

IMPROVING THE LEGAL REGULATORY MECHANISMS FOR ALGORITHMIC DECISION-MAKING IN PUBLIC ADMINISTRATION

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Abstract. This thesis analyzes the theoretical and practical issues surrounding the legal regulation of algorithmic decision-making in public administration. Problems related to transparency, legality, the accountability of state bodies, and the protection of citizens' rights arising from the use of algorithms are examined on the basis of Uzbekistan's legislation and international practice. Furthermore, proposals are advanced regarding the justification of algorithmic decisions, ensuring human control, and improving effective appeal mechanisms.

Keywords: public administration, algorithmic decision, artificial intelligence, legal regulation, administrative procedure, transparency, human control, accountability, human rights.

The development of digital technologies is leading to the improvement of decision-making and decision-preparation mechanisms in public administration. In particular, the potential to utilize algorithmic systems and artificial intelligence tools is expanding in areas such as public service delivery, tax risk assessment, identifying individuals in need of social assistance, and allocating state resources. While such technologies facilitate the rapid analysis of large volumes of data and enhance administrative efficiency, their application also presents new legal issues related to ensuring the legality, transparency, and fairness of public decisions.

When the output of an algorithmic system affects a citizen's rights and obligations, how this conclusion was formed, which data it was based on, and who bears liability for erroneous results become matters of vital importance. Therefore, the use of algorithms in public administration is not merely a question of technological advancement, but also one inextricably linked to the legal boundaries of exercising state power and the legal protection of citizens.

Strategic directions for the development of artificial intelligence technologies have been defined in Uzbekistan. In particular, the Strategy for the Development of Artificial Intelligence Technologies until 2030 was approved by Resolution of the President of the Republic of Uzbekistan No. RP-358 dated October 14, 2024.[1] Furthermore, Law No. ZRU-1115 dated January 21, 2026, improved legislative norms concerning the general framework for the use of artificial intelligence and issues of liability related to the unlawful processing of personal data.[2]

In this context, analyzing the legal safeguards of algorithmic decision-making in public administration and identifying directions for their enhancement is of pressing scientific and practical significance.

Main Body

Algorithmic decision-making is understood as the utilization of computational systems to evaluate a specific situation, formulate decision options, or determine the outcome of a decision based on data and established criteria. In this regard, a distinction must be drawn between the function of an algorithmic system and that of artificial intelligence: not every algorithm constitutes

artificial intelligence, yet both are capable of influencing the decision-making process in public administration.

The primary legal challenge in utilizing these systems lies in harmonizing technological efficiency with the requirements of legality. An algorithm's assessment of a particular individual as high-risk or its determination of an application as non-compliant should not automatically generate corresponding legal consequences. Such an outcome must be verified on the basis of criteria established by law and the actual circumstances of the case. Otherwise, an algorithmic recommendation may, in practice, turn into an administrative decision that has not been independently evaluated by a human.

The first crucial direction in the legal regulation of algorithmic decisions is transparency and the justification of decisions. It can sometimes be difficult to explain why the output of certain complex algorithms was formed in a particular way. In such situations, a citizen risks being deprived of the opportunity to know the reasons for a decision made against them, to object to inaccurate data, and to protect their rights.[3]

A practical example of this problem was observed in the Netherlands. On February 5, 2020, the District Court of the Hague ruled that the legislation concerning the SyRI system, used by the government to detect fraud risks, was incompatible with Article 8 of the European Convention on Human Rights, which guarantees the right to respect for private life.[4] This case demonstrated that the data-matching and analysis activities of state bodies must be reconciled with guarantees of transparency and the protection of human rights.

Building upon this, when state bodies utilize algorithmic systems, it is expedient to provide citizens with appropriate information regarding such use, to explain the primary reasons for the decision, and to create opportunities to rectify errors in the data utilized. In this context, transparency does not imply disclosing all technical details of the system to the public, but rather providing the information necessary for a citizen to protect their rights.

The second key direction is ensuring the accountability of state bodies and human oversight. The use of an algorithm's output must not nullify a state

body's obligation to make lawful decisions and remain responsible for their consequences. State bodies must be equipped to verify the results of the system they employ, ensure compliance with legal requirements, and substantively review citizens' objections.

Australia's Robodebt program demonstrates the urgency of this issue. This system, used to determine welfare recipients' debts, led to unfounded claims being imposed on citizens. The Royal Commission report, published on July 7, 2023, examined the operation of this program. This case highlights the necessity of legally and factually verifying automated calculation results, providing avenues for appealing decisions, and ensuring the accountability of state bodies.[5]

The third direction is preventing algorithmic bias and discrimination. If the data on which algorithms are trained or analyzed reflects historical inequalities, misclassifications, and disproportionate treatment of certain groups, their outcomes may likewise be unfair. For instance, data concerning regions or entities that were previously subjected to more frequent inspections risks being interpreted by the system as a sign of high risk. Therefore, when evaluating algorithms, it is essential to consider not only technical accuracy, but also their impact on various individuals and groups.

The European Union's Artificial Intelligence Act (Regulation (EU) 2024/1689) is based on regulating artificial intelligence systems according to their level of risk. The Regulation establishes requirements for high-risk systems, including risk management, data quality, human oversight, and appropriate transparency.[6] Rather than uniformly restricting all systems used in public administration, its approach focuses on considering their specific nature and potential impact on human rights.

A risk-based approach may also be considered in enhancing the legislation of Uzbekistan. In particular, before deploying algorithmic systems that significantly impact citizens' rights, it is advisable to establish procedures for assessing legal risks, verifying data quality, and regularly monitoring system outcomes.

The fourth direction is developing effective mechanisms for appealing algorithmic decisions. Citizens must have the opportunity to request a review of

decisions made against them, obtain the grounds for such decisions, and correct inaccurate data. In this regard, the review of an appeal should not be limited to merely repeating the initial output of the algorithm, but must entail an independent evaluation of the actual circumstances of the case and the arguments presented by the citizen.

Based on the above analysis, the following proposals can be advanced to enhance the legal regulation of algorithmic decision-making in public administration:

1. Developing clear rules governing the procedure for utilizing algorithmic systems in state bodies and defining their role in decision-making.
2. Establishing requirements for justification and notification regarding algorithmic decisions that significantly impact citizens' rights and obligations.
3. Strengthening opportunities for substantive human review of such decisions and ensuring effective appeal mechanisms.
4. Implementing mechanisms to evaluate algorithmic systems regarding the risk of discrimination, data quality, and impact on human rights.
5. Clearly defining the duties and boundaries of liability for both state bodies and organizations developing algorithmic systems.

These proposals are aimed not at restricting the use of algorithms in public administration, but at ensuring their deployment in a lawful, transparent, and accountable manner.

Conclusion

The legal regulation of algorithmic decision-making in public administration is an essential condition for protecting citizens' rights and ensuring the legality of state bodies' activities amid digital transformation. At a time when the general framework for the development and use of artificial intelligence is taking shape in Uzbekistan's legislation, it is of pressing importance to further clarify procedures for the justification of algorithmic decisions, ensuring human oversight, rectifying errors, and facilitating effective appeals.

Therefore, in regulating algorithmic systems, it is advisable to adopt a risk-based approach, reinforce the accountability of state bodies, and provide citizens with effective legal remedies. These measures serve to ensure a balance between the efficiency of digital governance and the principles of legality, fairness, and the protection of human rights.

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