administrative burden resulting from the digitalisation of the preparation of documents, but also from the expected lower rate of challenges to the adopted solutions through appeals and legal actions.

Therefore, if we were to answer the key question concerning the applicable methods of using AI in ADR and the consequent necessary legal framework, it is necessary to point to four key conditions:

First, it is necessary to focus primarily not only on incorporating the possibility of mediation in the decision-making processes of public administration into the mediation act, but also on the preparation and adoption of specific and precise procedural rules that, in accordance with the principle of legality, clearly define the powers of public administration authorities in mediation and conciliation procedures. The implementation of mediation into public administration should, in the first instance, concern only cases allowing for horizontal mediation, and even then, mainly in procedures with a private-law subject of conflict between the parties.

Second, it is necessary to reflect that AI in conciliatory processes should not be used as an autonomous arbitrator or conciliator, but only as a supportive tool within a hybrid model, in which a human would remain the conciliator ensuring communication on the path to consensus. Potential errors of a fully automated system could, in the long term, weaken trust not only in AI systems in public administration but also in ADR itself for resolving this type of dispute.

Third, the design of legal regulation should always take into account the principles of good public administration and the fundamental procedural principles of the rule of law. The AI platforms used should therefore be designed to strengthen the principles of transparency, neutrality, and efficiency. The use of suitably configured platforms would allow for the depersonalisation of certain stages of the conciliatory process with an emphasis on independence and impartiality.

Fourth, the deployment of technologies also requires the adoption of a synergistic legal framework, not only in terms of standards of transparency, oversight, and accountability in the use of AI in public administration, but also in terms of procedural regulations that specifically regulate the use of digital technologies and AI in decision-making activities.

Our findings provide strong partial support for the stated hypothesis that AI can act as an indirect catalyst for the use of ADR in the activities of public administration. This conclusion is consistent with theory and available studies (Tessler, Choi), but the extent of this effect in the Slovak Republic depends on the implementation of the four conditions mentioned above. It is clear that the digitalisation of processes in itself will not resolve the conflict between the consensual nature of ADR and the authoritatively conceived principle of legality and protection of the public interest. The creation of an effective, fair, transparent, and functional procedural framework that allows for the safe use of AI in various forms and levels of public administration decision-making can lead to the disruption of the deeply sceptical attitude of public administration towards amicable solutions. In the long term, a functioning method of using AI in public administration can create the necessary impetus for re-evaluating the role of ADR in its decision-making processes, both on the part of the administering authorities and on the part of the administered entities.

KEY WORDS

mediation, alternative dispute resolution, public administration, administrative procedure, artificial intelligence

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mediácia, alternatívne riešenie sporov, verejná správa, správne konanie, umelá inteligencia

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