

The Transformation of the Rule-of-Law State in the Age of Artificial Intelligence

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Abstract

In the contemporary era, the rapid integration of artificial intelligence into public administration and justice systems is fundamentally transforming the classical model of the rule-of-law state. This paper examines the complex challenges that algorithmic governance poses to the principle of separation of powers, legal certainty, and the fundamental rights of the individual.

The paper discusses the architecture of global governance and the so-called "war of standards," in which the European Union's values-oriented model (the EU AI Act) is opposed to the radically different approaches of the United States and China. It argues that the absence of a unified international convention gives rise to normative fragmentation, which threatens the universality of international law.

The paper also focuses on constitutional guarantees. The process of algorithmic decision-making is often characterized by the "black box" effect, which makes it impossible to provide proper justification for acts of public authority and violates the citizen's right to a fair trial. On the basis of comparative legal analysis (e.g., the Netherlands' SyRI case and the United States' Loomis v. Wisconsin), it demonstrates how national courts are attempting to establish the principle of human oversight as a constitutional standard. For the rule-of-law state, the development of "digital constitutionalism" is essential. This entails not only the adaptation of existing norms but also the recognition of a new generation of rights, such as the right to demand an algorithmic explanation and protection from automated discrimination. Ultimately, the paper argues that in the age of AI, the principal function of law is to create an ethical and legal framework for technological progress, one in which human dignity remains the supreme value.

Key words: Artificial intelligence, rule-of-law state, global governance.

Introduction

The Relevance of the Research

In the contemporary era, the integration of artificial intelligence systems into the processes of public administration and justice no longer represents mere technological progress; it poses a fundamental challenge to the traditional foundations of the rule-of-law state. The relevance of this research is determined by the circumstance that the classical constitutional guarantees — the separation of powers,

legal certainty, and the supremacy of law — were formed on the basis of a human decision-making model, whereas today the exercise of state power increasingly relies on algorithmic processes.

The severity of the problem is heightened by the so-called "black box" effect, which breaches the obligation to provide proper justification for acts of public authority and calls into question the citizen's right to a fair trial. Under conditions in which global actors (the European Union, the United States, China) are attempting to establish technological standards through radically different approaches, a threat of normative fragmentation emerges. Accordingly, it is critically necessary to conceptualize the transformation of the rule-of-law state not only through the adaptation of existing norms but also through the formation of "digital constitutionalism." The present research is timely because it seeks a balance between technological efficiency and the inviolability of human dignity, which constitutes the foremost mission of law in the age of artificial intelligence.

The Aim of the Research

The aim of the present paper is to analyze the transformation of the rule-of-law state on three interconnected levels: global politics, constitutional dogmatics, and mechanisms of individual legal protection.

Research Methods

In the course of the research, the following methods were employed: the theoretical-analytical method — for examining the existing literature, documents, and legal regulatory frameworks for artificial intelligence; case analysis — for analyzing real-world examples; the comparative-legal method — for studying international regulations and legal regulatory frameworks for artificial intelligence; as well as the methods of synthesis, deduction, and induction — for the purpose of integrating conclusions and formulating recommendations.

Principal Findings

The research establishes that, at the international level, the harmonization of standards is essential so that human rights become an inseparable part of technological governance. The paper concludes that, for the survival of the rule-of-law state, the recognition of the individual's digital inviolability and of a new generation of rights — such as the right to demand an algorithmic explanation — is critical.

I. International Legal Regimes and Legal Fragmentation

The global governance of artificial intelligence is today in the phase of a "war of standards," in which the leading geopolitical players are attempting to turn their own legal values into the world standard. Within the framework of international law, the most alarming aspect of this process is normative fragmentation. The absence of a unified global convention creates a "legal vacuum," which is filled by three radically different models.

The first is the European model (EU AI Act),¹ which is the first comprehensive, legally binding regulation in the field of artificial intelligence across the European Union. The EU AI Act is grounded in such fundamental principles as the requirement that the development and use of artificial intelligence must conform to human rights, the standards of administrative fairness, and the transparency of public administration.

The second is the American model,² which has historically been market-oriented and deregulatory, placing the emphasis on innovation and the self-regulation of the private sector (although recent executive orders have strengthened security controls here as well).

The third is the Chinese model,³ which is oriented toward state sovereignty and social stability, where AI is used as an instrument of governance and social control.

This fragmentation threatens the universality of international law. The solution does not lie in political declarations alone. Today, the need for "technical diplomacy" is on the agenda. This implies a governance process in which legal norms are directly integrated into technical protocols.⁴ The standards of international humanitarian law and the protection of human rights must be "translated" into algorithmic language in order to avoid an accountability deficit in the operation of autonomous systems. Global governance must be transformed into a multi-layered mechanism that balances state sovereignty, technological progress, and the inviolability of human dignity.

The fundamental principle of constitutional law — the separation of powers — faces a new challenge in the age of AI. When the executive branch entrusts the management of public services or the prevention of offenses to algorithmic systems, the threat of so-called "invisible governance" arises.⁵ This process changes the very nature of the rule-of-law state: the legitimacy of decision-making shifts from the law to the mathematical precision of data processing, which is often opaque.

In 2020, the Hague court delivered a landmark decision concerning the SyRI (System Risk Indicators) system (NJCM v. Netherlands),⁶ which used AI to identify risks of social-welfare fraud. The court held that the system violated Article 8 of the European Convention on Human Rights (the right to respect for private life) and the principle of the rule-of-law state, because citizens had no opportunity to understand the logic by which they had been assigned "high-risk" status. Also noteworthy is the U.S. case law in *Loomis v.*

¹ EU AI Act: first regulation on artificial intelligence. The use of artificial intelligence in the EU is regulated by the AI Act, the world's first comprehensive AI law. Published: 08-06-2023, Last updated: 19-02-2025.

<https://www.europarl.europa.eu/topics/en/article/20230601STO93804/eu-ai-act-first-regulation-on-artificial-intelligence> (last accessed 13.05.2026)

² Hildebrandt, Mireille. *Law for Computer Scientists and Other Folk*. Oxford: Oxford University Press, 2020.

³ Roberts, Huw, Josh Cows, Jessica Morley, Mariarosaria Taddeo, and Luciano Floridi. "The Chinese Approach to Artificial Intelligence: An Analysis of Policy, Ethics, and Regulation." *AI & Society* 36, no. 1 (2021): 59–77

⁴ United Nations General Assembly. "Resolution 78/265: Seizing the Opportunities of Safe, Secure and Trustworthy Artificial Intelligence Systems for Sustainable Development." Adopted March 21, 2024.

⁵ Ryan Calo & Danielle K. Citron. 2021. *The Automated Administrative State: A Crisis of Legitimacy*, 70 *Emory L. J.* 797. <https://scholarlycommons.law.emory.edu/elj/vol70/iss4/1> (last accessed 13.05.2026)

⁶ District Court of The Hague. 2020. *NJCM c.s. v. Netherlands (State of the Netherlands)*, Case No. C/09/550982 / HA ZA 18-388. ECLI:NL:RBDHA:2020:1874. <https://uitspraken.rechtspraak.nl/details?id=ECLI:NL:RBDHA:2020:1874> (last accessed 13.05.2026)

Wisconsin,⁷ which concerned the use of the COMPAS system in court to assess a convicted person's risk of recidivism. Loomis appealed the decision on the ground that the closed nature of the algorithm violated his right to due process. Although the court permitted the use of the system, this precedent gave rise to a powerful discussion on "algorithmic accountability." The case law of Germany's Federal Constitutional Court,⁸ meanwhile, makes clear that the German approach is particularly strict with regard to the "right to informational self-determination." The court's case law emphasizes that human dignity prohibits treating a person merely as an object of data and a subject of machine prediction.

II. The International Legal Regulation of Artificial Intelligence

International organizations constitute the most developed and multifaceted mechanisms for ordering international life. The process of globalization has facilitated the creation of regional and universal international organizations.

Under the Constitution of Georgia, "an international treaty of Georgia, unless it contradicts the Constitution of Georgia or the Constitutional Agreement, shall take precedence over domestic normative acts,"⁹ and likewise, under Article 7, paragraph 5, of the Organic Law of Georgia on Normative Acts, in the event of a conflict between domestic legislation and an international treaty, precedence is unequivocally given to the international treaty.¹⁰ Under Article 6, paragraph 1, of the Law of Georgia "On the International Treaties of Georgia," an international treaty of Georgia is an inseparable part of the legislation of Georgia.¹¹ And under paragraph 3 of the same article, the provisions of an officially published international treaty of Georgia that establish rights and obligations of a specific character and do not require the adoption of a clarifying domestic normative act apply directly in Georgia. Accordingly, international treaties are binding on Georgia both at the international level and at the national level. International treaties may constitute a universal instrument for the protection of human rights or a regional instrument for the protection of human rights.¹² It should be noted that the European Union's Artificial Intelligence Act constitutes a binding, regional mechanism, whereas the resolution adopted by the United Nations is a universal mechanism of a recommendatory character.

With regard to the regulation of artificial intelligence, the EU AI Act is especially noteworthy, being the first comprehensive, legally binding regulation in the field of artificial intelligence across the European Union. The EU AI Act is grounded in such fundamental principles as the requirement that the development

⁷ Harvard Law Review. (2017). "State v. Loomis: Wisconsin Supreme Court Requires Warnings for Use of Algorithmic Risk Assessments in Sentencing." Harvard Law Review, 130(5), 1530–1537. <https://harvardlawreview.org/print/vol-130/state-v-loomis/> (last accessed 13.05.2026)

⁸ Federal Constitutional Court of Germany (Bundesverfassungsgericht). (2023). Judgment of the First Senate of 16 February 2023 - 1 BvR 1547/19 (Automated Data Analysis for Criminal Prevention). BVerfG.

https://www.bundesverfassungsgericht.de/SharedDocs/Entscheidungen/EN/2023/02/rs20230216_1bvr154719en.html (last accessed 13.05.2026)

⁹ The Constitution of Georgia. Gazette of the Parliament of Georgia, 31-33, 24/08/1995. <https://matsne.gov.ge/ka/document/view/30346?publication=36> (last accessed 01.06.2026)

¹⁰ The Organic Law of Georgia on Normative Acts. Parliament of Georgia, LHG, 33, 09/11/2009. <https://matsne.gov.ge/ka/document/view/90052?publication=42> (last accessed 01.06.2026)

¹¹ The Law of Georgia on the International Treaties of Georgia. Gazette of the Parliament, 44, 11/11/1997. <https://matsne.gov.ge/ka/document/view/33442?publication=17> (last accessed 01.06.2026)

¹² Botchorishvili, Nino. 2021. International Regional and Universal Human Rights Treaty Bodies and Their Significance, International Scientific Journal "Law Herald" (Samartlis Matsne). https://scholar.google.com/citations?view_op=view_citation&hl=en&user=jXwpGNMAAAAJ&citation_for_view=jXwpGNMAAAAJ:EPG8bYD4jVwC (last accessed 01.06.2026)

and use of artificial intelligence must conform to human rights, the standards of administrative fairness, and the transparency of public administration.¹³

According to the United Nations resolution "Seizing the Opportunities of Safe, Secure and Trustworthy Artificial Intelligence Systems for Sustainable Development,"¹⁴ in the age of artificial intelligence, the human being must remain the central figure. Technological progress must, in a balanced manner, contribute to the 17 Sustainable Development Goals (in their economic, social, and environmental dimensions), ensure global peace, and protect fundamental human rights. However, the resolution also notes that the improper, harmful, or internationally-unlawful use of AI without adequate safety mechanisms could impede progress toward achieving the 2030 global agenda. Accordingly, the principal challenge remains overcoming the digital divide, both among individual states and within the countries themselves.

On 25 September 2015, the General Assembly of the United Nations adopted the 2030 Agenda for Sustainable Development¹⁵ and, together with it, the Sustainable Development Goals — a framework through which states, civil society, and the private sector can guide and assess their contribution toward sustainable development by 2030. The Sustainable Development Goals consist of 17 goals and 169 indicators, agreed upon by all member states of the UN in order to achieve a better and more sustainable future.¹⁶

It should be noted that none of the UN's 17 Sustainable Development Goals (SDGs) is aimed specifically and directly at the legal regulation of artificial intelligence, because these goals were created in 2015, when the issue of AI regulation was not yet so pressing. However, the UN resolution (A/RES/78/265) emphasizes that the safe and lawful governance of artificial intelligence is directly connected to, and assists, several specific goals. Chief among these are Goals 16 and 9.¹⁷ Goal 16 — Peace, Justice, and Strong Institutions — is the closest to legal regulation. In the context of AI, this concerns the creation of legal frameworks that will protect human rights and privacy, as well as the use of technologies in such a way that they do not give rise to the spread of disinformation, the weakening of the rule of law, or the making of biased decisions in judicial/legal systems. As for Goal 9 — Industry, Innovation, and Infrastructure — this goal is responsible for technological progress. According to the resolution, legal regulation is needed so that innovations may develop in a safe, predictable, and reliable environment, and so that the creation of AI tools that serve the public good rather than digital monopolies may be encouraged. The ordering of the

¹³ EU AI Act: first regulation on artificial intelligence. The use of artificial intelligence in the EU is regulated by the AI Act, the world's first comprehensive AI law. Published: 08-06-2023, Last updated: 19-02-2025.

<https://www.europarl.europa.eu/topics/en/article/20230601STO93804/eu-ai-act-first-regulation-on-artificial-intelligence> (last accessed 13.05.2026)

¹⁴ Resolution adopted by the General Assembly on 21 March 2024, Seizing the opportunities of safe, secure and trustworthy artificial intelligence systems for sustainable development. <https://docs.un.org/en/A/RES/78/265> (last accessed 01.06.2026)

¹⁵ The 2030 Agenda for Sustainable Development adopted by the General Assembly of the United Nations. <https://sdgs.un.org/2030agenda> (last accessed 01.06.2026)

¹⁶ Botchorishvili, Nino. 2024. Gender Equality and the Importance of Gender-Based Violence at International and National Levels; Chapter 6; pages 119-138. DOI: 10.4018/979-8-3693-4005-9.ch006 <https://www.igi-global.com/gateway/chapter/356104> (last accessed 01.06.2026)

¹⁷ The 2030 Agenda for Sustainable Development adopted by the General Assembly of the United Nations, Goals 9 (Industry, Innovation and Infrastructure) and 16 (Peace, Justice and Strong Institutions). <https://sdgs.un.org/2030agenda> (last accessed 01.06.2026)

legal frameworks of artificial intelligence is regarded, within the UN agenda, as an "instrument" or precondition for achieving Goal 16 (justice) and Goal 9 (safe innovation).

One of the resolution's main requirements is that artificial intelligence systems must not violate fundamental human rights. The resolution emphasizes that the rights that people have in real life must be fully protected in the digital world as well (including in the use of artificial intelligence). The resolution calls upon countries to suspend or prohibit the use of AI systems whose risks cannot be managed or that directly violate human rights. The resolution also calls upon the developers and regulators of artificial intelligence to combat algorithmic bias. AI systems must not reinforce existing social, gender, racial, or economic inequality. Legal guarantees are essential in order to avoid discriminatory decisions in the spheres of employment, justice, healthcare, and social assistance.

One of the most extensive parts of the resolution is devoted to international cooperation. The UN calls upon developed countries to assist developing states in technological, financial, and legal strengthening, in order to avoid a situation in which only a few countries or global corporations hold the levers of AI governance and regulation.

UN General Assembly Resolution A/RES/78/265 does not constitute a legally binding international treaty, unlike the European Union's AI Act, which is binding in character. Although UN resolutions have a recommendatory character, this one constitutes a universal mechanism upon which member states should rely when creating their own legislation. The resolution calls upon states, the private sector, and civil society to take concrete steps toward the legal and ethical governance of artificial intelligence.

Although UN General Assembly Resolution A/RES/78/265 and the EU AI Act do not constitute legally binding regulations for Georgia, on 5 September 2024 Georgia signed the Council of Europe Framework Convention on Artificial Intelligence and Human Rights, Democracy and the Rule of Law. The Council of Europe Framework Convention on Artificial Intelligence and Human Rights, Democracy and the Rule of Law is the first international, legally binding treaty in this field, whose aim is to ensure that activities carried out within the lifecycle of artificial intelligence systems fully conform to human rights, democracy, and the rule of law, while at the same time fostering technological progress and innovation.¹⁸ The Council of Europe Framework Convention, although it is not the EU AI Act, encompasses the core principles that are protected by the EU AI Act. The text of the Framework Convention was drafted by all the member states of the Council of Europe.

Taking the EU AI Act and the Council of Europe Framework Convention into account, Georgia has already taken its first steps. In Georgia, on 3 April 2025, by Resolution No. 100 of the Government of Georgia, the Digital Governance Strategy of Georgia for 2025–2030 was approved, which constitutes the first officially approved strategy in the field of digital governance.¹⁹ The strategy responds to the new agenda document

¹⁸ Council of Europe Framework Convention on Artificial Intelligence and Human Rights, Democracy and the Rule of Law. Georgia signed it on 5 September 2024. <https://www.coe.int/en/web/artificial-intelligence/the-framework-convention-on-artificial-intelligence> (last accessed 01.06.2026)

¹⁹ Resolution No. 100 of the Government of Georgia of 3 April 2025 on the approval of the "Digital Governance Strategy of Georgia for 2025–2030" and the "2025–2026 Action Plan of the Digital Governance Strategy of Georgia for 2025–2030." <https://matsne.gov.ge/ka/document/view/6467487?publication=0> (last accessed 01.06.2026)

adopted on 25 September 2015 in New York, at the summit of the UN General Assembly, "Transforming Our World: The 2030 Agenda for Sustainable Development," which was formulated as the so-called global Sustainable Development Goals and constitutes a large-scale strategy for the prospective development of the world. In 2019, the Government of Georgia approved the national document of the Sustainable Development Goals for 2030 and undertook the obligation to fulfill them: Goal 16 — Peace, Justice, and Strong Institutions.

As for the framework document of the national strategy on artificial intelligence, the state is today working intensively on this document. In the authors' view,²⁰ in Georgia the framework document of the national strategy on artificial intelligence should be approved first of all. The next stage should then be devoted to the ordering of the legislative base, which entails the introduction into legislative acts of artificial intelligence and other technological terms, their definition, and the legislative regulation of their use in priority directions.

Research Results

The aim of the study²¹ was to identify the challenges associated with the regulation of algorithmic administrative acts in Georgia and to examine the attitudes of professional circles. The present paper employs empirical research methods, specifically quantitative research (a survey). The data were collected by means of a structured questionnaire, in which 387 respondents participated. The participants in the survey were: employees of administrative bodies — 35% (135 respondents); attorneys — 28% (108 respondents); judges — 12% (46 respondents); academic personnel — 15% (58 respondents); IT specialists (public sector) and others — 10% (40 respondents).

The study revealed interesting approaches to the relationship between technological efficiency and legal risks. An absolute majority of those surveyed, 78%, fully or partially agree with the view that the use of artificial intelligence in public administration increases the efficiency of processes. However, alongside this recognition of efficiency, doubt regarding objectivity is high. Only 41% of respondents consider that algorithmic systems increase the objectivity of decisions, whereas 68% see a real risk of discrimination in the process of algorithmic decision-making. This indicates that the legal community is aware of the so-called "black box" effect and the danger of data bias.

One of the study's most important findings relates to the assessment of the legislative framework. 89% of respondents (the combined figure for "disagree" and "completely disagree") consider that Georgia's current legislation does not adequately regulate the use of algorithmic acts. As for the sectoral analysis, the social-assistance system, law-enforcement bodies, and tax administration were named as the most problematic areas, which points to the risks precisely in these directions when algorithmic systems are introduced.

²⁰ Gabisonia, Zviad. 2022. Internet Law and Artificial Intelligence. Publishing House World of Lawyers. <https://dlab.ug.edu.ge/books/detail/4251> (last accessed 01.06.2026)

²¹ A sociological survey conducted by the author on the topic: "Problems of the Legal Regulation of Algorithmic Administrative Acts in Georgia," 2026.

In the respondents' view, decisive importance is attached to human involvement. 76% of those surveyed consider that every algorithmic decision should be reviewed by a human before final approval, while 91% consider a prior assessment of risks before the introduction of the system to be essential.

The results of the empirical study confirm that the professional community perceives algorithmic administrative acts as an important instrument of administrative development, but only in the case where their use is made subject to a clear legal framework, human oversight, and effective supervision.

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²² A sociological survey conducted by the author on the topic: "Problems of the Legal Regulation of Algorithmic Administrative Acts in Georgia," 2026.

Conclusion

The legal aspects discussed in the present paper and the results of the empirical study make clear that the integration of artificial intelligence into the systems of public administration and justice is no longer merely a future prospect but a present reality, one that is bringing about a fundamental transformation in the classical model of the rule-of-law state. The normative fragmentation and the "war of standards" that exist at the global level make evident the necessity of a unified, universal framework, in which the European approach represents the finest example of a human-rights-oriented model.

The empirical analysis conducted within the framework of the study showed that the Georgian legal and professional community clearly recognizes the dual nature of algorithmic governance. On the one hand, the efficiency of technological progress in public administration is acknowledged (78%); on the other hand, however, the risks of discrimination and opacity caused by the so-called "black box" effect are acutely present (68%). Especially noteworthy is the finding that an absolute majority of respondents (89%) consider the current legislative base insufficient for regulating algorithmic acts, while the social-assistance, tax, and law-enforcement agencies are named as the most sensitive areas.

Ultimately, the paper concludes that, in order to preserve the principles of the rule-of-law state, the development of "digital constitutionalism" is critically essential. Georgia, within the framework of the Digital Governance Strategy for 2025–2030, must ensure two paramount constitutional guarantees: the maintenance of human control and oversight at every stage, and the citizen's right to receive a comprehensible, algorithmic explanation for any decision issued in respect of them. In the age of artificial intelligence, technological efficiency must not be achieved at the expense of human dignity and the right to a fair process.

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