

# **Administrative Discretion and AI: Exploring the Possibilities Under Czech and EU Law to Uphold the Rule of Law**

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**Abstract:** The article explores the potential application of Artificial Intelligence (AI) in administrative discretion within the Czech Republic, considering EU regulations. It addresses the challenge of integrating AI into administrative decision-making processes, traditionally managed by human administrators, while ensuring adherence to the principles of the rule of law (RoL). The research employs a qualitative approach, analyzing existing regulatory frameworks in the EU and the Czech Republic, and includes case studies to assess the feasibility and implications of AI integration. Additionally, it analyzes existing case law dealing with administrative discretion to understand how judicial decisions have shaped the boundaries and exercise of discretion. The study anticipates identifying both opportunities and challenges associated with AI in administrative discretion, revealing the need for clear guidelines and adaptations to current theories of administrative discretion to prevent arbitrariness and ensure transparency and accountability. This paper contributes to academic discourse by highlighting the originality and relevance of AI in public administration within the NISPAcee region, offering practical insights for policymakers and public administrators on implementing AI while upholding the RoL, thus ensuring more efficient and fair administrative processes.