RISKS OF PARTIAL EXPLOITATION OF ARTIFICIAL INTELLIGENCE POTENTIAL IN ADMINISTRATIVE PROCEEDINGS[1]

RIZIKÁ PARCIÁLNEJ EXPLOATÁCIE POTENCIÁLU UMELEJ INTELIGENCIE V ADMINISTRATÍVNOM KONANÍ

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ABSTRACT

Administrative proceedings are an essential part of public administration activities. Their outcome is typically the issuance of a decision that grants rights, imposes obligations, or interferes with the legally protected interests of natural or legal persons. Artificial intelligence is a phenomenon with the potential to be utilized in many areas, including administrative proceedings. The introduction of artificial intelligence into the process of administrative proceedings can not only increase their efficiency and speed but also contribute overall to improving decision-making processes. For now, it is appropriate to consider the gradual implementation of artificial intelligence in administrative proceedings, meaning its use only in certain phases of the proceedings or in specific types of decisions. The involvement of artificial intelligence in the legal process of issuing individual administrative acts also brings with it various risks that must be taken into account. This paper focuses on examining the risks associated with the partial use of artificial intelligence in administrative proceedings, while also considering and evaluating both the benefits and potential risks that this technology - even when only partially integrated into decision-making processes - may bring to legal practice.

ABSTRAKT

Administratívne konanie je nevyhnutnou súčasťou činnosti verejnej správy. Jeho výsledkom je spravidla vydanie rozhodnutia, ktorým sa priznávajú práva alebo ukladajú povinnosti, prípadne sa zasahuje do právom chránených záujmov fyzických či právnických osôb. Umelá inteligencia predstavuje fenomén, ktorého potenciál je predurčený na využitie v mnohých sférach, nevynímajúc administratívne konanie. Zavádzanie umelej inteligencie do procesu administratívneho konania môže zvýšiť nielen jeho efektivitu a rýchlosť, ale celkovo prispieť k zlepšeniu rozhodovacích procesov. Zatiaľ je vhodné uvažovať o postupnej implementácii umelej inteligencie do administratívneho konania, teda využiť ju iba v niektorých fázach konania alebo len v niektorých typoch rozhodnutí. Zapojenie umelej inteligencie do právneho procesu vydávania individuálnych správnych aktov so sebou prináša aj viaceré riziká, ktoré je potrebné mať na zreteli. Príspevok je upriamený na skúmanie rizík, ktoré sú spojené s parciálnym využitím umelej inteligencie v administratívnom konaní, pričom zvažuje a hodnotí prínos ako aj potenciálne riziká, ktoré táto technológia, hoci len pri jej čiastočnom zapojení do rozhodovacích procesov, môže priniesť do právnej praxe.

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I. INTRODUCTION

Administrative proceedings represent a substantial part of the activities of public administration authorities and are generally aimed at issuing decisions regarding the rights and obligations of individuals or legal entities, or possibly affecting their legally protected interests. Artificial intelligence has vast potential across virtually all areas of human activity, including areas such as engineering,[3] healthcare,[4] art,[5] various branches of law,[6] science[7] and education. In the context of law and public administration, artificial intelligence is increasingly seen as a promising tool capable of contributing to the efficiency of decision-making processes. Among the fundamental principles of individual decision-making is the principle of legality, which must also be considered in the context of any partial implementation of artificial intelligence into administrative proceedings. Partial use of artificial intelligence may be considered, for instance, in the phase of gathering evidence as necessary groundwork for a decision. From the perspective of the possibilities offered by artificial intelligence technology, it holds particular potential for application specifically in administrative penal law - whether in sanctioning proceedings related to misdemeanors or other administrative offenses.

Artificial intelligence undoubtedly brings the potential to significantly transform the way public administration communicates with citizens - or, in a broader sense, with natural and legal persons as the recipients of administrative governance. Theoretically, this could mean less bureaucratic burden, faster execution of administrative proceedings, and the assumption of minimizing human error. In practice, however, not only the complete but even partial or fragmented application of artificial intelligence in administrative proceedings may interfere with citizens' rights, undermine the credibility of decision-making, and affect legal certainty as a whole.

The paper focuses on those phases of administrative proceedings and types of decision-making processes in which artificial intelligence can be utilized, through an analytical examination of the potential advantages it may bring, while also highlighting possible drawbacks, risks, and errors that cannot be entirely ruled out.

The aim of the paper is to identify areas of potential partial exploitation of artificial intelligence in administrative proceedings, to detect the main risks associated with this technology, to analyze its impact on the various phases and subjects of administrative proceedings, and finally, to formulate proposals and suggestions for mitigating these risks.

Several research methods were used in this paper, including the analysis of the current legal framework governing administrative proceedings, with an emphasis on potential phases

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[3] An example of the use of artificial intelligence is also climate measures, as discussed by Mgr. Bakošová. See also BAKOŠOVÁ, L.: *Climate Action Through Artificial Intelligence: International Legal Perspective* [*Klimatické opatrenia prostredníctvom umelej inteligencie: medzinárodnoprávny pohľad*] In: *STUDIA IURIDICA Cassoviensia*. 2022, Vol. 10, No.2, ISSN 1339-3995, pp. 3-24; doi.org/10.33542/SIC2022-2-01 [online, accessed 11.11.2025]. Available at: https://sic.pravo.upjs.sk/ecasopis/102022-2/1_bakosova_climate_action1.pdf.

[4] Artificial intelligence brings innovative approaches in healthcare as well. See BAKOŠOVÁ, L.: *Ethical and Legal Aspects of the Use of Artificial Intelligence in Health and Nursing Care* [*Etické a právne aspekty použitia umelej inteligencie v zdravotnej a ošetrovateľskej starostlivosti*] In: *STUDIA IURIDICA Cassoviensia*. 2020, Vol. 8, No.2, ISSN 1339-3995, pp. 3-18; doi.org/10.33542/SIC2020-2-01 [online, accessed 11.11.2025]. Available at: https://sic.pravo.upjs.sk/ecasopis/82020-2/1_bakosova_ethical_and_legal_aspects.pdf.

[5] See more, for example BUDAI, P.: *Artificial Intelligence and Music* [*Umelá inteligencia a hudba*] In: Slovenská hudba, 2022, Vol. 48, No 2, pp. 156-185; doi.org/10.4149/sh_2022_2_4 [online, accessed 14.11.2025]. Available at: https://www.elis.sk/download_file.php?product_id=7766&session_id=qn165v4d201lpbokc8cbq4juq2.

[6] See more, for example BARANCOVÁ, H: *Artificial Intelligence and Labour Law* [*Umelá inteligencia a pracovné právo*] In: Právny obzor, 107, 2024, No. 2, ISSN 0032-6984, doi.org/10.31577/pravnyobzor.2024.2.02; pp. 108–120.

[7] See more, for example LIPOVEC, A. – ARCET, B.: *Effectiveness of Generative Artificial Intelligence for Personalized Mathematics Learning* [*Učinkovitost generativne umetne inteligence za personalizirano učenje matematike*] In: Flogie, A., in: Čotar Konrad, S. (ed.): *Education in the Age of Generative Artificial Intelligence: International Guidelines and Research* [*Izobraževanje v dobi generativne umetne inteligence: mednarodne smernice in raziskave*]. University of Primorska Press, 2025, pp. 229-245; doi.org/10.26493/978-961-293-431-6.10 [online, accessed 14.11.2025]. Available at: https://www.hippocampus.si/ISBN/978-961-293-431-6/10.pdf.

suitable for the use of artificial intelligence. Additionally, interpretative and explanatory methods were applied to explain those legal provisions that potentially allow or at least do not exclude the partial use of artificial intelligence. Other research methods included the deductive and inductive approaches, particularly in identifying the risks associated with the use of artificial intelligence.

II. THE POTENTIAL FOR PARTIAL EXPLOITATION OF ARTIFICIAL INTELLIGENCE IN ADMINISTRATIVE PROCEEDINGS

2.1 What is Artificial Intelligence

In the broadest sense, artificial intelligence refers to techniques that enable machines to mimic human intelligence. In a narrower sense, it is defined as *"a field of computer science concerned with the development of systems capable of solving complex tasks such as recognition or classification - for example, in areas like image processing, written text or speech processing, or planning and control based on the analysis of large volumes of data."*[8] Artificial intelligence is *"the ability of a device to exhibit human-like capabilities such as reasoning, learning, planning, and creativity."*[9] *"These are intelligent systems designed to be able to think independently, learn, and make decisions. These systems are based on algorithms and machine learning and can be used for various tasks."*[10] Artificial intelligence operates through algorithms designed to perform specific tasks.[11] What is the most concise and perhaps the clearest expression and explanation of what artificial intelligence actually is? In its most concise form, artificial intelligence may be described as a *"thinking machine."*

2.2 What does partial exploitation of Artificial Intelligence mean

At present, the complete delegation of legal processes to artificial intelligence is still likely impossible. However, partial exploitation of artificial intelligence can be considered - that is, the introduction of AI only in selected parts of administrative proceedings. An example is the automated receipt and sorting of submissions, primarily applications, which entails interpreting their meaning and content, followed by assigning the submission to a specific department or unit of the public administration authority for processing. AI could also be used to recognize the urgency of handling submissions, which would be reflected in marking certain submissions as priority cases. Furthermore, the use of AI could be considered in the preparation of draft decisions, where, for instance, the justification section of the written decision would incorporate the submitted evidence taken into account by the administrative body during decision-making, as well as the formulation of the operative part of the decision. This phase would clearly relieve specific public administration employees from processing the decision's supporting materials. Their role would then be limited to reviewing the materials and verifying the written decision, without having to prepare the documents from scratch. Thus, it would only be a matter of

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8 KAPLAN, A: *Artificial Intelligence, Business and Civilization: Our Fate Made in Machines*. London: Routledge. ISBN 978-1-003-24455-4. DOI: https://doi.org/10.4324/9781003244554 [online, accessed 2025-08-27] Available at: https://www.taylorfrancis.com/books/mono/10.4324/9781003244554/artificial-intelligence-business-civilization-andreas-kaplan.

9 *Artificial Intelligence: Definition and Use - News - European Parliament* [*Umelá inteligencia: definícia a využitie – Spravodajstvo - Európsky parlament*]. [online] www.europarl.europa.eu, 2020-04-09, [accessed 2025-08-27]. Available at: https://www.europarl.europa.eu/topics/sk/article/20200827STO85804/umela-inteligencia-definicia-a-vyuzitie.

10 SLOVÁKOVÁ, A. I.: *Čo je to umelá inteligencia? 1 000 slov o nej od nej* [*What is Artificial Intelligence? 1,000 Words About It, By It*] [online, accessed 2025-08-27]. Available at: https://www.techbox.sk/co-je-to-umela-inteligencia-1-000-slov-o-nej-od-nej.

11 The use of algorithms in connection with artificial intelligence is not only a technical matter but also a matter of patents. This relationship is also discussed by Dr. Radka Kopčová. See also KOPČOVÁ, R.: *Legal Protection of Algorithms in the Context of Patent Law and Copyright Law* [*Ochrana algoritmov v kontexte patentového práva a autorského práva*] In: *STUDIA IURIDICA Cassoviensia*. 2025, Vol. 12, No.2, ISSN 1339-3995, pp. 80-98; doi.org/10.33542/SIC2024-2-06 [online, accessed 11.11.2025]. Available at: https://sic.pravo.upjs.sk/ecasopis/122024-2/06_Kopcova.pdf .

reviewing the work done by artificial intelligence, which would certainly take less time than producing the entire written form of the decision from scratch. Partial use of artificial intelligence would also include automated processing and exchange of information held by the administrative body in all proceedings, which would speed up the processing of data categorized as facts officially known to the administrative authority" *alebo* "facts established through official activities. Artificial intelligence would therefore not be a cardinal element of the decision-making activity, which would still remain human, but rather an important supplementary assistant in the individual administrative decision-making process. With continuous human supervision, artificial intelligence activities in precisely defined areas would significantly contribute to the effective and efficient conduct of administrative proceedings.

The gradual introduction of artificial intelligence into administrative proceedings is meaningful, primarily due to the potential need to eliminate identified shortcomings. Discussions about the use of artificial intelligence in the judicial application of law are appearing increasingly often among experts, yet with an evidently cautious approach regarding timing: *"The author believes that the use of artificial intelligence in the process of judicial application of law will be a natural step in the informatization of court proceedings. However, since this process is complex and time-consuming, we should not expect it to happen in the near future."*[12] It is understandable that any introduction of something new is approached cautiously and gradually. In relation to artificial intelligence, the so-called "black box problem" is emphasized. This so-called „black box problem" can be explained as follows: for a person who encounters the result of AI's activity, the algorithm of deep learning implemented by the AI - which produces an output, such as a decision, based on processed data - may not be - and in practice is not - understandable. The black box problem in the context of decision justification is also mentioned by Melanie Fink, an assistant professor at Leiden University in the Netherlands (Universiteit Leiden), together with Michèle Finck. In their article, they point out that a person may not be able to explain the specific reasons for a decision fundamentally influenced by an AI system, because neither the system nor the person fully understands it. *"As a result, public administration using such software may not be able to understand how the output was generated - just as the citizens affected by the respective decision cannot. There is a possibility that with the growing sophistication of AI techniques, this problem will deepen further."*[13] Finally, it is necessary to emphasize that insufficient reasoning of a decision is contrary to the right to a fair trial.[14] Moreover, the lack of reasoning in a decision in which artificial intelligence participated raises related questions of fairness, particularly in cases where the person whose rights or obligations were decided upon does not seek a review of such a decision.

The use of artificial intelligence in administrative proceedings should not be imagined as replacing a clerk with a robot. Artificial intelligence is intended to serve as an assistant; thus, only certain clerical tasks should be replaced by AI. In other words, human work, or a part of it, can or should be replaced by automated actions. This distinction is also highlighted by Professor Lilian Edwards, an expert in internet law at Strathclyde Law School, University of

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[12] NOWOTKO, Paweł Marcin: *AI in judicial application of law and the right to a court.* In: *Procedia Computer Science 192 (2021)*, p. 2224, [online, accessed 05.09.2025]. Available at: https://www.sciencedirect.com/science/article/pii/S1877050921017324?via%3Dihub.

[13] See more: Fink, M., & Finck, M.: *Reasoned A(I)dministration: explanation requirements in EU law and the automation of public administration* [online] In: *European Law Review*, 2022, 47(3), pp. 376-392, p. 377. [accessed 12.09.2025]. Retrieved from https://hdl.handle.net/1887/3439725.

[14] For more on the risks of insufficient reasoning of a decision and its impact on the (un)fairness of the process, see e.g. MOLNÁR, P.: *On Violation of the Right to a Fair Trial by Insufficient Reasoning of the Decision* [*K porušeniu práva na spravodlivý proces nedostatočným odôvodnením rozhodnutia*] In: *STUDIA IURIDICA Cassoviensia*. 2022, Vol. 10, No.1, ISSN 1339-3995, pp. 70-82 [online, accessed 11.11.2025]. Available at: https://sic.pravo.upjs.sk/ecasopis/102022-1/05_Molnar_ON_VIOLATION.pdf; doi.org/10.33542/SIC2022-1-05.

Strathclyde, Glasgow, United Kingdom, together with Michael Veale (who works at the Department of Science, Technology, Engineering and Public Policy (STEaPP), University College London).[15] Both are also cited by Advocate General Jean Richard De La Tour in his opinion on initiating preliminary proceedings, presented on September 12, 2024, to the Court of Justice of the European Union, submitted by the Verwaltungsgericht Wien (Administrative Court Vienna, Austria).[16] Partial use of artificial intelligence in the current scientific and technical stage of societal development would aims to reduce the workload of clerks without fully eliminating them as the human element in public administration.

III. SPECIFICS OF PARTIAL EXPLOITATION OF ARTIFICIAL INTELLIGENCE IN ADMINISTRATIVE SANCTION PROCEEDINGS

Artificial intelligence will undoubtedly find application in administrative proceedings involving the imposition of sanctions for administrative offenses. Especially in the detection and adjudication of such offenses. Even in this area, potential risks are identified, both in the detection and the sanctioning of offenses.[17] We refer to the occurrence of errors in the activities of artificial intelligence, which this technology may bring into legal practice, including the field of administrative sanction proceedings.[18]

Artificial intelligence is certainly a useful tool that can contribute not only to the efficiency of detecting offenses but also, to some extent, simplify the administrative processes associated with their adjudication. AI's ability to detect offenses through behavioral pattern recognition and the analysis of camera data will therefore be particularly valuable.

In connection with administrative offense law, artificial intelligence will also be capable of automatically processing data about committed offenses and their perpetrators. AI-based image recognition can be combined with the analysis of video recordings from camera systems. In the gradual process of introducing artificial intelligence into administrative proceedings, it cannot be ruled out that AI could conduct interrogations of the accused or witnesses, followed by comparing such statements and evaluating their consistency. Finally, artificial intelligence could also replace humans in qualifying specific unlawful conduct and in drafting decisions in administrative sanction proceedings, at least to the same extent as in other administrative proceedings. Artificial intelligence systems will need to prevent any manifestations of bias against participants in administrative proceedings. It can be reasonably assumed that the use of

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[15] More on the topic of replacing human work with automated systems, for example: EDWARDS L. - VEALE M.: *"Slave to the Algorithm? Why a "Right to Explanation" Is Probably Not the Remedy You Are Looking for"*. [online]. In: *Duke Law & Technology Review*. 2017, Vol. 16, No. 1, p. 82. [accessed 26.09.2025]. Retrieved from: https://scholarship. law. duke. edu/cgi/viewcontent.cgi?article=1315&context=dltr.

[16] Advocate General Jean Richard De La Tour's proposals, presented to the Court of Justice of the European Union on 12 September 2024, in Case C-203/22 involving Dun & Bradstreet Austria GmbH and Magistrat der Stadt Wien - opinion on initiating preliminary proceedings, submitted by Verwaltungsgericht Wien (Administrative Court Vienna, Austria). [online] In: Collection of Judgments of the Court of Justice of the European Union, ECLI:EU:C:2024:745, p. 20. [accessed 12.09.2025] Retrieved from: https://eur-lex.europa.eu/legal-content/SK/TXT/PDF/?uri=CELEX:62022CC0203.

[17] Historically, unlike today, it was unthinkable for unlawful conduct to be classified by anyone other than a human being. Even when determining whether a particular act should be categorized as a criminal offense or a misdemeanor, the task still fell exclusively to a human. For a detailed discussion of the historical aspects of classifying criminal offenses and misdemeanors, see, for example: FICO, M.: *Foundations of Criminal Liability in the Process of Unifying the Criminal Law of Interwar Czechoslovakia* [*Základy trestnej zodpovednosti v procese unifikácie trestného práva medzivojnovej Československej republiky*], Košice, Pavol Jozef Šafárik University in Košice, 2020, ISBN 978-80-8152-840-8; or FICO, M: *The Tripartition of Criminal Offenses in Interwar Czechoslovakia*, in: *Studia Iuridica Cassoviensia* [*Tripartícia trestných činov medzivojnovej Československej republiky*] In: *STUDIA IURIDICA Cassoviensia*. 2019, Vol. 7, No.2, ISSN 1339-3995, pp. 47-57; doi.org/10.33542/SIC2019-2-05 [online, accessed 14.11.2025]. Available at: https://sic.pravo. upjs.sk/ ecasopis/72019-2/5_FICO_Triparticia_trestnych_cinov.pdf.

[18] The author also dealt in greater detail with the topic of the use of artificial intelligence in detecting offenses and their adjudication in his paper titled *"The Use of Artificial Intelligence in Detecting Offenses and Their Adjudication"* presented at the nationwide interdisciplinary scientific conference *"Košice Days of Criminal Law 2025, 9th Edition,"* held in Košice on June 18 and 19, 2025. The mentioned paper will be published in the proceedings of the conference.

artificial intelligence will help not only to make the work of state authorities more efficient but that AI algorithms may even enable more accurate and objective decision-making. In detecting offenses, the recognition of unlawful conduct and its subsequent qualification as fulfilling the elements of a specific offense is applicable. Artificial intelligence is pre-programmed with definitions of unlawful conduct. In the area of road safety and traffic flow, this will involve detecting speeding or failure to obey traffic signals at intersections. If permitted by law de lege lata, artificial intelligence will be able to identify public space pollution and other forms of undesirable behavior from camera recordings. AI will be capable of instantly identifying a vehicle based on its license plate number from the footage and, using databases of human faces, gait patterns, or other characteristics, it can identify the person committing the unlawful act. Artificial intelligence will also be able to detect offenses committed throught electronic communication. Moreover, immediately after detecting unlawful conduct, AI will be able to signal the need for intervention by authorized personnel. When monitoring public spaces through camera systems, artificial intelligence can not only observe but also evaluate the recorded events. If necessary, it will notify the competent authority - for example, the municipal police - who can then carry out an immediate intervention against the perpetrator.

The use of artificial intelligence in the indicated manner will require legal regulation and compliance with the protection of fundamental rights and freedoms, particularly concerning the creation of databases necessary for the identification of individuals.

IV. RISK OF PARTIAL EXPLOITATION OF ARTIFICIAL INTELLIGENCE IN ADMINISTRATIVE SANCTION PROCEEDINGS

Although AI may initially seem unproblematic, the reality is quite the opposite. This "thinking machine" may be considered a helpful tool; however, at its current stage of development, it should, out of caution, be regarded rather as a "non-autonomous assistant" - and treated accordingly. One example is the task given to artificial intelligence to create a knowledge test. The AI generated a set of questions with answers and informed the human test-taker in advance that each question would have only one correct answer. Let us illustrate a model error made by the AI. Among the questions, there was one for which two out of four answers were correct. To make it easier to understand, the question could be: *"Which numbers are greater than 4?"* The answer choices were: a) 6, b) 3, c) 5, d) 1. Since the AI had clearly stated that only one answer would be correct, the respondent selected just one of the correct answers - in this case, **c)**. The AI then marked the answer as incorrect. However, not because both correct answers (a and c) should have been selected, but because, according to the AI, only answer a) was to be considered correct. When asked why only one of the two correct answers was accepted, the AI explained that in the materials it used, the answer listed first was marked as correct. This simple example demonstrates how AI behaved like a fool - it did not truly understand what it was doing and merely relied on various mixed sources to produce a final output. If this result had not been reviewed by a human, the outcome of the test would clearly have been incorrect. If such an error occurred in more serious tasks or processes, it could lead to significant or even severe consequences. From the perspective of the types of errors artificial intelligence can make, three basic categories of risks associated with its use in administrative proceedings can be identified. The first category consists of legal and procedural risks, the second category includes administrative and technological risks, and the third category comprises.

4.1 Legal and procedural risks

The use of artificial intelligence requires a legal basis. In our view, a general regulation on artificial intelligence (which we provisionally call it the *"Act on Artificial Intelligence and its Use in Public Administration"* or *"Act on Artificial Intelligence and its Use by Public*

Authorities") would not be sufficient for its deployment in administrative proceedings. A participant in the proceedings has the right to know who specifically made the decision in their case. This is connected to the right to be informed about which actions in the administrative process were performed by artificial intelligence - particularly when the matter involves an interference with legally protected interests or the imposition of obligations on the participant in the administrative proceeding.

Therefore, as a starting point, a rigorous legal framework governing the use of artificial intelligence in administrative proceedings is necessary. This should include provisions for the review or oversight of its procedures and the results of its actions, as well as the assignment of responsibility. Adequate legal regulation of artificial intelligence in administrative proceedings would prevent legal uncertainty regarding its use. It is not excluded that even within the general regulation of administrative procedure - i.e. Act No. 71/1967 Coll. on Administrative Procedure (Administrative Code), as amended - the operation of artificial intelligence could be codified. De lege ferenda (i.e., as a recommendation for future legislation), such codification would most appropriately be placed among the procedural rules, specifically within the principles that are binding in administrative proceedings and serve to interpret the provisions of the Administrative Code. The supplemented principle on the use of artificial intelligence would include a reference to the general regulation on artificial intelligence.

Another procedural legal challenge is the right to equal treatment. Among the fundamental rights and freedoms, equality in rights is placed at the very top of the Constitution of the Slovak Republic. *"People are free and equal in dignity and in rights. Fundamental rights and freedoms are inalienable, non-transferable, imprescriptible, and irrevocable."*[19] The first sentence of the cited article unequivocally enshrines equality in rights. If artificial intelligence is used only in relation to certain subjects or only in selected types of administrative proceedings, it may lead in inequality. For example, applications processed using AI may be assessed according to a different standard than those evaluated by a human. In practice, this could mean that two identical applications for the same allowance are processed differently simply because one went through an AI module and the other did not. One participant receives a response within two days, the other within two weeks. Furthermore, the responses or decisions may differ significantly. Such a situation impacts the principle of equality before the law, and therefore may represent a violation of equality as enshrined in Article 12 of the Constitution of the Slovak Republic.

Another issue we consider significant in the use of artificial intelligence is responsibility for decisions in which AI has participated, or which it has rendered without human intervention. This is also linked to the requirement of the possibility to appeal such decisions. In our opinion, AI should not issue decisions against which no regular remedy is available. Likewise, if, for example, AI proposes a decision - meaning it fully prepares an administrative decision with all the necessary elements - it raises the question of who is responsible for the legal consequences of such a decision. The current legal framework allows individuals to seek compensation for damage caused by an unlawful decision. It also covers damage resulting from incorrect official procedures.[20] However, if the boundary between human and machine is unclear, this can lead to avoidance of responsibility. We believe that responsibility for such decisions should be clarified by introducing a mandatory human review, at least in proceedings concerning regular legal remedies.

[19] Article 12(1) of the Constitution of the Slovak Republic No. 460/1992 Coll., as amended.

[20] Currently, this responsibility is regulated by Act No. 514/2003 Coll. on Liability for Damage Caused in the Exercise of Public Authority and on Amendments to Certain Acts, as amended. According to this legal regulation, improper procedures or decisions involving artificial intelligence can be addressed by holding the state liable for damage caused by public authorities in the exercise of public authority, as well as by holding municipalities and higher territorial units (i.e., local self-government) liable for damage caused by territorial self-government authorities in the exercise of self-government.

Finally, automatically issued decisions can be problematic in terms of safeguarding the rights of the parties involved in the proceedings. Everyone has the right to be present during the hearing of their case. In the case of so-called classic, standard administrative proceedings, all the rights of the participant must be respected. Exceptions may apply to abbreviated proceedings, such as summary proceedings for misdemeanors. In practice, this is a well-established procedure used when it is indisputable that the accused committed the misdemeanor and if the case was not resolved through on-the-spot fine proceedings. Thus, the administrative authority may issue an sanctioning order for the misdemeanor without further proceedings. Unless otherwise provided by the Misdemeanor Act or a special law, a fine of up to 250 euros may be imposed in summary proceedings. The order has the same formal requirements as a misdemeanor decision and is always communicated in writing. Regarding the possibility of using a proper legal remedy, the accused may file an objection against the order within 15 days from the date of its delivery to the administrative authority that issued the order. If the objection is filed in time, the order is annulled, and the administrative authority continues with the proceedings, during which no other type of sanction may be imposed on the accused, except for a reprimand or a higher sanction than that stated in the order, provided no new significant facts are found during the misdemeanor hearing. This reflects the prohibition of worsening changes (reformatio in peius), i.e., the prohibition of changes detrimental to the accused. An order against which no timely objection has been filed has the effects of a final decision. Misdemeanors that are subject only to proceedings upon request (so-called request offenses) cannot be adjudicated in summary proceedings. An order cannot be issued if the accused is deprived of legal capacity or if their legal capacity is restricted.[21]

In the implementation of summary proceedings as a shortened type of administrative sanction proceedings, we can envision fully automated issuance of decisions based on evidence, while always preserving the right to file a regular legal remedy. By filing an objection, which is a proper legal remedy against an order imposing a penalty for a misdemeanor, the order is automatically revoked by law, and standard administrative proceedings are conducted in the matter. We hold the view that in misdemeanor cases decided by an order, after an objection is filed, a human must decide the case. We adhere to the requirement that in matters where artificial intelligence has made a decision, a human must always act after a remedy is filed. In other words, it is better that the outcome of one "thinking machine" is not reviewed by another "thinking machine." This requirement, in our opinion, should be formulated among the basic rules of administrative proceedings in the general regulation on administrative procedure. This would prevent an "unequal fight" (really unequal position) between a human participant on one side and a "thinking machine" on the other. We insist that even partially automated decisions must not exclude the "legal contest" between a human (participant in the proceedings) and a human (representative of state authority).

4.2 Administrative and technological risks

Among the risks associated even with the partial use of artificial intelligence in administrative proceedings, administrative and technological risks cannot be excluded.

If we consider the involvement of artificial intelligence in the first instance of administrative proceedings while the appeals process remains exclusively in human hands, this situation can be described as separate modules. This means that a module, as an independent unit of the system, is linked to AI activity in the first instance of the administrative procedure, but in the appeals process, the module relates only to human activity. This represents a certain fragmentation of processes, carrying the risk that the separate modules (e.g., AI at the beginning and a human at the end) might not communicate effectively, which may lead to duplicated

[21] Compare §§ 87(1) to (6) and § 13(2) of Act No. 372/1990 Coll. on Misdemeanors, as amended.

efforts or even loss of context. In every administrative proceeding, it is necessary to ensure that no data used by AI at the beginning is missing when the human operator gets involved in the final stage. Likewise, the human must always know precisely everything that the AI did, how it did it, and the reasoning behind it. As for how data loss could occur, the simple answer relates to cybersecurity. Multiple separate systems (in our case, the machine at the start and the human at the end) without centralized management must be sufficiently secured and resilient against cyberattacks, data breaches, and technological failures.

Finally, when introducing artificial intelligence across various public administration bodies with specific procedural requirements, including the need to master particular legal regulations, relevant case law, and administrative practices, financial waste could easily occur. Implementing separate AI components independently for different areas of public administration may be cost-inefficient. It is advisable to create a general model of an "assistant in administrative proceedings" to effectively carry out the required tasks, thereby avoiding duplicate investments across different categories of administrative authorities.

4.3 Ethical risks

In connection with the use of artificial intelligence, ethical considerations cannot be overlooked. These must also be taken into account in administrative proceedings. It is not only about processing personal data and the potential for their misuse. A risk in using artificial intelligence may lie in assuming technical completeness or even the perfection of AI's outputs. Clear rules must be established and legally anchored for any decision-making activity entrusted to artificial intelligence. Humans must have a clear and comprehensive understanding of how AI "thinks." AI must not be a "black box" with secret procedures. The reasoning of artificial intelligence must be understandable not only to the person representing state authority and acting on behalf of the state body but especially to the participant in the proceedings. Again, we point to a certain "contentiousness" of AI, as illustrated by the simple knowledge test, which demonstrated AI's susceptibility to errors and its persistence in faulty conclusions. Therefore, both the state authority and the participant in the proceedings must fully understand the reasoning of the artificial intelligence, with a clearly ensured possibility for the participant to defend themselves.

An indispensable factor to consider when evaluating the use of artificial intelligence in administrative proceedings is the potential for AI errors. Artificial intelligence acknowledges that it makes mistakes. When asked about the type of errors it may commit, it responded affirmatively. When asked about the type of errors it may commit, it responded affirmatively.[22] The errors that artificial intelligence itself admits to in its operation can be divided into five types.

The first and perhaps the most understandable cause of errors is those arising from imperfect data, since artificial intelligence draws its knowledge and learns from historical data. If these data are characterized by inaccuracy or incompleteness, the result of using such data will also be inaccurate or erroneous. Moreover, artificial intelligence acknowledges that in its operation it cannot only repeat these errors but even amplify their intensity. In our opinion, eliminating this risk should involve inputting all relevant data by a human, without allowing artificial intelligence to learn independently and uncontrollably on its own. The accuracy of the entered data should be the responsibility of a human, who should also supervise the supplementation or updating of the data with which the artificial intelligence works.

Another type of error is the incorrect interpretation of context, which can result not only in improper procedures but especially in wrong decisions. However, we believe that with precisely defined tasks for artificial intelligence, as well as by explaining to AI that human interactions

[22] We communicated with artificial intelligence on the platform chat.gpt.com.

often include irony, sarcasm, or meanings derived from a broader context, the risk of misinterpreting, for example, the content of a witness statement can be significantly reduced. For this reason, after the filing of appeals against decisions in which artificial intelligence has participated, the matter should be handled by a human who can appropriately correct the objections of the participants regarding any misinterpretation of the text.

The third type of errors that artificial intelligence acknowledges are technical errors of AI models. These involve incorrect forecasting, assumptions, or predictions, which are serious problems related to machine learning. This occurs as AI learns patterns from its training data set. Simply put, these errors are known as overfitting and underfitting.[23] Underfitting, also known as undertraining, which occurs when an artificial intelligence model fails to learn the correct relationships between data and consequently makes incorrect predictions. An AI that does not properly understand the data produces inaccurate results. In other words, when AI learns something incorrectly, it also interprets it incorrectly. Overfitting, by contrast, means overtraining. This is a situation where AI detects too many, often incorrect, relationships within the data. Unlike humans, who can identify and ignore unwanted anomalies in the data, AI may not be capable of doing so.

The fourth type of errors lies in the lack of transparency and the related responsibility. In this context, we mention the so-called "black-box" algorithms. A black box is a complex computer program whose internal functioning is not clearly visible or understandable to humans.[24] This complicates, or even hinders, the understanding of how artificial intelligence "thinks." Without a clear justification or explanation of why the AI made a particular decision and not another, it becomes more difficult to challenge AI-made decisions. Eliminating this undesirable phenomenon could involve appropriate educational methods and training processes, which would enable the AI to externally express the way it forms conclusions or judgments on which the administrative decision is based. Otherwise, even the official will be unable to answer why the AI recommended, for example, rejecting an application if the AI itself conceals the processes it used to reach that conclusion.

The last type of errors that artificial intelligence acknowledges are the consequences of the mistakes it makes. These consequences include not only legal but also ethical implications. Among these consequences is the risk of violating the rights of subjects in administrative proceedings, such as the incorrect classification of an irrelevant matter as an offense, which may lead to unjust sanctions. In this way, the involvement of artificial intelligence can also undermine the authority of public administration.

V. RISK OF EXPLOITING ARTIFICIAL INTELLIGENCE IN THE VARIOUS PHASES OF ADMINISTRATIVE PROCEEDINGS: CATEGORIZATION, EVALUATION AND PROPOSALS FOR FUTURE LEGISLATION (DE LEGE FERENDA)

5.1 Categorization and evaluation of risks associated with the integration of Artificial Intelligence into the various phases of administrative proceedings

Regardless of the specific areas or sectors of public administration involved, potential shortcomings or risks related to the involvement of artificial intelligence in decision-making processes may be similar or even identical.

This primarily concerns the initiation of administrative proceedings, whether initiated by a participant's request or ex officio. When administrative proceedings are initiated based on a

[23] A more detailed explanation of overfitting and underfitting, for example: *Co je overfitting? Trading Terminologie!* [online]. Available at: https://www.tradesmart.cz/co-je-overfitting-trading-terminologie/ [accessed 2025-09-25] or also *Co je overfitting/underfitting a jak funguje?* [online]. Available at: https://denik.mikulasske.cz/?p=2237 [accessed 2025-09-25]

[24] More detailed information about the "black box" phenomenon in artificial intelligence activities can be found, for example, at: *Black box.* [online]. Source: https://www.seoprakticky.cz/slovnik-pojmu/black-box/ [accessed 2025-09-25].

participant's request, the risk lies in correctly understanding the content of the submission and properly categorizing it for further processing. If the administrative proceeding is initiated ex officio, artificial intelligence is tasked with assessing whether the legal conditions for such initiation are met. Incorrect evaluation of these conditions could occur, which may then require human oversight to verify the correctness of this procedure. Thus, the expected assistance from artificial intelligence might become complicated by the necessity of controlling the correctness of both the initiation and non-initiation of administrative proceedings.

After the initiation of administrative proceedings, it is necessary to accurately and completely establish the factual situation and apply the relevant legal regulations to the specific case. The establishment of facts through evidence gathering, carried out by artificial intelligence, as well as obtaining the necessary materials for the decision, must be predefined by clearly assigning tasks for the artificial intelligence. Allowing too much freedom to artificial intelligence carries the risk of unintended autonomy or detachment from procedural requirements. This, in turn, will again require human oversight and potentially necessary correction. This applies whether the shortcomings relate to establishing the facts, evaluating evidence, or incorrectly applying legal regulations to the case.

If the task of artificial intelligence were only to prepare a draft decision, which would then be reviewed by a human, this draft would have to include the reasons. The problem could be an unclear explanation of the reasons for a particular decision.

If artificial intelligence is entrusted with issuing a decision, it is important to consider responsibility not only for the operational part but also for other formal requirements, especially for a clear and understandable justification. Thus, both the state authority and the participant in the proceedings must fully understand the reasoning of the artificial intelligence that prepared the decision, and the decision must clearly specify the extent of the AI's participation. Legal argumentation is essential in the reasoning of any decision.[25] Therefore, it is of utmost importance not to disregard the question of whether artificial intelligence possesses the capacity to formulate proper legal arguments.

Another important area of administrative proceedings is the use of remedies. Whether these are ordinary or extraordinary remedies, decision-making in cases where artificial intelligence is entrusted with this task requires review by a different subject to ensure procedural objectivity of both the decision and the preceding procedure. It is questionable whether artificial intelligence will be able to review a decision made by another artificial intelligence. Simply put, reviewing the decision and the preceding procedure is indispensable from the perspective of procedural objectivity by a different subject. The delegation of competence is a principle that must be insisted upon to ensure a fair process within the rule of law. So far, the optimal solution for reviewing decisions made by artificial intelligence appears to be the full involvement of a human.

Because verifying the reliability of involving artificial intelligence in individual administrative decision-making is necessary, it is advisable to proceed in a fragmented or partial manner. Only after adequately eliminating procedural risks and legal uncertainty caused by AI unpredictability should the scope of AI tasks in administrative proceedings be expanded."

[25] The importance and significance of legal argumentation is aptly mentioned by Associate Professor Martin Turčan. See also TURČAN. M: *A Bit of Empiricism: A Quantitative View of Selected Types of Legal Argumentation in the Decisions of Slovak and Czech Top Court* [*Trochu empírie: kvantitatívny pohľad na vybrané druhy právnej argumentácie v rozhodnutiach slovenských a českých vrcholových súdov*] In: *STUDIA IURIDICA Cassoviensia*. 2025, Vol. 13, No.2, ISSN 1339-3995, pp. 192-216 [online, accessed 11.11.2025]. Available online: https://sic.pravo.upjs.sk/ecasopis/132025-2/11_Turcan_Trochu_empirie_Kvantitativny_pohlad.pdf; doi.org/10.33542/SIC2025-2-11.

5.2 Suggestions for de lege ferenda (recommendations for future legislation)

With reference to the potential risks arising from the involvement of artificial intelligence in administrative proceedings, it is essential to consider measures to minimize or even eliminate undesirable impacts of AI participation. This applies both to individual stages of administrative proceedings and to specific administrative procedures.

For the initiation of administrative proceedings based on a party's motion, it is necessary to define the requirements for AI activity. Additionally, the sources against which the content of the submission will be verified must be clearly established. When administrative proceedings are initiated ex officio, the reasons for this procedure must be clearly specified, without any possibility of unauthorized modification or expansion.

We consider the a priori prohibition of self-learning a fundamental restriction on AI. Artificial intelligence must work only with a predefined set of materials, without the possibility of supplementing its *knowledge* from unverified sources. In other words, a human must provide AI with the complete set of materials as well as the requirements for processing them.

It is important to define AI tasks after the initiation of administrative proceedings to accurately ascertain the facts of the case and determine the scope of relevant legal regulations. This will help prevent any undesirable autonomy or detachment from the procedural requirements.

Finally, every type and stage of administrative proceedings in which AI is involved must always be subject to human oversight. Without exception, subsequent human review must be applied to decisions and procedures following the submission of remedies.

In the general regulation on administrative proceedings, currently governed by Act No. 71/1967 Coll. on Administrative Proceedings (the Administrative Procedure Code), as amended, we propose that decisions indicate which parts were prepared by artificial intelligence. Every administrative decision must clearly specify the role in which artificial intelligence participated. This can be addressed by introducing a new element of the administrative decision: a separate section of the written decision, referred to as the "addendum on the work of artificial intelligence." This requirement should be legally mandated not only in the general rules of administrative proceedings (i.e., in §§ 3 and 4 of the Administrative Procedure Code) but also in §§ 46 and 47, which regulate the formal requirements of decisions.

Regarding liability for any damage caused by a decision or procedural action performed by AI, it is necessary to clearly define the responsible entity, whether it is the public administration authority, the IT specialist assigning tasks to AI, or the person supervising AI activities.

Regarding remedies against decisions in which AI has participated, decision-making must be assigned to a human. This requirement should be enshrined in the general rules of administrative procedure, namely in the Administrative Procedure Code.

VI. CONCLUSIONS

Partial exploitation of the potential of artificial intelligence in administrative proceedings offers a promising way to improve the efficiency of administrative decision-making processes. Benefits are expected from every technical advancement, including artificial intelligence. AI can contribute to enhancing the quality of public administration activities. However, its integration into individual tasks must be cautious and gradual. In the event of errors, these must be eliminated as soon as possible to ensure that, ultimately, artificial intelligence delivers more benefits than harm. Nevertheless, even partial implementation of AI carries risks, as discussed in this paper. We also present proposals to support the safe integration of AI into decision-making processes, along with suggestions to minimize or eliminate the risks it entails.

It is advisable to develop a strategy and propose legal regulations for the gradual implementation of artificial intelligence into administrative proceedings. This should include

defining responsibility for incorrect procedures and decisions in which artificial intelligence participated, as the algorithms and programs for AI must be created and supervised by humans. If artificial intelligence is to formulate administrative decisions, it is essential to require for clear explanations of its "thought processes" and precise specification of how the involvement of AI influenced the outcome of the administrative proceeding.

With the partial implementation of AI in administrative proceedings, it will be necessary to provide training for public administration employees on the principles of AI operation. At the same time, employees should be encouraged to report deficiencies to improve the technology during its integration into public administration.

In this paper, we have identified three main categories of risks associated with the use of artificial intelligence in administrative proceedings: legal-procedural risks, administrative, technological, and ethical risks. Primarily, there will be a need for legal regulation establishing the right of a participant in administrative proceedings to be informed about which administrative activities were performed by AI. De lege ferenda, this provision will likely find its optimal place among the procedural rules governed by the general administrative procedure legislation. Namely the Administrative Procedure Code, which would formally incorporate the role of artificial intelligence. The proposed principle regarding the use of artificial intelligence would also include a reference to the general legislation on artificial intelligence.

We emphasize the need to preserve the right to equal treatment, as applications processed with the help of artificial intelligence may be evaluated according to different standards than those assessed by humans.

We consider it essential that, in proceedings involving appeals against decisions in which artificial intelligence participated, the decision-making should be carried out by a human and not again by artificial intelligence. This would ensure not only the delegation of competence but, most importantly, mandatory human oversight over artificial intelligence. We base this on our finding that artificial intelligence itself admits to its potential for errors and fallibility. Therefore, we do not believe it is appropriate for the outcome of one "thinking machine" to be reviewed by another "thinking machine." For this reason, we believe this requirement should be enshrined among the fundamental rules of administrative proceedings in the general administrative procedure legislation. This would prevent an "unequal contest" between a human participant in the proceedings on one side and a "thinking machine" on the other.

KEY WORDS

artificial intelligence, administrative procedure

KĽÚČOVÉ SLOVÁ

umelá inteligencia, administratívne konanie

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