

The Legal Attributes and Legislative Exploration of Automated Administration

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Abstract. In the current era where algorithmic governance and administrative rule of law converge, automated administration has evolved from technical assistance to an independent decision-making mechanism. At the comparative law level, Europe and America have incorporated fully automated administration into their legal systems, demarcating automated administration through dual means such as "risk classification" and "principle prohibition", and safeguarding individual rights through the right to reject automated decision-making. Among them, for semi-automated administration, process regulations such as technical due process are mainly adopted. In China, a pattern of policy-driven, gradual legal advancement is evident, and the law has not yet made systematic provisions for automated administration. Therefore, it is necessary to clarify the legal attributes of automated administration and sort out the formal differences and substantive commonalities between automated administration and traditional administration. Based on the existing practice of automated administrative legislation, in the future, after reclassifying automated administration, further explore the legislative agenda for automated administration.

Keywords: Automated administration, Legal attributes, Risk classification, retention of Legal norms, technical due process

1. Introduction: The burgeoning automated administration

With the adoption of digital technology, the government governance model has undergone an unprecedented structural transformation: the traditional administrative approach of "person-to-person" interaction has shifted to a digital approach of "person-to-machine" interaction. U.S. government agencies have begun to apply Chat GPT Gov on a large scale,

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and the G7 has promised to accelerate the application of artificial intelligence technology in the public sector. In China, the national government Service platform has been online for six years as of June 2025. The number of real-name registered users has exceeded 1.08 billion. It has provided over 10.7 billion identity verification services and over 10.8 billion electronic certificate sharing services across various regions and departments, and has promoted data sharing among platforms across 540 billion times. We have continuously connected the government service platforms of all provinces, autonomous regions, municipalities directly under the Central Government, the Xinjiang Production and Construction Corps, and 46 relevant departments of The State Council, achieving standardized services for 5.21 million service items and over 36,000 high-frequency and hot service applications.[1] Automated administration has become an important means for the construction of digital governments and digital social governance in the new era, both at home and abroad. However, in the current era when automated administration is on the rise, the legal attributes of automated administration remain controversial. There is an imbalance in the legislative exploration of automated administration in Europe and America. In China, there is also a lack of legal norms for systematically regulating automated administration and the scope of application of automated administration is still unclear. There is a certain legitimacy crisis in automated administration. "How to better regulate and apply automated administration" should thus become a topic of discussion. This article first attempts to define the legal attributes of automated administration and, by sorting out relevant legislative practices at home and abroad, seeks to explore the future legislative trends of automated administration.

2. The legal attributes of automated administration

Accurately defining the legal attributes of automated administration is the key to solving the legal problems related to automated administration and also the prerequisite for regulating automated administrative behaviours. [2]

2.1. The differences and connections between automated administration and traditional administration

In practice, traditional administration mainly involves unilateral decisions made by administrative subjects through manual review and discretionary power, while automated administration is administrative processing automatically completed by computer systems based on preset algorithmic rules. There are obvious differences between the two at the procedural level, such as definitions, formation of expressions of intent, basis of legal effect, and procedural mechanisms. However, as specific manifestations of public administrative activities, they share substantive commonalities in terms of legal essence, administrative

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purposes, and fundamental principles.

Automated administration has obvious formal differences from traditional administration. From the perspective of the administrative mechanism of expression of intent, traditional administration is based on the will formed by administrative personnel based on legal interpretation and empirical judgment, and makes administrative decisions while retaining the leeway of discretion. The discretionary power of automated administration is strictly limited by algorithm parameters, and results are generated through preset rules and data operations. From the perspective of the basis of legal effect, the source of the effectiveness of traditional administration is the "statutory power of the administrative subject", and it meets the requirements of "subject qualification, proper procedure, and clear facts" to possess the elements of legality. The application of automated administration requires clear legal authorization and the addition of algorithmic compliance requirements. In terms of procedural mechanisms, traditional administration differs from traditional administration in terms of the protection of participation rights, evidence rules, error correction mechanisms, and the timeliness of relief. The core difference between automated administration and traditional administration lies in that traditional administration is a discretionary decision dominated by human will, where administrative subjects perform their duties within their legal powers to achieve procedural justice through manual interaction. Automated administration is data-driven decision-making driven by algorithm rules, subject to the dual constraints of "algorithm authorization Plus technical compliance", and needs to meet the technical due process requirements of human-machine collaboration.

There are essential commonalities between automated administration and traditional administration. Although there are certain differences between automated administration and traditional administration in terms of implementation methods and procedures, it is still based on traditional administration and meets the constituent elements of specific administrative acts. From the perspective of administrative subjects, the introduction of automated equipment or systems is merely an update in the form of expression. The administrative subjects of automated administration remain administrative organs as well as authorized organizations and individuals, and have not deviated from traditional administrative acts. In terms of legal relations, automated administration, like traditional administration, can cause the emergence, alteration and termination of administrative legal relations. Therefore, there is no essential difference between the two. In terms of the procedures for making actions, both automated administration and traditional administration exercise administrative power and have the characteristic of unilateral will. Moreover, in the process of making decisions, they both require legal authority, legal content, proper procedures, and legal forms. Both are oriented towards public services, pursue administrative efficiency, and carry out their work under the guidance of the

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principle of administrative rule of law. When automated equipment or systems develop to the stage of strong artificial intelligence and become "robot civil servants" with self-awareness and the ability to learn independently, a certain degree of qualitative development has been achieved at this point, and thus automated administration is recognized as a new type of administrative model. However, at the current stage of development and application, it may not have reached such a level yet. Although there are certain differences in the determination of the legal attributes of automated administration, regardless of whether it is regarded as an update in the form of expression or a new type of administrative act, the basic legal requirements for automated administration tend to be consistent. "Digital administration is manifested as a technical mechanism for the overall and systematic governance of the government. It does not transcend the framework of cooperative administration and the overall government, nor does it create new administrative organizations outside the legal framework." [3] The essence of automated administration is the technological iteration form of traditional administration. Within the framework of administrative law, the commonalities between it and the traditional approach far outweigh the differences. Both follow the administrative rule of law closed loop of "legal authority - proper procedure - litigable result", and the difference lies only in the technical implementation level rather than the legal essence.

Therefore, automated administration is a digital tool aimed at enhancing administrative efficiency. It represents an update and development of administrative behavior patterns rather than a new type of administrative behavior.

2.2. The Applicable starting point of automated administration

Automated administration is not "certainly" applicable. Starting from the design concept of the automated administrative system, automated administration serves to enhance the efficiency of administrative processing. However, it should be noted that the efficiency value pursued by automated administration should be "efficiency that does not harm justice". From the perspective of administrative law, the "efficiency that does not harm justice" pursued by automated administration should be divided into two dimensions: "effectively safeguarding the rights and interests of the administrative counterparties" and "effectively maintaining public interests". Automated administration relies on algorithmic platforms to aggregate and control large amounts of data and rules. Data contains personal information, and rules affect individual rights and interests. Therefore, automated administration should safeguard the rights and interests of the parties concerned and uphold justice in individual cases. The identity of administrative organs is to safeguard public interests. As a means for administrative organs to handle affairs and a carrier for the exercise of administrative power, automated administration should also be subject to the most basic identity requirements. "Public interests and personal interests sometimes align

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with each other and sometimes conflict with each other." [4] Although automated administration plays a role in safeguarding the rights and interests of the parties concerned, it was born out of people's dual expectations that it "not only protects the legitimate rights and interests of individuals but also maintains public interests". In the presence of public interests, one should not blindly favor the protection of individual rights and interests. Sometimes, it is necessary to restrict citizens' rights or increase personal burdens. To make the counterparties accept administrative decisions that are unfavorable to them, it is essential to reconcile conflicts of interest. [5] Therefore, automated administration should also safeguard public interests and pursue social justice.

Positioning the application goals of automated administration as "safeguarding the rights and interests of the administrative counterparties" and "maintaining public interests" on the one hand conforms to the characteristics of the exercise of administrative power, and on the other hand responds to people's hidden concerns about automated decision-making in the digital age. At the same time, it should be noted that automated administration is not merely about applying "safeguarding the rights and interests of the administrative counterparties" and "maintaining public interests" to superficial forms. Instead, it requires substantial investment in the construction of substantive procedures and decision-making to achieve the goal of "effectively safeguarding the rights and interests of the administrative counterparties and maintaining public interests", which can truly return to the pursuit of "efficiency that does not harm justice".

3. Legislative explorations of automated administration in europe and america

Legislative explorations of automated administration in Europe and America have mostly focused on fully automated administration. Relatively complete regulations have been made from two aspects: whether automated administration can be applied and the right to reject automated decision-making. Among them, for semi-automated administration, process regulations such as technical due process are mainly adopted.

3.1. European legislative exploration of automated administration

The European Union has constructed a two-tier safeguard regime through the *Artificial Intelligence Act* (AIA) and the *General Data Protection Regulation* (GDPR). While the AIA does not expressly prohibit automated discretion, it provides that "AI systems related to products covered by the Union harmonization legislation listed in Section B of Annex I shall be subject only to Articles 6(1), 60(10), 102 to 109 and 111. Article 57 shall apply only where the Union harmonization legislation referred to in Section B of Annex I has integrated the requirements of this Regulation for high-risk AI systems." By imposing obligations of transparency, human oversight, and fundamental-rights impact assessment on high-risk AI systems, the Regulation indirectly governs the use of AI in administrative

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decision-making. The GDPR, by contrast, adopts a "prohibition in principle, permission by exception" model: Article 22 confers on data subjects the right not to be subject to a decision based solely on automated processing unless the decision is authorized by law or rests on the data subject's explicit consent, and it establishes accompanying procedural safeguards. Building on this GDPR paradigm, European countries have successively introduced legal regimes to regulate automated administration.

In structural terms, the United Kingdom has not adopted the GDPR's "prohibition in principle, permission by exception" paradigm; instead, it confers substantive rights on data subjects and imposes correlative obligations on data controllers and any actor that makes solely automated decisions.[6] Theoretically, a data controller may obtain the Information Commissioner's consent once it has secured the data subject's rights to information and to object. By expressly ruling out the data subject's explicit consent as a valid exemption, the UK Data Protection Act is regarded as stricter than the GDPR; yet, because the controller may proceed with profiling and solely automated decision-making as soon as the statutory criteria are met, the regime appears simultaneously more permissive." [6] In November 2021, the Central Digital and Data Office (CDDO) of the UK Cabinet Office issued the *Algorithmic Transparency Standard*, providing public-sector bodies with detailed guidance on the use of algorithmic tools to support decision-making. The Standard mandates that such tools be deployed with appropriate transparency, particularly where the decision may produce legal or economic effects for individuals. In June 2025, the *Data Use and Access Bill* received Royal Assent. The Act innovatively introduces an electronic register and obliges local authorities to furnish the equipment and facilities necessary for its operation. With respect to significant decisions concerning an individual, the Bill provides that they may not be taken solely by automated means unless one of the following conditions is satisfied: (a) the decision is necessary for entering into or performing a contract; (b) the data subject has given explicit consent; or (c) the decision is required or authorized by law. Where a significant decision is based exclusively on automated processing, the controller incurs four cumulative safeguards: (i) to inform the data subject that automated decision-making has been used; (ii) to afford the data subject a right to lodge an objection; (iii) to secure the data subject's right to obtain human review; and (iv) to grant the data subject an express right to contest the decision.

France has aligned its legislative model with the GDPR; however, in transposing the derogatory limb of Article 22(2)(b) of the Regulation—namely, the "lawful authorization" exception—it has retained only the two grounds of "necessity for contract performance" and "explicit consent," and has introduced an open-textured clause that imposes stringent constraints on automated administrative decisions.[6] Article 47 of the French *Loi n°78-17 du 6 janvier 1978, version consolidée au 1er juin 2025* provides that "any decision producing legal effects concerning a natural person or significantly affecting that person

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may not be taken solely on the basis of the automated processing of personal data, including profiling, unless the case falls within those referred to in points (a) and (c) of Article 22(2) of the GDPR and concerns an individual administrative decision taken pursuant to Articles L. 311-3-1 and to Chapter 1 of Title I of Book IV of the *Code des relations entre le public et l'administration*." The *Code des relations entre le public et l'administration* imposes on administrative authorities a duty to inform the data subject when automated decision-making is used (Arts. L. 311-3-1 and L. 311-3-1-1) and guarantees the individual's right to an administrative remedy (Art. L. 311-5). Furthermore, Article L. 311-3-1 of the *Loi n°2016-1321 du 7 octobre 2016 pour une République numérique* stipulates that, where the exception in the second paragraph of Article L. 311-5 does not apply, any administrative decision based on an algorithm must expressly state that fact and the data subject must be notified accordingly.

Germany has carried forward the GDPR's compliance requirements for automated administration. Section 37 of the *Bundesdatenschutzgesetz* (BDSG) governs automated decision-making, including profiling, while §§ 28 and 39 of the *Verwaltungsverfahrensgesetz* (VwVfG) expressly exempt automated administrative acts from the statutory obligations to hold a prior hearing and to state reasons.[7] Section 35a of the VwVfG introduces a "fully automated administrative act" clause that strictly circumscribes the permissible scope of wholly automated decision-making by requiring, inter alia, (i) explicit statutory authorization, (ii) confinement to matters involving bound administrative discretion, and (iii) the preservation of procedural safeguards, thereby ensuring that the data subject's rights to information, objection, and human review remain inviolable. After the revision of VwVfG, various states in Germany have also successively formulated "e-government laws", attempting to provide specific procedural guarantees for the counterparties in the automated administrative process. "The overarching procedural principles articulated in these statutes—such as the obligation to give full weight to any individual circumstances that the automated procedure cannot accommodate, and the duty to revert to a human-led individual decision whenever case-specific information is omitted from the automated act—have already been incorporated into German legal textbooks.[8]" Additionally, Germany has expressly authorized fully automated revenue acts in the fiscal field: § 155(4) of the *Abgabenordnung* (AO) empowers the revenue authorities to issue, amend, revoke or annul tax decisions—specifically concerning withholding tax, advance-payment credits and assessment procedures—by wholly automated means whenever no individual circumstances require human intervention. In the social-security sphere, §31a of the *Sozialgesetzbuch* (SGB) provides that standardized benefits such as pensions and child allowances may be generated automatically by the competent system without case-by-case human involvement.

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3.2. Legislative exploration of automated administration in the americas

Legal interventions by U.S. states in the field of automated administration have become increasingly fragmented and stringent. In 2017, New York City enacted the *Automated Decision Systems Law*, mandating the creation of an Algorithmic Accountability Task Force to oversee municipal algorithmic deployment. In November 2024, the city further adopted the *Legislative Oversight of Automated Decision-making in Government Act* (LOADinG Act), which establishes systematic evaluation, transparency, and oversight requirements for high-risk automated decision systems employed by state agencies. In May 2019 the City and County of San Francisco enacted the *Stop Secret Surveillance Ordinance*, which prohibits city agencies—including the police—from acquiring or using facial-recognition technology. In June 2025, the State of Texas enacted the *Responsible Artificial Intelligence Governance Act*, which imposes sector-specific constraints on public-sector automation: it flatly prohibits state agencies from (i) deploying AI systems for social-scoring purposes and (ii) harvesting biometric data such as facial images from online sources without the data subject's prior consent, while simultaneously obliging any government entity that interacts with natural persons through AI to provide real-time disclosure of that fact. In the same month, California introduced *SB-420 Automated Decision Systems*, the Automated Decision Systems Bill, which on its first reading in the State Assembly proposed to classify as "high-risk automated decision systems" any algorithmic tool whose output materially affects "essential government services" or an individual's "legal rights or access to services," thereby subjecting those systems to the Bill's forthcoming accountability and transparency mandates. To transform the fragmented model of state legislation, the US federal government has recently implemented "unified federal legislation, restricting state legislation on its own". On 20 January 2025 President Trump signed Executive Order 14179, *Eliminating State Law Obstruction of National AI Policy*, which revoked the previous Administration's risk-assessment and safety-testing mandates. In July 2025 the White House released *Winning the Race: America's AI Action Plan*; the accompanying Executive Order 14319 directs federal agencies to procure only AI models that "pursue truth and political neutrality" and bars the use of "woke AI" incorporating viewpoint-filtering algorithms. Finally, in December 2025, Executive Order 14358, *Ensuring a National Policy Framework for Artificial Intelligence*, ordered the adoption of "minimum-burden" nationwide standards and established a four-pronged federal pre-emption architecture: (i) creation of an AI Litigation Task Force; (ii) conditioning federal grants on state adoption of federally congruent AI legislation; (iii) assertion of express federal pre-emption under the Supremacy Clause; and (iv) active promotion of omnibus federal legislation to occupy the field and supersede conflicting state laws.

In 2019 the Government of Canada promulgated the *Directive on Automated*

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Decision-Making, which stratifies algorithmic systems used in the federal public sector into four risk tiers according to their foreseeable impact on (i) the rights of individuals or communities, (ii) their health or well-being, (iii) their economic interests, and (iv) the sustainability of ecosystems; each tier triggers commensurate human-oversight obligations. In March 2025 Innovation, Science and Economic Development Canada released the *Voluntary Code of Conduct on the Responsible Development and Management of Advanced Generative AI Systems* and concurrently established the Advisory Group on Safe and Secure AI to steer industry toward trustworthy innovation. Nevertheless, the *Artificial Intelligence and Data Act*—intended to impose binding obligations on "high-impact" AI systems—remains under parliamentary consideration.

In sum, both Europe and the Americas have expressly recognized automated administration, pursuing simultaneous legislative codification and operational deployment. Starting from three focal points—whether automation may be used at all, the protection of individual rights of the addressee, and the demands of technological due process—these jurisdictions employ a dual strategy of "risk-tiering" and "prohibition in principle" to draw bright red lines around permissible automation. Centered on the right not to be subjected to automated decision-making, they buttress individual entitlements through procedural requirements that confine discretionary, high-risk or high-impact algorithmic determinations to governance pathways that keep a "human in the loop."

4. Chinese legislative practice on automated administration

Compared with Euro-American jurisdictions that embed automated administration in statutory texts, China currently lacks any systematic legal provisions governing the field. Apart from scattered clauses in a handful of central enactments—such as the Administrative Penalty Law and the Personal Information Protection Law—and isolated articles in local business-environment regulations, no coherent legislative regime has yet been established.

4.1. Administrative normative documents as the primary regulatory mode

China's deployment of automated administration has been framed predominantly within the policy narratives of "Internet Plus Government Services" and "AI Plus Government Services." Following the 2015 Government Work Report, which announced the formulation of an "Internet Plus" action plan, the State Council promulgated the Guiding Opinions on Actively Promoting "Internet Plus" Actions. After the 2016 government work report proposed to promote "Internet Plus government services", a succession of prescriptive documents—including the Guiding Opinions on Accelerating the Development of "Internet Plus Government Services" and the *Technical System Construction Guide for "Internet Plus Government Services"*—were issued. In January 2019 the General Office of the State Council circulated the *Guiding Opinions on Fully*

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Implementing the Administrative Law Enforcement Disclosure System, the Full-Process Record System, and the Legal Review System for Major Law-Enforcement Decisions, explicitly mandating the development of intelligent auxiliary information systems for administrative discretion. The August 2022 Opinions on *Further Standardizing the Formulation and Management of Administrative Discretion Benchmarks* required the integration of discretionary benchmarks into administrative-enforcement systems through artificial-intelligence technologies. More recently, policy documents have advanced the reform paradigm of "efficiently handling a single matter." Illustrative instruments include the State Council's January 2024 *Guiding Opinions on Further Optimizing Government Services, Enhancing Administrative Efficacy, and Promoting the Efficient Handling of a Single Matter* (State Council Document No. 3 [2024]), In July 2025, The General Office of the State Council issued the *Opinions on Improving the Regular Promotion Mechanism for Key Matters of "Efficiently Completing One Thing"* (State Council Document No. 24 [2025]), and the State Council's August 2025 Opinions on *Deepening the Implementation of the "AI Plus" Action* (State Council Document No. 11 [2025]).

4.2. Absence of systemic statutory provisions on automated administration

Article 2, Paragraph 2 of the *Constitution of the People's Republic of China* allows the people to manage state affairs in various forms, Article 27, Paragraph 1 requires state organs to constantly improve their work efficiency, and Article 38, the clause on personal dignity, prohibits the state from reducing individuals to "algorithmic objects". These provisions are the constitutional sources that allow administrative actions to be made in an automated manner. Yet automated administration is not co-extensive with e-government, and—viewed solely from the perspective of positive legislation—China still lacks any comprehensive statute that defines the conditions or scope of its deployment. Apart from Article 41 of the *Administrative Penal Law* (non-scene enforcement) and Article 24 of the *Personal Information Protection Law* (right to refuse automated decision-making), no central-level enactment systematically regulates the permissible domain of fully automated administrative acts. As previously observed, governance continues to rely on administrative normative documents whose legal force is sub-statutory. Moreover, in contrast to the GDPR, Article 24 of the *Personal Information Protection Law* adopts a "permissible unless prohibited" logic. [6] At the sub-national level, fragmentary references appear in provincial business-environment legislation—e.g., Article 38 of the *Zhejiang Province Regulation on Optimizing the Business Environment* (2021) and Article 42 of the *Guangdong Province Digital-Economy Promotion Regulation* (2021)—yet these provisions are embedded in chapters on "government services" and merely offer generic descriptions of "one-certificate universal use," "one-form processing," or "intelligent registration," without conferring an independent statutory basis for automated decision-

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making. Article 7 of the *Data Security Law* encourages the "lawful and orderly free flow of data," but likewise refrains from granting any explicit empowering norm. Consequently, China presently possesses no systematic statutory framework that directly governs automated administrative action.

4.3. The material scope of automated administration remains undefined

The traditional rule-of-law mechanism for constraining public power *ex post* is procedural control; yet the very principle of due process—long regarded as its cornerstone—is effectively hollowed out once algorithmic tools are introduced.[9] In China, the outer limits of fully automated administrative acts may be inferred from Article 41 of the *Administrative Penalty Law*, which provides that "records of unlawful facts collected by electronic monitoring equipment must be true, clear, complete and accurate; the administrative authority shall examine whether the record meets these requirements, and any record that has not been examined or fails examination may not be used as evidence in an administrative penalty." Mandatory "human review" thus constitutes an indispensable precondition for the evidential use of electronic data in the penal-administrative sphere, thereby excluding fully automated decisions from that domain—a *de facto* exclusion confirmed in practice. Conversely, Chinese legislation contains no express strictures on semi-automated administration. This silence might suggest that agencies and service providers may deploy semi-automated systems—i.e., those retaining human verification or final decision-making—at will throughout administrative affairs and government services. Such a conclusion would, however, be untenable. Article 38 of the *Constitution of the People's Republic of China* provides absolute protection for citizens' personal dignity and freedom. It can be seen that even semi-automated administration, which retains manual review and final decision-making power, should have its corresponding scope of application defined. To date, however, no enacted norm—statutory or sub-statutory—has drawn that line.

In sum, China's promotion of automated administration rests overwhelmingly on administrative normative documents. Expressions such as "intelligent auxiliary support for discretion" found in these instruments possess merely the force of "policy encouragement" or "internal administrative instructions"; they do not constitute laws, administrative regulations, or rules within China's formal legal hierarchy and therefore cannot serve as an empowering basis for administrative acts *vis-à-vis* the addressee. Apart from Article 41 of the *Administrative Penalty Law* (the "non-scene enforcement" clause) and Article 24 of the *Personal Information Protection Law* (the "right to refuse automated decision-making"), no statute enacted by the National People's Congress directly governs the use of automation in typical administrative acts such as licensing, confirmation, expropriation, or coercion.

5. Conclusion: Future topics

Amid the surge of artificial intelligence and the accelerating construction of digital government, how can automated administration be introduced in an orderly fashion? This paper argues that research must press ahead along three lines: re-categorizing automated administrative acts, preserving formal legality through legal norms, and safeguarding substantive legality via technical due-process guarantees.

5.1. Re-taxonomising automated administrative acts

The prevailing doctrinal divide between "fully automated" and "semi-automated" administration treats technology as a linear substitute for human labor, thereby overlooking two salient dimensions—algorithmic embeddedness within administrative power structures and the breadth of discretionary authority delegated to machines. Continued reliance on this binary risks misaligning regulatory instruments with actual risk distributions and may deprive addressees of effective remedies by cloaking decisive algorithmic operations in a veneer of technical neutrality. A reclassification is therefore imperative: under the existing umbrella of automated administration, decisions should be re-categorized by a three-factor matrix—(i) whether the system exercises discretionary power, (ii) the complexity of that discretion, and (iii) the intensity of the rights-impact on the individual concerned.

5.2. The scope of application of automated administration shall be clearly defined by legal norms and retention forms

In a general sense, automated administration does enhance government capacity, improve efficiency and benefit humanity. However, in specific contexts, it is impossible to verify whether automated administration is indeed beneficial to the parties concerned, especially for individual citizens whose rights are restricted or deprived. It does not seem to be more beneficial [10]. Cases are not uncommon [11]. Moreover, in Europe and America, only legislation has been enacted for fully automated administration, and there are few legal regulations for semi-automated administration. To better enable automated administration to serve as a driving force for the construction of a digital government and in line with the principle of law-based administration, automated administration should be incorporated into the legal system by type. If China incorporates automated administration into its legal system, the legislative powers of the central and local governments and the principle of legal reservation will be key issues. Under the Chinese legislative system, this article holds that with "importance" as the primary criterion, the legislative fundamental authority of automated administration is established from the two dimensions of "national importance" and "citizen importance". Taking "scope of influence" as the secondary criterion, starting from the applicable scope and degree of influence of various types of automated

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administration, the legislative authority of automated administration is assisted in being divided. But exactly how it should be, further research and discussion are still needed.

5.3. Regulate the application process of automated administration through technical due process

As mentioned earlier, Europe and America respectively regulate the application process of automated administration by setting up notification obligations, counterparty relief rights, and human intervention. However, each country has only made basic procedural settings and has not made detailed regulations. At present, China only regulates the procedures of automated administration in Article 24 of the *Personal Information Protection Law*, while the rest usually refer to the traditional administrative due process laws and regulations. And in the face of cold machines, how can the counterparty make effective statements and defenses? How should the machine listen to its opinions and make explanations and clarifications? How can we ensure that machine algorithms operate legally and in compliance? What are the differences between fully automated administration and semi-automated administration, or various types of automated administration, in the construction of technical due process? The foregoing issues must likewise be placed on the future legislative agenda.

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