Using Artificial Intelligence to Enhance Participation in Administrative Procedures: A Slovenian Legal Perspective

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Abstract: This article examines how artificial intelligence (AI) may be used in administrative procedure to strengthen, rather than weaken, participatory rights, with particular reference to the Slovenian General Administrative Procedure Act (GAPA). It starts from the premise that participation is a substantive element of administrative justice, closely linked to the right to be heard, the duty to give reasons, transparency, accountability, and effective legal protection. Using a legal-dogmatic and normative methodology, it analyses the conditions under which AI may operate as a supporting procedural tool in functions such as organising parties' submissions, communicating with parties, and structuring legally relevant information. The findings show that AI is legally acceptable only where it remains subordinate to human legal judgement and is embedded in the guarantees of fair procedure. AI may improve participation by making procedures more accessible, supporting the handling of complex or high-volume cases, and enabling a more structured consideration of different views. However, these benefits disappear where AI obscures the treatment of parties' submissions, weakens reason-giving, diffuses accountability, or reduces reviewability. The article argues that participatory administrative procedure should function as the normative filter through which AI is assessed in public administration. It concludes that the future modernisation of administrative procedure should not authorise AI in general terms, but should define admissible procedural functions, ensure transparency and human accountability, and preserve hearing rights, intelligible reasons, and effective remedies in line with good administration, the rule of law, and sustainable governance.

Points for Practitioners: In administrative procedure, AI is most defensible when used as a supporting tool rather than as a substitute for legal judgement. Its most appropriate applications are those that improve communication with parties, increase accessibility, assist in organising submissions, and support the handling of complex or high-volume cases, while leaving factual assessment, legal interpretation, and final decision-making to the competent authority. From a practical perspective, the key test is not whether AI makes procedures faster, but whether it makes participation more effective in substance. Authorities should therefore avoid AI uses that make the decisional pathway opaque, difficult to explain, or hard to review. Any procedurally relevant use of AI should be accompanied by clear safeguards, especially transparency regarding its role in the procedure, meaningful human oversight, intelligible reasons for the final decision, and access to effective legal remedies.

Keywords: administrative procedure; participatory rights; artificial intelligence; automated decision-making; good administration; Slovenia.

1. Introduction

Administrative procedure is a central institution of public law because it structures the exercise of public authority in individual cases and, in doing so, mediates between the public interest and the rights of parties. Its importance is therefore not merely technical; rather, it is one of the primary legal settings in which legality, accountability and good administration are made operational, as Auby (2014) highlights. In the Slovenian context, this is especially significant, given the breadth and frequency of administrative decision-making across areas such as taxation, social rights, construction and internal affairs, with up to 10 million administrative procedures conducted annually at first instance alone (Kovač & Kerševan, 2020). Participation in such procedures is consequently not a peripheral matter, but a core condition of lawful and legitimate administrative action.

In administrative law, participation is closely linked to the rule of law and the substantive ideal of good administration. It allows parties to present facts and arguments, protect their legal positions, and contribute to transparent and reasoned decision-making. Therefore, participation should be seen not as a formal procedural ritual, but as a substantive guarantee that enhances both the legitimacy and the epistemic quality of administrative decisions. This perspective aligns with broader scholarship on participatory and collaborative governance (e.g., Alford, 2009; Bevir, 2011; Vigoda, 2002), as well as with more specific work on administrative procedure in Europe and Slovenia, which has highlighted the participatory potential of codified procedure (e.g., Avbelj, 2019; Barnes, 2008; Galetta et al., 2015; Kovač, 2018).

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Yet, despite its doctrinal and constitutional prominence, participation in administrative procedure remains limited in practice. In Slovenia, as in several Central and Eastern European (CEE) systems, participation is still treated in a predominantly formalistic manner, with insufficient capacity to influence administrative reasoning meaningfully, as Bouckaert and Jann (2020) underline. This issue has been identified in the literature on Slovenian codification, which highlights the tension between inherited procedural models, European convergence, and contemporary social demands (Avbelj, 2019; Kovač, 2021; Kovač & Kerševan, 2020). Similar concerns have also been noted more broadly regarding administrative remedies and procedural modernisation (Galetta et al., 2015; Pszczyński, 2020). The challenge, therefore, is not whether participation is recognised in principle, but whether existing procedural law ensures its effective operation in practice.

This question has become more pressing in the context of digital transformation in public administration and the use of artificial intelligence (AI). Public administration is increasingly shaped by data-driven systems, algorithmic tools, and emerging forms of AI-assisted decision support, as Babšek et al. (2025) found. In administrative law, this development should not be reduced to either managerial enthusiasm or abstract technological scepticism. According to Kovač et al. (2025), the more relevant issue is whether AI can be integrated into administrative procedures in a way that strengthens, rather than diminishes, procedural guarantees. Existing scholarship suggests that AI may improve information processing, consistency, and administrative capacity, yet simultaneously generate new risks for fairness, transparency, and institutional control (Parycek et al., 2024; van Noordt & Misuraca, 2022).

This article examines the relationship between AI use and participatory rights in administrative procedure, asking *how administrative procedural law, particularly the Slovenian General Administrative Procedure Act (GAPA)*[4]*, should regulate AI to strengthen rather than weaken participation*. Its starting point is that AI may serve as a supporting tool in procedure, for example by assisting with the collection and organisation of parties' submissions, as discussed by Coglianese and Lehr (2016), by facilitating communication between authorities and parties, and by enabling a more structured consideration of competing views in administrative decision-making, which aligns with broader concerns about procedural rationality and administrative capacity (Henman, 2020). However, such use is legally acceptable only if it remains subordinate to the classic guarantees of fair procedure, especially the right to be heard and the right to receive a reasoned decision, which remain central within European administrative law (Harlow & Rawlings, 2014). The article therefore does not treat modernisation as a choice between legality and innovation. Rather, it approaches it as a question of how codified procedure may incorporate AI-assisted mechanisms while preserving the normative core of administrative justice, in line with the principles of good administration and fair procedure developed in European legal scholarship, as Galetta et al. (2015) highlight.

At the same time, the use of AI in administrative decision-making raises significant legal constraints. Scholarship has shown that algorithmic systems may obscure accountability, complicate review, and generate new forms of opacity or discrimination if insufficiently regulated (Kuziemski & Misuraca, 2020). As de Bruijn et al. (2022) demonstrate, explainability is itself difficult to secure in practice, while Green (2022) and Grimmelikhuijsen (2023) show that human oversight and transparency cannot be treated as simple or self-executing safeguards. These concerns are especially acute in administrative procedure, where fairness depends not only on the correctness of outcomes but also on the intelligibility, contestability, and reviewability of the decision-making process. Against this background, and in line with Galetta and Hofmann (2023), the article adopts a legal-dogmatic and normative approach to clarify the legal conditions under which AI may support more meaningful participation without diminishing legal protection. On this basis, it argues that AI can contribute positively to participatory administration only where its use is expressly regulated, transparently reviewable, and firmly embedded in the principles of good administration and the rule of law. Its specific originality lies in linking the procedural functions of AI to the guarantees-based structure of Slovenian administrative procedure and demonstrating how participation can serve as the legal criterion for distinguishing admissible support from impermissible substitution.

This article makes three closely connected contributions. First, it reframes the use of AI in administrative procedure through the lens of participatory administrative justice, rather than focusing solely on efficiency. Second, it demonstrates that the Slovenian GAPA already provides a meaningful guarantees-based framework for assessing AI-supported procedural functions, even though it does not expressly regulate AI. Third, it develops a function-specific analytical approach that distinguishes between supportive uses of AI, which may enhance participation, and substitutive or opaque uses, which risk undermining hearing rights, reason-giving, accountability, and effective legal protection. The remainder of the article is structured as follows. Section 2 outlines the theoretical framework on participation and AI-assisted administration. Section 3 explains the

[4] In Slovene: *Zakon o splošnem upravnem postopku*, ZUP. Official Gazette of the RS, No. 80/99 and amendments.

methodological and analytical approach. Section 4 provides a doctrinal and normative assessment of selected AI-supported procedural functions in light of the GAPA. Section 5 discusses the broader implications for the future modernisation of administrative procedural law in the context of good administration, the rule of law, and sustainable governance. Section 6 concludes by summarising the main findings, acknowledging the limitations of the analysis, and identifying priorities for future research.

2. Theoretical Background

Participation in administrative procedure is best understood as a substantive element of administrative justice rather than merely a formal procedural stage. Administrative procedure structures the exercise of public power in individual cases and thereby mediates between authority and rights (Auby, 2014). Participation is central to this function because it enables parties to submit facts and arguments, challenge administrative assumptions, and influence the evidentiary and normative basis of the decision. It is therefore closely linked to the right to be heard and the duty to give reasons (Harlow & Rawlings, 2014; Hofmann et al., 2014). In the Slovenian and wider CEE context, this participatory dimension has been developed in the literature on codification, especially by Kovač (2016; 2018; 2021), who shows that general administrative procedure is not only a technical legal framework but also a potential instrument of more responsive governance. Kovač and Kerševan (2020) similarly place participation among the core guarantees of the GAPA, while procedural modernisation in the region remains uneven and is often weaker in practice than in principle. Participation thus has both a rights-protective and an epistemic function: it protects parties against unilateral administrative authority and improves the quality, legitimacy, and acceptability of administrative decision-making (Alford, 2009; Barnes, 2008).

Recent literature on AI in public administration adds another layer to this debate by showing that digital tools may strengthen administrative capacity while also reshaping discretion, accountability, and the citizen's position vis-à-vis the state (e.g., Coglianese & Lehr, 2016; Henman, 2020). More recent scholarship develops this point further. Rizk and Lindgren (2025) argue that automated decision-making changes the "decision space" between officials and citizens, while Tangi et al. (2025) conceptualise AI in government as a socio-technical transformation rather than a simple efficiency tool. Haesevoets et al. (2025) show that AI is regarded as significantly more acceptable in an advisory than in an autonomous role, which is particularly relevant for administrative procedure. Recent work points in the same direction: Wang et al. (2026) frame AI in public administration as both an opportunity and a governance challenge centred on fairness, accountability, and justice, while Dziundziuk and Dziundziuk (2026) emphasise the importance of ethics, institutional readiness, and human capacities in responsible implementation.

On the other hand, current and future technological development is rapid, and the law must inevitably, at least in part, regulate its use rather than remain static and aligned with the needs of past decades only. It is therefore necessary to identify the intersection between the use of AI and principles of good governance, for example by setting limits on the use of automated decision-making (ADM) and AI in discretionary administrative decision-making, safeguarding the right to be heard and the right to receive a reasoned decision, and establishing legal remedies and liability in the event of (potentially large-scale) errors arising from the use of ADM and AI.

For administrative law, however, the decisive issue is not efficiency alone, but the compatibility of AI with fair procedure. A growing body of scholarship shows that algorithmic systems may obscure accountability, complicate review, and create new forms of opacity or discrimination if insufficiently regulated (Kuziemski & Misuraca, 2020; Zuiderveen Borgesius, 2020). As de Bruijn et al. (2022) demonstrate, explainability is often difficult to secure in practice, while Green (2022) and Grimmelikhuijsen (2023) show that human oversight and transparency cannot be treated as simple safeguards. Galetta and Hofmann (2023) are therefore correct to argue that AI-based automation makes the requirements of good administration more, rather than less, important, and Hoeppner and Samek (2024) similarly treat procedural fairness as a condition of legitimate algorithmic implementation. Against that background, this article approaches AI not as a substitute for human legal judgement, but as a possible supporting mechanism within administrative procedure. AI may assist the organisation and analysis of parties' submissions, facilitate communication, and support a more structured consideration of competing views, but only if its use remains subordinate to the right to be heard, the duty to give reasons, transparency, accountability, and effective review (Kovač et al., 2025; Parycek et al., 2024).

The analysis shows that AI has legal and practical significance for administrative procedure mainly when it serves as a *supportive procedural tool*, rather than as an independent source of administrative authority. For this article, the key criterion is whether a particular use of AI enhances or diminishes effective participation. In this context, the GAPA is relevant not because it specifically regulates AI as a technology, but because its procedural structure

already provides the legal framework within which AI-supported functions must be evaluated. The most plausible uses of AI are therefore those that assist with communication, accessibility, the organisation of submissions, and the structuring of legally relevant material, while leaving factual assessment, legal qualification, and final accountability to the competent authority. This finding aligns with recent public administration scholarship, which increasingly regards AI as most acceptable in advisory and augmentative roles rather than in autonomous decision-making (e.g., Haesevoets et al., 2025; Rizk & Lindgren, 2025).

A second point is that AI can strengthen participation only if participation is understood in a *substantive*, rather than merely formal, sense. The analysis confirms that participation is not exhausted by the formal opportunity to submit a statement or access the file. In the context of AI-supported administration, participation is meaningful only where the party is able to understand the procedure, communicate effectively with the authority, and see that their submissions may influence the authority's reasoning. From this perspective, AI may contribute positively where it improves procedural accessibility, helps authorities process a wider range of arguments and positions, and supports more structured and consistent reasoning across cases. This closely aligns with the article's broader concern with good administration, and with the view that participation enhances not only rights protection but also the quality, legitimacy, and trustworthiness of administrative decision-making (Barnes, 2008; Galetta et al., 2015; Kovač, 2024). At the same time, the findings suggest that AI ceases to be participatory where it merely automates formal interaction or obscures how parties' submissions were treated in administrative procedure.

A further implication is the *legal threshold of acceptability*. Across the analysed procedural functions, the decisive safeguards remain the classic guarantees of fair procedure: the right to be heard, the duty to provide reasons, transparency of procedural operations, human accountability for the legal assessment, and the availability of effective review. In this respect, the results support the position advanced in recent legal scholarship that AI does not reduce the relevance of good administration but makes it more demanding in operational terms (Galetta & Hofmann, 2023; Hoeppner & Samek, 2024). The same point follows from the literature on algorithmic governance and explainability, which shows that automated systems may otherwise obscure accountability, complicate contestability, and undermine accountability (de Bruijn et al., 2022; Green, 2022; Kuziemski & Misuraca, 2020). In administrative procedure, this is especially important because legality is inseparable from intelligibility: a procedurally fair outcome is insufficient if the path to that outcome cannot be understood, challenged, or externally reviewed.

3. Methodological Outline

This article adopts a legal-dogmatic and normative methodology. The legal-dogmatic component is used to identify, interpret, and systematise the legal framework governing participation in administrative procedure, particularly the Slovenian GAPA and the related guarantees of fair procedure, reason-giving, and legal protection. Such an approach is appropriate because administrative procedure is a doctrinally structured field in which the central questions concern the meaning, scope, and interaction of legal principles rather than the measurement of behavioural outcomes (Auby, 2014). It is also consistent with scholarship that treats administrative procedure as a key site of administrative justice and codified legal protection (Harlow & Rawlings, 2014; Hofmann et al., 2014). In the Slovenian context, this method is especially justified by the long-standing literature on codification, reform, and participatory guarantees in administrative procedure (Kovač & Kerševan, 2020; Kovač, 2021).

The article is also normative in orientation, as its purpose is not merely to describe existing regulation, but to assess the legal conditions under which AI may be integrated into administrative procedure without undermining participatory rights. The central question is therefore evaluative: which uses of AI can be reconciled with the right to be heard, the duty to give reasons, transparency, accountability and effective review, and which cannot. This requires more than a descriptive reconstruction of positive law; it requires legal reasoning about the adequacy of existing procedural safeguards and the standards by which new technological arrangements should be assessed. Such an orientation reflects established work on administrative procedure as more than a case-management technique (Barnes, 2008; Kovač, 2018) and is equally supported by newer scholarship arguing that AI in public administration must be examined in terms of legitimacy, fairness and institutional accountability, rather than efficiency alone, as Rizk and Lindgren (2025) emphasise.

More specifically, the article conducts a structured functional analysis of those aspects of administrative procedure in which AI may serve as a supporting mechanism, such as the organisation of parties' submissions, communication with parties, and the structuring of relevant information for administrative reasoning. These potential uses are then evaluated against the legal requirements of participatory procedure and good administration. A function-oriented approach of this kind is methodologically justified because recent scholarship

regards AI in public administration as context-dependent and institutionally embedded, rather than as a single homogeneous technology (Rizk & Lindgren, 2025; Tangi et al., 2025). The aim is therefore not to propose a technological solution, but to clarify the legal conditions under which AI may support more meaningful participation in administrative procedure without weakening the procedural position of the party or the rule of law.

The article does not adopt an empirical design. It does not seek to measure public attitudes, administrative uptake, or technical performance. Instead, it draws on legal sources, doctrinal scholarship, and recent interdisciplinary literature to clarify the legal framework within which AI-supported participation may be considered compatible with administrative justice. This choice is justified because the main problem concerns legal institutional design: how administrative procedural law should frame technological support without weakening the procedural position of the party. Recent scholarship confirms the relevance of this approach by showing that AI in public administration raises fundamental issues of fairness, accountability, and justice, all of which require legal and organisational analysis (Dziundziuk & Dziundziuk, 2026; Hoeppner & Samek, 2024; Wang et al., 2026). The methodology is therefore designed to connect doctrinal precision with normative evaluation to identify the conditions under which AI may support more meaningful participation in administrative procedure while remaining firmly embedded in the rule of law.

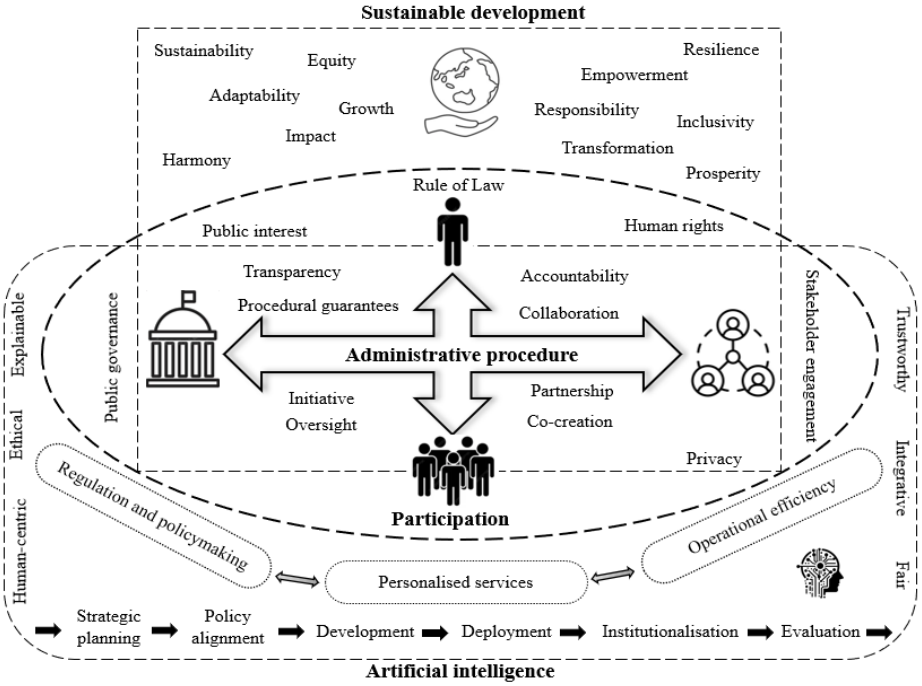
4. Doctrinal Analysis and Normative Assessment of the Participation & AI Mechanisms

More broadly, participatory administrative procedure itself emerges as a *normative filter* for evaluating AI in public administration. Figure 1 illustrates this result by showing that participation is not an obstacle to digitalisation, but the legal framework through which digitalisation should be assessed and regulated. On this view, AI has the greatest value where it supports broader stakeholder inclusion, better communication, more consistent reasoning, and greater procedural transparency, all of which are linked to more sustainable and trustworthy public governance. Conversely, where AI weakens hearing, reason-giving, accountability, or reviewability, it becomes difficult to justify within administrative procedure regardless of its technical efficiency. The analysis therefore leads to a clear regulatory implication: the ongoing modernisation of administrative procedure should not merely permit AI use in general terms, but should expressly define its admissible procedural functions, the safeguards attached to them, and the continuing accountability of the human decision-maker.

The function-based assessment presented below is not intended as a comprehensive commentary on the GAPA. Instead, it provides a structured reconstruction of selected procedural contexts in which AI may become legally relevant, such as communication with parties, file handling, hearings, evidentiary assessment, and appeal. This selective approach captures the broader logic of Slovenian administrative procedure without reducing the analysis to an article-by-article exegesis. The central point is that the legal acceptability of AI depends on the procedural function it performs and on whether that function remains consistent with participation, intelligible reasoning, attributable accountability, and effective legal protection.

This also helps explain why the Slovenian GAPA has significance beyond its basic principles. Its broader procedural framework, including rules on communication with parties, clarification of submissions, hearings, records, evidentiary assessment, reasoned decisions, and appeals, reflects a model of administrative procedure in which participation is integrated into decision-making rather than being external to it. From this perspective, AI is most defensible when it helps parties understand the procedure, present their views more effectively, and ensures that those views are processed in a structured and reviewable manner. Conversely, the closer AI comes to shaping factual evaluation, legal qualification, or the effective outcome of the case without sufficient transparency and human accountability, the more difficult it becomes to reconcile with the logic of codified administrative justice. Figure 1 clarifies the article's central claim by presenting participation as the legal and institutional basis for evaluating the procedural value of AI. It demonstrates that AI is most defensible when it supports participation and becomes more problematic when it starts to influence assessment, qualification, or outcomes.

Figure 1: The role of participatory administrative procedures in harnessing AI potential



Source: Adapted from Kovač, 2018, 2024; Palomares et al., 2021; van Noordt & Misuraca, 2022; Wirtz & Müller, 2019.

Table 1 further confirms that the decisive variable is not the presence of AI itself, but the procedural context and legal effect of its use. The legal assessment therefore depends on function rather than technology in the abstract. Where AI is used to facilitate communication, improve accessibility, detect incomplete submissions, or assist in organising complex procedural material, it may enhance participation without displacing the authority's accountability for factual and legal assessment. By contrast, the closer AI comes to shaping evidentiary evaluation, legal qualification, or the effective outcome of the case, the greater the need for procedural safeguards and the weaker the case for its admissibility. This is because such uses affect the core of administrative procedure: they influence how parties are heard, how relevant facts are established, how legal norms are applied, and how reasons can later be explained and contested. The table thus illustrates a sliding scale of legal acceptability, in which supportive and reviewable uses of AI are easier to reconcile with participatory administrative justice than opaque, substitutive, or outcome-directing forms of automation. For that reason, future regulation should focus less on abstract authorisation of AI in administration and more on identifying procedurally acceptable functions, assigning safeguards to each, and preserving a reviewable chain of human legal accountability.

Table 1: Analytical assessment of AI uses in participatory administrative procedure in light of the GAPA

Procedural function of AI	Potential contribution to participation	Main legal risk	Required safeguard	Relevant GAPA anchor / procedural context	Overall legal assessment
Organisation and synthesis of parties' submissions	Makes large volumes of submissions more manageable; may help ensure that different views, objections, and factual allegations are identified and considered more systematically, especially in complex or multi-party procedures	Selective filtering, distortion of relevance, hidden weighting of submissions, or omission of minority or less standardised claims	Traceability of processing, verifiable input-output relation, human validation of legal relevance, and a continuing possibility for the party to clarify or contest the authority's understanding of the file	Connected with the hearing of the party, substantive truth, free assessment of evidence, records, and the broader duty to decide on the basis of facts established in the procedure	**Generally acceptable,** if clearly supportive, reviewable, and subordinate to human assessment
Communication with parties	Improves accessibility, timeliness, and clarity of procedural information; may reduce informational asymmetries and support parties in understanding procedural steps, deadlines, and required actions	Standardised, misleading, or over-simplified responses; reduced procedural understanding; exclusion of vulnerable users; uncertainty as to whether the communication is authoritative	Clear notice of AI use, accessible language, possibility of human contact and correction, and a clear distinction between supportive guidance and formal legal communication	Connected with protection of parties' rights, assistance to parties, service rules, use of language, and the general requirement that parties be enabled to assert their rights effectively	**Acceptable with safeguards**, especially where it enhances rather than replaces dialogue
Structuring factual and legal issues	Supports consistency and helps authorities identify recurring issues, evidentiary gaps, or missing procedural elements in the file; may improve orientation in legally and factually dense matters	Over-standardisation, premature framing of the case, de facto steering of legal reasoning, or narrowing of the factual basis before the party has had a real opportunity to respond	Human control over legal qualification, explicit duty to state reasons, opportunity for parties to respond to the decisive factual and legal basis, and visible accountability of the official person	Connected with substantive truth, free assessment of evidence, independence of the official person, and the authority's duty to establish legally relevant facts and apply the law itself	**Conditionally acceptable**, but only where legal judgement and accountability remain genuinely human
Recommendation or scoring of outcomes	May improve internal consistency, support triage in high-volume procedures, or help identify comparable cases and recurrent patterns	Opaque reasoning, automation bias, displacement of hearing and reason-giving, hidden standardisation of discretion, and practical difficulty in contesting the basis of the outcome	Full explainability, documented review, non-binding character, explicit accountability of the official person, and a reasoned final decision that does not merely reproduce a system output	Connected with legality, discretion within statutory limits, duty to state reasons, independent official assessment, and the right to appeal against first-instance decisions affecting rights, obligations, or legal interests	**Problematic, unless strictly limited**, non-determinative, and procedurally transparent
Autonomous decision-making	Administrative speed and uniformity in standardised matters	Erosion of the right to be heard, weakened reason-giving, diluted	Exceptionally demanding safeguards: in most cases the safeguards required to preserve	Difficult to reconcile with the overall logic of the GAPA as a codification of humanly	**Generally incompatible** with a participation-

		accountability, reduced reviewability, and incompatibility with the role of the official person in evidentiary and legal assessment	participation would be difficult to satisfy in practice	attributable procedure, including hearing rights, evidentiary assessment, reasoned decision-making, and effective remedies	centred reading of the GAPA
Detection of missing procedural elements	Helps identify incomplete submissions, missing attachments, unclear requests, or overlooked procedural steps; may support more effective participation at the beginning of the procedure	Over-reliance on automated prompts, formalisation of participation, unequal treatment of complex or atypical cases, and excessive dependence on standard forms	Human verification, possibility for party clarification, transparent criteria for identifying omissions, and retention of the authority's duty to assist rather than merely reject	Connected with protection of parties' rights, incomplete applications, clarification of submissions, procedural guidance, and economy of procedure in a rights-compatible sense	**Acceptable with safeguards,** especially as a preparatory support tool
Translation and accessibility support	Improves access for parties with language, literacy, disability, or communication barriers and can therefore broaden effective participation in practice	Inaccurate translation, simplification of legally relevant content, misunderstanding of rights or obligations, and hidden substitution for official legal communication	Human-check option, plain-language review, clear notice of supportive rather than authoritative use, and safeguards for vulnerable users	Connected with protection of parties' rights, use of language, accessibility of hearings and submissions, and the broader requirement that participation be real rather than merely formal	**Generally acceptable,** where used to widen access and not to replace official legal communication
Support for participation in hearings, including remote or videoconference settings	May facilitate attendance, accessibility, transcription, translation, scheduling, and participation of parties who would otherwise face practical barriers to attendance	Distortion or loss of nuance, unreliable transcription, reduced immediacy of the hearing, weaker procedural equality, or an inaccurate record of what was stated	Human supervision during the hearing, possibility to correct the record, clear procedural rules on the status of AI-assisted tools, and preservation of the party's effective opportunity to be heard	Connected with oral hearings, videoconference hearings, summons, records, and the requirement that parties can effectively participate in decisive procedural acts	**Acceptable with safeguards,** especially where technology broadens effective access without lowering procedural quality
Support in appeal and review handling	May help identify appeal grounds, organise new facts and evidence, and improve the handling of opposing-party responses or large appellate files	Filtering of legally relevant objections, hidden prioritisation of grounds of appeal, or reduction of genuine review to template-based confirmation	Human review of appeal grounds, transparent handling of new facts and evidence, and a reasoned response showing that the appeal was substantively examined	Connected with the right of appeal, time limits, appeal contents, hearing of parties with opposing interests, supplementation of incomplete procedure, and reviewability of the final decision	**Acceptable only as an organisational support tool** and not as a substitute for appellate legal review

Source: Authors' elaboration, based on de Bruijn et al., 2022; Galetta & Hofmann, 2023; Grimmelikhuijsen, 2023; Kovač et al., 2025; Kuziemski & Misuraca, 2020; Parycek et al., 2024; Rizk & Lindgren, 2025; Slovenian GAPA.

The study also has limitations. Its methodology is legal-dogmatic and normative, meaning it does not empirically examine how Slovenian authorities currently use AI in individual procedures, how civil servants understand such tools in practice, or how parties perceive their effect on fairness and participation. The article also does not provide a sector-by-sector analysis of different administrative fields, even though the practical implications of AI may vary considerably between, for example, environmental permitting, social benefits, taxation, or migration procedures. In addition, while the article situates the Slovenian case in the broader European legal and scholarly context, it does not undertake a full comparative analysis of other codified systems. These limitations do not weaken the article's doctrinal conclusions, but they do define the scope of its claims.

These limitations indicate clear directions for future research. The first priority is empirical research on how AI-supported tools are already being introduced, tested, or envisaged in Slovenian administrative practice, including their impact on hearing rights, accessibility, institutional routines, and trust. The second priority is more detailed doctrinal work on the relationship between the GAPA, the EU AI Act, data protection law, anti-discrimination law, and judicial review in cases involving AI-assisted procedural activity. The third priority is sector-specific analysis, as the legal risks and acceptable functions of AI are unlikely to be identical across different administrative domains. Finally, future research should further examine how participatory administrative procedure can contribute to sustainable and trustworthy public governance under digital conditions, including through more precise models of explainability, accountability, and procedural notice. Taken together, these avenues reinforce the article's broader conclusion: for Slovenian administrative procedural law, the most defensible path is not a general authorisation of AI, but an expressly bounded model of supportive procedural use anchored in hearing rights, intelligible reasons, human accountability, and effective remedies.

5. Discussion

The analysis shows that the decisive legal issue is not whether AI may be used in administrative procedure generally, but under what conditions a specific AI-supported function remains compatible with participatory administrative justice. This question must be answered within administrative law itself, because administrative procedure is not merely a mechanism for efficient case handling but a framework for structuring and limiting public authority in individual matters, as Rose-Ackerman and Lindseth (2010) show in comparative perspective. Within that framework, AI is acceptable only where it remains subordinate to guarantees that define the party's procedural position, especially hearing rights, intelligible reason-giving, transparency of decision-making processes, institutional accountability, and effective review (Harlow & Rawlings, 2014; Hofmann et al., 2014). The core implication is therefore a legal one: administrative procedure should assess each AI function according to its effects on participation, rather than authorise or reject AI in the abstract. In other words, as Williams (2022) argue, algorithmic decision-making requires administrative law to rethink its controls, not to abandon them.

This conclusion also supports a more substantive understanding of participation. Participation is not limited to the formal possibility of filing submissions. Rather, it serves both a rights-protective and an epistemic function, as it counters the structurally superior position of the authority and improves the factual and normative basis of decision-making, as Barnes (2008), Alford (2009), and Kovač (2018) each suggest from different perspectives. The same point can be understood through the lens of governance theory. Vigoda (2002) and Bevir (2011) describe contemporary public administration as moving beyond unilateral command towards more collaborative and responsive forms of governance, while Bouckaert and Jann (2020) emphasise more interactive and open administrative development in Europe. For administrative procedure, the implication is clear: participation must be assessed in terms of whether parties can exercise real influence on administrative reasoning, not merely whether a formal hearing opportunity exists.

Against that background, AI is most easily justified where it supports, rather than substitutes for, administrative judgement. This aligns with Parycek et al. (2024), who distinguish between the potentials and limits of AI and automation in administrative procedures, and with Pszczyński (2020), who previously highlighted the legal sensitivity of administrative decisions in the era of AI. Practical examples support this point. AI may be used to organise a large number of objections in an environmental permitting case, identify missing documents in a social benefits procedure, or provide translation and plain language support for parties who would otherwise face linguistic or informational barriers. These uses may improve accessibility and the handling of complex files without displacing legal accountability. By contrast, systems that score the likely outcome of a tax, migration or welfare case, or that silently prioritise certain claims over others, are much harder to reconcile with participatory procedure because they risk pre-structuring the decisional pathway in ways that are not intelligible to the party. In this respect, van Noordt and Misuraca (2022) are helpful in showing how varied AI uses in government have

become across the European Union, while Wirtz and Müller (2019) likewise demonstrate that AI in public management must be analysed as a differentiated framework rather than a single homogeneous technology.

The legal difficulty is therefore not digitalisation itself, but the risk that AI may intensify procedural formalism, obscure accountability, and weaken reviewability. Kuziemski and Misuraca (2020) frame this as a problem of democratic governance, while Zuiderveen Borgesius (2020) adds the important concern that AI may reinforce discrimination if legal protection remains weak. The same concern appears in Green's (2022) critique of superficial human oversight requirements and in Ranchordás's (2022) argument that the digital administrative state must not lose the human dimension of administration. For administrative procedure, these warnings are especially important because hearing rights and reason-giving depend on intelligibility. A decision cannot be regarded as procedurally fair merely because an official signs it at the end. The authority must remain capable of explaining how the party's submissions were treated, why specific facts were considered relevant, and how the legal norm was applied. That is also why Almada (2023) is particularly useful in identifying uncertainty itself as a legal problem in AI-assisted administrative decisions, and why Hoeppner and Samek (2024) rightly treat procedural fairness as a condition for the legitimate implementation of algorithmic decision-making in public administration.

The analysis shows that the modernisation of administrative procedure should be situated within a broader framework of sustainable and trustworthy governance. Within this framework, participation, transparency, accountability, and reviewability are not secondary values to be sacrificed for technical efficiency; they are essential conditions for legitimate digitalisation (Truby, 2020). The relevant benchmark is therefore not technological sophistication itself, but whether AI contributes to a more inclusive, understandable, and reviewable administration, consistent with good administration and the broader logic of sustainability. This supports a function-specific regulatory approach: supportive uses of AI that enhance communication, accessibility, and the management of complex procedural material may be permissible, whereas opaque scoring, hidden prioritisation, or the de facto substitution of legal reasoning should be regarded as presumptively incompatible with a participation-centred model of administrative procedure.

6. Conclusion

This article has examined how administrative procedural law, particularly the Slovenian GAPA, should respond to the growing use of AI to strengthen, rather than weaken, participatory rights. Its main finding is that AI is legally defensible in administrative procedure only when it functions as a supporting procedural instrument and remains fully subordinated to the classic guarantees of administrative justice. In this sense, the decisive distinction is not between digital and non-digital administration, but between AI that facilitates hearing, communication, accessibility and structured consideration of parties' submissions, and AI that displaces legal judgement, obscures reasoning or weakens reviewability. Participation therefore remains the key normative filter through which the acceptability of AI in administrative procedure must be assessed.

A second finding is that participation in administrative procedure must be understood substantively, not merely formally. The analysis has shown that participation is meaningful only when the party can present views effectively, understand the procedure, and see that their submissions are capable of influencing administrative reasoning. AI may support this goal in concrete procedural functions, such as organising large volumes of submissions, improving communication with parties, identifying missing procedural elements, or widening accessibility through translation and plain-language support. At the same time, the article has shown that these uses are acceptable only under strict conditions of transparency, human accountability, intelligible reason-giving, and effective review. Once AI begins to shape outcomes through opaque recommendation logic, scoring, profiling, or de facto substitution of legal reasoning, the procedural position of the party is endangered.

The article makes three main contributions. First, it provides a doctrinal reframing of the AI debate in public administration by treating participatory administrative justice, rather than efficiency, as the primary evaluative benchmark. Second, it demonstrates that the Slovenian GAPA already contains a guarantees-based framework that is highly relevant to AI-supported procedural activity, even though it does not yet regulate such uses with sufficient explicitness. Third, it develops a function-specific model of legal admissibility by distinguishing between supportive procedural uses of AI, which may strengthen participation, and substitutive or opaque uses, which tend to endanger hearing rights, reason-giving, accountability, and effective legal protection.

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