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Section II.

Interdisciplinary Approach in Administrative Sciences in the 21st Century

Friday, May 19, 2023

Online on Zoom

Keynote speakers:

Associate professor **Cristina Elena POPA TACHE**, „Andrei Şaguna” University of Constanta

Lecturer **Cristina COJOCARU**, Faculty of Law, Bucharest University of Economic Studies

! Each paper will be presented within 15 minutes

! Fiecare lucrare va fi prezentată în maxim 15 minute

SCIENTIFIC PAPERS

10.00 - 11.00

THE CHALLENGES OF ARTIFICIAL INTELIGENCE IN A ADMINISTRATIVE LAW AND ADMINISTRATIVE PROCEDURE

Assistant professor Bárbara MAGALHÃES
IJP - Institute for legal research, Porto, Portugal

Abstract

Artificial intelligence has had a considerable impact on the various branches of legal knowledge and Administrative Law has proved to be equally permeable to all the technological changes that have arisen in legal reality, a context intensified by the needs during the covid 19 pandemic. With regard to Procedural Administrative Law, the imperative needs of efficiency, economy, speed and effectiveness, in short, of good administration, impose a constant and growing disruptive process with traditional decision-making methods, using intelligent decision-making systems for this purpose. However, the use of these mechanisms raises some questions that constitute challenges to their use, namely issues related to the protection of legally protected rights and interests, as well as protection of the guarantees of individuals. The Code of Administrative Procedure, in its art. 14º nº3 provides for the need to maintain guarantee equality between traditional procedures and electronic forms of administrative action, which in some situations does not occur. The compatibility between the need to implement the values inherent in the principle of good administration and the safeguarding and guaranteeing protection of citizens has not proved to be acceptable in some domains, leading to difficulties in complying with fundamental values inherent in administrative action. On the other hand, from the point of view of administrative justice, throughout the 21st century we have witnessed a substantial increase in conflict and, therefore, in litigation. In this wake, there is a clear increase in recourse to the courts. In view of the scarcity of material and human resources in state justice, excessive formalities and the complexity of the matters under litigation, decisions become increasingly time-consuming and inefficient. Digital justice mechanisms proved to be a possible answer to the listed problems, and with the recent changes to which the Code of Procedure for Administrative Courts was subject, we are witnessing an attempt to dematerialize administrative justice. However, with the use of these means, we are faced with numerous challenges that have repercussions in the guarantee sphere of citizens, first of all the difficulty that some citizens may encounter in using electronic mechanisms, both from an economic point of view and from a practice, which will translate into serious discrimination in access to justice. On the other hand, we encountered several obstacles of a technical nature that we will explore further.