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Algorithmic Governance in Public Administration: An Analysis of the Challenges of Accountability, Transparency, and Responsibility in Artificial Intelligence–Based Decision-Making

Mohammad Reza. Karami[1*]

[1] M.A., Department of Political Science, Shahid Beheshti University, Tehran, Iran

*** Corresponding author email address**: karamitrade.ir@gmail.com

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EDITOR:
Eman Shenouda
Associate Professor, Department of Psychology, Isfahan (Khorasgan) Branch, Islamic Azad University, Isfahan, Iran. Email: ens01@fayoum.edu.eg
REVIEWER 1:
Agwu Sunday Okoro
Lecturer & Clinical Law Administrator at Baze University Abuja, Abuja, Nigeria
agwuokoro@gmail.com
REVIEWER 2:
Jeremiah Thuku Thuku
Department of Literary and Communication Studies, Laikipia University, Nyahururu, Kenya. Email: jerethukuthuku@gmail.com

1. Round 1

1.1. Reviewer 1

Reviewer:

In the Introduction, the sentence “The legal question is no longer whether public authorities may employ digital technologies, but under what institutional and normative conditions algorithmically assisted governance can remain compatible with the rule of law” effectively identifies the general problem but should be converted into a more explicit research question. The manuscript would benefit from stating one principal research question and two or three subsidiary questions, for example, whether existing administrative-law doctrines are sufficient to ensure transparency and responsibility in AI-assisted public decisions, what degree of explanation is legally required, and how responsibility should be allocated when public decisions depend on proprietary or externally developed AI systems. This would substantially improve the alignment between the research problem, analysis, and conclusion.

The final paragraph of the Introduction states that “The present study therefore examines algorithmic governance in public administration from a legal perspective,” but the methodological design is insufficiently specified. For a legal study of this breadth, the manuscript should explain whether it uses doctrinal legal analysis, comparative analysis, normative legal reasoning, regulatory analysis, or a combination of these approaches. It should also identify the jurisdictions or regulatory models used as reference points. The present text discusses the European Union and general principles of administrative law but does not clearly establish whether the article is jurisdiction-neutral, focused on Iranian public law, or comparative. This ambiguity affects the legal precision of subsequent claims and should be resolved before publication.

In the section on equality, the manuscript states that “Algorithmic systems may also rely on proxy variables that indirectly correlate with sensitive attributes.” The analysis should go beyond identifying this risk and address the applicable legal standard

for algorithmic discrimination. The authors should distinguish direct discrimination, indirect discrimination, disparate impact, and unjustified differential treatment, because each raises different evidentiary and doctrinal questions. In addition, the article should address whether discriminatory outcomes require proof of intent or whether statistically significant disparate effects may be sufficient to trigger administrative or equality-law review. This would considerably strengthen the article's treatment of algorithmic bias as a legal, rather than merely ethical, problem.

The transparency section opens with the statement that "Transparency has become one of the central concepts in the legal governance of artificial intelligence," but the article should distinguish transparency from explainability more systematically at the outset. Later paragraphs implicitly differentiate notice, system-level transparency, technical transparency, and individual explanation, but the conceptual taxonomy should be made explicit in the opening paragraph. In particular, transparency concerns access to information about a system, whereas explainability concerns the intelligibility of the causal or justificatory basis of a particular output. The distinction is crucial because a highly transparent system may still fail to provide an adequate legal explanation for an individual administrative decision.

The paragraph beginning "A third and more difficult level concerns technical transparency" correctly observes that source code and mathematical documentation may be of little practical value to ordinary citizens. However, the article should address the legal audience of disclosure more carefully. Different forms of transparency should be directed to different recipients: affected individuals require understandable reasons; judges may require expert-supported technical records; regulators may require full model documentation; and independent auditors may require access to source code, datasets, validation records, and performance metrics. The manuscript's later proposal for "layered transparency" is valuable, but it should be connected to concrete disclosure duties and legal standing for each category of recipient.

The statement that "Technical complexity should not operate as a justification for reduced procedural protection" is normatively persuasive, but the article does not adequately confront the technical limitations of post hoc explainability. Certain explanations produced by explainable-AI tools may approximate model behavior rather than faithfully reproduce the reasoning process that generated the output. The manuscript should therefore distinguish between legal reasons supplied by an administrative authority and technical explanations of model behavior. An administrative authority should arguably remain responsible for articulating legally intelligible reasons even where the underlying model is technically opaque. This distinction would prevent the article from assuming that a technical explanation automatically satisfies the administrative-law duty to give reasons.

Authors revised the manuscript and uploaded the document.

1.2. Reviewer 2

Reviewer:

In the second section, the sentence "Algorithmic governance may be understood as the use of computational systems, data-driven models, machine learning tools, automated procedures, and predictive analytics in the exercise, organization, or support of public power" is useful but conceptually overinclusive. The definition risks collapsing ordinary digital administration, conventional software automation, machine learning, and artificial intelligence into a single category. The authors should refine the conceptual boundaries and explain why "algorithmic governance," rather than "automated administrative decision-making," "AI-assisted administration," or "digital government," is the appropriate analytical concept for this study. A short conceptual differentiation within the same paragraph would prevent terminological slippage throughout the article.

The paragraph beginning with "The legal foundation of algorithmic governance must begin with the principle of legality" is central to the manuscript and should be developed more rigorously. The sentence stating that "A public agency may possess general statutory authority to administer a welfare program, but this does not automatically answer whether it may delegate eligibility assessment to an opaque automated model" raises an important non-delegation issue without fully resolving it. The article should distinguish between delegation of administrative power to a machine, use of a machine as an evidentiary or advisory tool, and internal technological implementation of a legally conferred competence. The authors should clarify when

statutory authorization should be explicit and when general administrative authority may be sufficient, particularly for high-impact decisions affecting rights or entitlements.

The discussion of administrative discretion in the paragraph beginning "Administrative discretion presents a particularly difficult conceptual problem" is persuasive, but the claim that algorithms may transform concepts such as "reasonableness, necessity, proportionality, vulnerability, good faith, or exceptional hardship" into standardized indicators needs more detailed legal analysis. The authors should explain which elements of administrative discretion are legally delegable and which require irreducibly human evaluative judgment. A particularly valuable revision would distinguish factual assessment, predictive assessment, rule application, and normative balancing. These activities are legally different, and treating them together obscures the point at which algorithmic assistance may become impermissible substitution for administrative judgment.

The sentence "Formal human involvement may become largely symbolic" in the discussion of automation bias identifies one of the manuscript's most significant concerns but requires operational criteria. The article repeatedly invokes "meaningful human control" and "meaningful human oversight," yet these concepts are never systematically defined. The authors should specify minimum legal conditions for meaningful oversight, such as access to relevant information, technical competence, authority to override the output, adequate review time, absence of institutional penalties for overriding the system, and a requirement to independently consider legally relevant circumstances. Without such criteria, "human oversight" risks functioning as a normative slogan rather than an enforceable legal standard.

The paragraph addressing due process states that "If a person does not know that an adverse decision resulted from a risk-scoring model, that person cannot effectively challenge the model's data or reasoning." This is compelling, but the manuscript should distinguish procedural rights at different stages of algorithmic administration. Ex ante notification that AI may be used, contemporaneous notice that AI materially influenced an individual decision, access to underlying data, access to reasons, and post-decision rights of contestation are distinct safeguards. The authors should explain which safeguards should be mandatory in all cases and which should depend on the seriousness of the administrative consequence. Such differentiation would make the proposed framework more legally workable.

Authors revised the manuscript and uploaded the document.

2. Revised

Editor's decision: Accepted.
Editor in Chief's decision: Accepted.