

## **AUTOMATION IN ACTION: EXPERIENCE WITH QUICK AND COST-EFFICIENT ADMINISTRATIVE DECISIONS IN HUNGARY<sup>1</sup>**

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### **Abstract**

Automated decision-making can streamline administrative procedures, reducing the burden on authorities in straightforward cases. However, a concerning trend emerges: negative decisions challenged by clients are often so simplified that they render judicial review meaningless, leaving issues unresolved. This is not merely a technical issue but a constitutional one. Clients are frequently deprived of meaningful reasoning, procedural safeguards, and effective legal remedies. Administrative decisions should uphold legality and transparency, ensuring fair proceedings. When a decision lacks proper justification and courts cannot assess its legality, it becomes unsuitable for review, undermining due process. If automation leads to decisions lacking transparency and accountability, it threatens fundamental legal principles.

This study aims to show how automated -decision making is done in practice and what legal problems has emerged already by exploring casefiles and judicial decisions to highlight the risks of automated decision-making and calls for a balanced approach to maintain efficiency while safeguarding constitutional rights and judicial oversight.

**Keywords:** *automated decision, public administrative proceedings, fair procedure, reasoning, judicial review*

### **1. Introduction**

Technological advancements are increasingly shaping public administration (Dunleavy, 2006, p. 478). The European Union's digital transition promotes

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efficient services, reduced administrative burdens, and automated decision-making (ADM; Belyakova, 2021, p. 174). While automation offers speed, cost-efficiency, and legal consistency, most legal discourse focuses on AI-related challenges. Although AI-based decisions raise concerns, automation's legal issues extend beyond AI and profiling (Waldman, 2019; Ahonen & Erkkilä, 2020). Hungarian jurisprudence underscores its relevance.

This study examines whether the simplicity of automated decision-making aligns with constitutional principles of fair procedure. Based on primary research from cases handled by the Szeged Court, it compares rulings to Supreme Court (Curia) jurisprudence on election cases and includes Constitutional Court interpretations of fair procedure. While automation remains limited in Hungary, selected cases reveal recurring legal issues.

By analysing case files, including original decisions, legal remedy claims, proceedings, and judgments,<sup>2</sup> this study highlights key constitutional concerns extending beyond Hungary's legal context. Notably, no existing literature explores how automated decision-making is applied in practice; this study addresses that gap by using real cases.

Since automation in Hungarian administrative proceedings is still developing, the study draws on varying case files from the Szeged Court and automated decisions issued by the Csongrád-Csanád County Government Office. Although the sample size limits generalisations, it serves as a warning of potential risks. As the content of automated decisions is centrally determined, similar problems may arise elsewhere.

Despite differences in case types, recurring concerns emerged across all examples. Rather than offering an exhaustive analysis, this study presents selected recent examples that reveal the risks of overly simplified, cost-efficient systems and their possible shortcomings in ensuring fair and lawful administrative procedures.

## **2. Automation in Administrative Authority Decision-Making in Hungary**

Automated decision-making (ADM) lacks a universal definition but generally refers to decisions made solely through technological means without human involvement. More broadly, it includes processes where algorithms analyse large volumes of personal data to make data-based decisions. ADM ranges from aiding decision-makers to fully automated processes using algorithms or AI to collect, process, and analyse data (Araujo et al., 2020, pp. 611–612).

This study defines ADM in administrative procedures as relying on predefined rules, algorithms, and structured data, rather than advanced AI models. These

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<sup>2</sup> The research was conducted under research permit No. 2024.EI.XI.F.13/9 during the period of August and September 2024 and involved closed files of 2023-24. The Administrative College of the Szeged Court is competent to review the administrative decisions of the government offices of 3 counties (Békés, Csongrád-Csanád and Bács Kiskun). The consulted casefiles are not available to the public.

systems use if-then logic or rule-based automation to process decisions quickly and consistently without human involvement. Outcomes follow fixed algorithms and legal or administrative rules. Inputs are drawn from databases or forms, and the system executes programmed instructions without adapting. Unlike AI, these systems do not evolve or generate predictions. This form of ADM began in Hungary in 2017, with largely unchanged conditions. It remains cost-effective for simple cases with accessible data, no opposing party, and legally mandated rule-based decisions (Act CCXXII of 2015, § 11, Act CL of 2016, § 40, Act CIII of 2023, § 21, Baranyi, Homoki & Kovács, 2018, p. 53). Today, 85% of ADMs operate in this manner, primarily at the client's request, though ex officio procedures also apply to: (i) issuing ID cards or certificates from administrative registers, (ii) registering facts or information, or (iii) processing data requests from specific registers (BM Report, 2024, p. 14). In these instances, the algorithm (a sequence of rules) reaches conclusions based on specific conditions. If a condition is met, the case is resolved one way; if not, another. These are legal decisions based on law-bound logic, eliminating human input through digital data and algorithms (BM ADM Report, 2023, pp. 13, 18).

The key element in this process is data, with control beginning at initiation. Procedural obligations arise once an application is submitted electronically or another authority is contacted. In this context, decisions, typically ex officio, are based on pre-existing or automatically transmitted data, processed according to legal rules (Act CL of 2016, § 97; Curia Report, 2021, pp. 3–4; Kovács, 2021, p. 532). These data usually come from public records protected by law. The Hungarian system also permits fines based on certified measuring tools, where facts are confirmed via digital, largely indisputable evidence (Government Decree No. 326/2011 (XII. 28.), pp. 23–24; Balázs & Cseh-Zelina, 2023).

If a case is straightforward and the decision favours the client, the process is swift and unproblematic. In such cases, justification and legal remedy information may be omitted, making it a simplified, right-giving decision (Act CL of 2016, § 81(2)). The issue arises when automation produces an unfavourable decision without explaining 'why', as simplicity also applies to negative outcomes. Standardised legal remedy information is often too generic, leaving clients struggling to formulate claims for substantive review.

In administrative procedures, the principle of ex officio applies, requiring authorities to establish facts, determine the method and scope of evidence collection, and reflect this in the decision (Act CL of 2016, § 3). A lawful decision must clearly present relevant circumstances, apply abstract legal norms to the case, and inform the client of legal remedies. Overly general decisions (Csatlós, 2023, p. 77), common in ADM, should be avoided. The lack of individualisation makes it difficult for clients to understand decisions, especially when procedural formalities are missing (Municipal Court, Case No. 14.K.701.081/2020/2, [2]). Concerns also arise when decisions fail to detail supporting facts or connect them to the client's situation.

### 3. Simplicity versus Incomplete and Imperfect Decisions

A key feature in the examined court cases is the extreme simplification of decisions, rendering legal remedies ineffective. Decisions are issued quickly and schematically, based on predefined panels lacking individualisation, leaving clients unable to understand the reasoning. While this poses no problem for positive outcomes, negative ones result in confusion and unanswered questions. Since administrative lawsuits are now the standard legal remedy in Hungary, with internal administrative supervision the exception (Act CL of 2016, §§ 114(1), 116(1)), courts must address the underlying reasoning behind negative, burdensome automated decisions.

The core issue is the absence of individualised, well-founded reasoning. This lack of transparency compels clients to seek legal recourse, but efforts are often fruitless. Judicial boards are reduced to interpreting automated decisions without the tools to ensure effective protection. The following subchapter presents typical cases illustrating these issues.

#### 3.1. Electoral Register Issues: A Textbook Example of Automated Decision-Making and Unexpected Problems

Electoral register disputes represent a key area of concern in ADM. The National Election Office makes decisions on register applications and *ex officio* deletions through automated procedures.<sup>3</sup>

Relevant data are stored in the central register, which is populated from several public registers (Act XXVI of 2013, annexe 2; §§ 82(1), 83(2)). The electoral IT system queries these databases daily, updating records automatically (Act XXVI of 2013, § 96(1)). The central register thus functions as a *derivative public register* (Municipal Court, Case No. 14.Kpk.750.045/2022/9, [15]; Case No. 50.Kpk.750.324/2023/4, [14]). Data recorded here are presumed accurate (Curia, Case No. Kvk. IV.39.300/2022/5, [28]; Municipal Court, Case No. 43.Kpk.750.040/2024/3).

While the system functions well in ideal conditions, negative decisions made without human oversight raise concerns, especially where client rights are at stake. These decisions often lack factual explanations and contain only a negative ruling—sometimes with unclear subject matter. Clients must determine whether their case involved deletion or registration. Moreover, the operative part fails to link their situation to the legal consequences. Such cases are hard to challenge: negative decisions due to data mismatches are lawfully issued, but internal and judicial remedies are ineffective in correcting them. Legal remedy claims are frequently dismissed. Additionally, due to limited

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<sup>3</sup> Act XXXVI of 2013 on the Electoral Procedure [hereinafter Act XXVI of 2013], 13/F (1); 17/2013. (VII. 17.) KIM Decree on the maintenance of the central register of names and other electoral registers, 14. (in force until: 30 Nov. 2023).

evidentiary tools in noncontentious proceedings, courts cannot assess whether the error originated from the IT system. The burden of proof lies with the applicant (Act I of 2017, § 151(3); Szeged Court, Case No. 3.Kpk.750.038/2022/5, [35]), which is difficult when clients are unaware of this obligation.

These mismatches often result from small errors—such as misplaced data or name misspellings (Szeged Court, Case No. 2.Kpk.750.037/2022/2), incorrect birthplaces (Szeged Court, Case No. 6.Kpk.750.034/2022/2, [1]–[2], [4]; Case No. 4.Kpk.750.042/2022/4, [5]), or spelling issues related to historical place names (Szeged Court, Case No. 8.Kpk.750.033/2022/3, [12]). These problems, especially involving cities formerly part of historical Hungary, often lead to rejected applications due to strict regulations. Legal remedies are ineffective, and clients are merely told to submit a corrected application (Szeged Court, Case No. 2.Kpk.750.037/2022/2, [11]; Case No. 6.Kpk.750.034/2022/2, [18]; Case No. 8.Kpk.750.033/2022/3, [13]). Often, specific errors are only revealed in court decisions—after the electoral deadline has passed. The electoral office processes applications only when data matches official records. The law allows minimal flexibility for typographical issues, such as incorrect accents or omitted titles, unless the voter’s identity remains clear (Act XXVI of 2013, §§ 93(1)–(2)). Consequently, courts are typically left to confirm the lawfulness of automatic decisions.

Two factors limit clients’ ability to respond: time constraints and lack of knowledge about the rejection’s cause. If clients resubmitted applications promptly after a rejection, they might still meet deadlines (Act XXVI of 2013, § 346(c); Act CCXXXVIII of 2013, § 91(c); Minister of Interior Justice Decree 1/2022 (I. 11.), § 17(2); Szeged Court, Case No. Kpk.750.037/2022/2). However, they must first know what went wrong. Legal remedy claims show clients often only discover typos through court orders, such as birthplace recorded as residence or altered names.

Authorities often try to compensate by adding missing details during the legal remedy in their defence statements—facts, justification, and reasoning—elements traditionally included in standard procedures. Addressing errors in legal remedies creates unnecessary administrative burdens. This could be reduced through system improvements, such as auto-filled data fields upon user identification. A future solution (NDS, 2022, p. 61) could allow systems to auto-populate data, with clients confirming accuracy. This would help detect errors in time. Moreover, many clients failed to substantiate their legal remedy applications, likely unaware that they must. This may stem from insufficient legal remedy information, often limited to basic references to legislation. Effective ADM implementation requires a proactive approach by both state and citizens. Clients must report data changes to keep records accurate, while the state must ensure records are complete. It is concerning when a court finds that a ban on public affairs lacks an end date, only the start date is listed (Act C of 2012, § 62(1); Municipal Court, Case No. 21.Kpk.750.196/2023/3). If the year is the same, the court assumes the ban remains active. When decisions are based

solely on register data, their soundness depends on the completeness and accuracy of those records and the automated system processing them.

It is significant when the register serving as the data source is incomplete or when systems fail to communicate properly, as these are the basic prerequisites for automation and for establishing public facts. Ensuring interoperability between databases from different periods and platforms is challenging, and a single data entry error may prevent data transfer, leading to negative decisions that are difficult to remedy. The criminal registration body automatically transmits data to the electoral register management authority for inclusion, modification, or deletion concerning disqualification from public affairs. These transmissions constitute automated data transfers (Act XLVII of 2009, §§ 1(1), 67(1)(d)). As a result, the electoral register authority cannot modify or reinstate voting rights. The system relies on continuously updated data and lawfully issues negative decisions when a client is not included in the electoral register. The court usually agrees, rendering the legal remedy procedure a mere formality, an outcome that could be avoided if the authority's decision included clear reasoning (Kilényi, 1964, p. 732; Csatlós, 2023, p. 73). If decisions clarified their reasoning and specified that resolution lies with another authority, the client would be better informed, and unnecessary proceedings could be avoided.

As demonstrated, the quality of reasoning remains essential even in seemingly routine, template-based cases. Legal terminology is not always applied consistently within Hungarian law, which creates confusion even for legal professionals. Expecting clients to interpret overlapping terms relating to various residency categories across different laws is unrealistic. This inconsistency has caused difficulties for Hungarian citizens attempting to exercise their voting rights, which depend on inclusion in the voter register (Act XXXVI of 2013, § 82(2)(a); Szeged Court, Case No. 4.Kpk.750.030/2022/4, [11]–[14], [16]).

The use of similar terms with differing legal meanings complicates ADM based on system interoperability. Additionally, decisions lacking individualisation and clear justification are particularly problematic. The court emphasised that such reasoning should not merely reflect the authority's position but should clearly explain the grounds for rejection. It further recognised that the issue lies more in inadequate technical infrastructure than in legal errors or misjudgements (Gábri, 2018, p. 245).

Clients should not be expected to interpret unclear justifications that are disconnected from the facts of their case. Nor should they be left to determine how to pursue legal remedies against an automated decision.

Cases relating to the electoral register during the most recent election cycle underline problems concerning record completeness, individualised justification, and the provision of adequate legal remedy information by the authority. These findings inform the following analysis of further case types.

### 3.2. Miscellaneous Cases: Further Illustrations of the Challenges in Automated Decision-Making

The lack of reasoning is also evident in automatic ex officio decisions, where a triggered event results in loss of entitlement, yet the decision is devoid of individualisation or explanation. A notable example involves a *family support case*, where the authority automatically terminated childcare assistance benefits (Case No. T-CS-CST-6006-4/2024).

The reasoning merely stated that the client had received childcare assistance for the 'child(ren)' named X.Y., born on a specific date. After citing two provisions of Act LXXXIV of 1998 on Family Support, the justification concluded that 'the above-mentioned circumstance' led to termination, without clarifying what that circumstance was. This vague language failed to identify the specific factor that triggered the decision, leaving the client uncertain about why the entitlement was withdrawn. Even the inconsistent use of singular and plural when referring to the child, despite their name and birthdate being clearly listed above, reflected the same structural issues seen in electoral register cases. This suggests that decisions are assembled piecemeal by systems processing data point by data point. While this is a technical matter, it points to a broader problem in ADM.

Of greater concern is the formulaic approach in these decisions. After listing multiple possible grounds for terminating entitlement, the decision merely stated that the condition 'indicated above' applied. This does not qualify as substantive reasoning. The critical question remains about which specific event triggered the termination, and if it was (a) the child turning three, (b) the end of compulsory education in the case of twins, or (c) the child turning ten in cases of permanent illness or disability (Case No. T-CS-CST-6006-4/2024; cf. Act LXXXIV of 1998, § 11(4)).

Without a clear, tailored explanation, the client is left to guess which legal provision applies. This undermines transparency and obstructs access to effective legal remedies. It is not the client's responsibility to deduce the applicable law from an abstract justification, especially when their legal remedy claim shows confusion. In this case, the parent expressed uncertainty about the different forms of family support and noted that no change had occurred in their personal situation, yet benefits were terminated.

As a result, the client filed a lawsuit to challenge the decision, motivated in part by inadequate information about legal remedies. The automated decision cited legislation vaguely, without stating a specific legal breach or including the necessary annexes, thereby obstructing substantive judicial review. It was only through the authority's defence submission that the court learned the actual reason: the disabled child had turned ten. By then, the case outcome was final and unchangeable.

The ADM process, in this case, reduced the decision to a basic legal consequence, one that the court could not alter. Other support may have been available, but it is not the court's role to inform the client about them. Nor

should the court have to compensate for an incomplete decision. Yet that is often the reality: the court reconstructs the facts and legal rationale from the defence submission, effectively doing the work the original decision should have done.

A similar pattern is observed in travel reimbursement support cases, which share characteristics with other ADM examples but remain distinct. Since 1 July 2022, where conditions under the general administrative procedure law are met, health insurers assess electronically submitted travel reimbursement claims via automation (Act LXXXIII of 1997, § 61(6)). If the claim is not recorded in the IT system at the time of treatment or discharge—because the client did not request it—they are not entitled to reimbursement. This is mandatory. However, the law permits retroactive entry within eight days in case of a system malfunction or outage (Government Decree No. 217/1997 (XII. 1.), § 11(9)). Although the process appears straightforward, many legal remedy claims indicate that clients requested reimbursement but the healthcare provider failed to enter it, and no documentation exists to prove otherwise. When no record is found, the system issues an automatic rejection based on the mandatory framework. Clients often report inconsistencies, such as reimbursement being granted for some days of multiday treatment but denied for others. Legal remedy claims frequently include statements that the client made a request, sometimes supported by fellow patients' testimony (Szegec Court, Case No. 7.K.700043/2023/5), but for unknown reasons, the request was not recorded or reflected in the medical documentation. Remedies are only successful when clients can prove the request was indeed made or that the system data were incorrect (Szegec Court, Case No. 12.K.700084/2023/4). In the absence of such proof, the decision stands.

In one rare instance, the only case in this research where an automatic decision was overturned, the rejection was based on incorrect mobility impairment data. The IT system indicated that the patient could use public transport, leading to an automatic decision that private transport was unjustified. The client, however, submitted medical certification proving that they could not use public transport, even with assistance. The Békés County Government Office reviewed the decision, sought clarification from the healthcare provider, and corrected the data, thereby granting reimbursement (Case No. BE/EGBIZT/1137-2/2023).

The law stipulates that patients must ensure their oral request for travel reimbursement is recorded in their medical documentation when receiving specialised care. This requirement is embedded in automatic decisions, implicitly reminding patients that failure to fulfil this condition results in the loss of rights. The law also permits retroactive entry of reimbursement requests within eight days if a system malfunction prevents recording at the time of care or discharge. However, no cases were found where this provision had been applied. Although health status data can be corrected, the same flexibility does not apply to unrecorded reimbursement claims. Thus, when a service provider's omission leads to irreversible legal consequences for the client, it reveals a legislative shortcoming.

These automatic decisions are more detailed than those concerning family support entitlements. However, their justifications often reiterate legal obligations applicable to healthcare providers without addressing the situation from the client's perspective. Once again, the information on legal remedies remains limited.

If a patient's visit is not recorded in the system or on the outpatient treatment form, the current legal framework renders the legal remedy procedure ineffective. In some cases, clients who appeared in person before the authority resolved the issue through a one-time assistance application, facilitated by the authority's information-sharing and proactive approach. As a result, clients withdrew their legal remedy claims, rendering the procedure unnecessary (Case Nos. CS/EGBIZT/433-2/2022; CS/EGBIZT/274-2/2023; CS/K01/1515-4/2023).

These examples underline the need for properly justified administrative decisions and clear information regarding legal remedies. They also underscore the importance of effective communication between authorities and the public. While the strict application of the law may remain unchanged, individuals must retain the right to challenge decisions that infringe upon their rights or legitimate interests, as provided in Article XXVIII of the Fundamental Law of Hungary. This raises a critical question: by simplifying administrative procedures, are authorities inadvertently transferring their burdens to the courts? If so, a significant number of court cases may reflect not substantive legal disputes but efforts to compensate for administrative deficiencies.

### **3.4. Behind the Veil of Certainty: The Risk of Rights Deprivation in Automated Fine Decisions**

Programmed algorithms enable automatic decisions to be made rapidly based on available data, gradually diminishing the authority-client relationship in the digital realm. This erosion goes largely unnoticed as long as both parties' interests align. However, with the rise of the *data-driven service-provider state* (MI Stratégia, 2020, p. 38), this situation requires reassessment.

The earlier ADM cases discussed involved data sourced from public registers, input by human actors, or in some instances, data not obtained at all, making accuracy reliant on human interaction. However, Hungarian legal practice now includes cases where data are generated entirely by electronic systems and transmitted to the relevant authority for decision-making. For instance, *automatic fines for speeding or toll evasion* operate in this way (Act I of 1988, § 21(1)).<sup>4</sup> Specialised cameras record violations, triggering *ex officio* procedures. Certified devices document these offences, and assuming their reliability, algorithms automatically impose fines based on legal thresholds (Act I of 1988, §§ 21(2)–(4)). Setting aside questions about the relationship between the vehicle operator and the actual offender, legal remedies in such

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<sup>4</sup> The referenced sample was formed by the decision of the chief of Police of Szabolcs-Szatmár-Bereg County Case no. 21100/00360492/3/2024.

cases often serve only a formal role. These processes highlight the crucial role of data processing and protection regulations, as the procedure itself constitutes data processing (GDPR, Art. 4(2)), thereby influencing legal justification and compliance throughout the process. Authorities must inform clients when a decision is made automatically (Act CCXXII of 2015, § 11(2); Act CIII of 2023, § 21(2)). However, such disclosures are usually implicit. Automatic decisions may include a list of laws establishing competence, but they often omit explicit statements about the decision's automated nature. In the best instances, they cite the legal basis for automation. In many cases, however, even this is absent. For example, automatic fine decisions for speeding explain the offence, refer to the device, and cite the law, but do not disclose that the decision was generated by a machine. Legal citations appear in abbreviated form at the end of the document, obscuring the specifics of electronic processing and its *legal authorisation*.

This legal reference is not merely procedural—it is a safeguard. Since ADM constitutes data processing, justifications must reflect data protection compliance to demonstrate procedural legality (GDPR, Art. 5(2); cf. C-634/21, [67]). The first step in this compliance is clarification of the legal basis. Request-based procedures cite the request itself, and *ex officio* cases refer to the triggering event and its legal framework. Similarly, automated decisions must explicitly state that the procedure involved automation. This principle, previously embedded in Hungary's Electronic Administration Act, is now enshrined in Act CIII of 2023, the so-called *Digital Citizenship Act*. A decision based on automated data processing that adversely affects rights or has significant legal implications may only be issued if expressly permitted by law or by binding European Union legislation. Accordingly, legal justifications must adopt an interdisciplinary approach by integrating data protection principles into legal reasoning (C-634/21, [55], [60]–[61]; Eszteri, 2024).

There is increasing focus on procedural rights, including transparent communication and clarity regarding how data subjects can exercise their rights (GDPR, Art. 12(2); EU Charter, Art. 41(2); Code of Good Administrative Behaviour, Arts. 10(1), 22; Act CL of 2016, § 5). Even in manually reviewed cases, technical elements remain integral and must be included in the decision's reasoning. While the GDPR grants multiple rights, it does not explicitly include the right to an explanation for individual automated decisions. However, the GDPR preamble requires appropriate safeguards in cases of ADM, particularly when profiling is involved (WP 29, 2018, p. 1). In these cases, data subjects must be informed separately and must be able to request human intervention, express their viewpoint, obtain an explanation of the automated decision, and challenge the outcome (GDPR, Art. 71; Silveira, 2023, pp. 77–78). The effective exercise of these rights depends on clear, accurate information regarding the form of automation used. Yet in many cases, this information is lacking. The absence of transparency and data protection safeguards leaves individuals unable to assert their rights fully. The requirement to provide client information as part of fair procedure aligns with the data controller's obligation under the GDPR. Controllers must provide transparent, accessible, and

intelligible explanations of the logic involved in ADM (Act CXII of 2011, § 14; Eszteri & Péterfalvi, 2022, p. 113). Consideration must also be given to business secrets and intellectual property protections relating to algorithms. While this is especially critical in profiling, it applies across all automated procedures, as legality remains a universal standard.

Comprehensibility is not only a legislative challenge, as Tóth (2022, p. 26) notes, but also a question of legislative responsibility, particularly in the context of machine-driven decision-making. *Advocate General de la Tour* reaffirmed this in a recent opinion, emphasising that individuals must receive clear, substantive information about the methods and criteria used in ADM in order to exercise their rights under Article 22 of the GDPR. This requirement establishes a three-part standard for justifications: (i) the information must be concise, transparent, intelligible, and easily accessible; (ii) it must be comprehensive and contextualised to allow assessment of its accuracy; and (iii) there must be consistency and a causal link between the method and the decision outcome (C-203/22, [71]). These elements form the foundation of transparency and are necessary for data subjects to fully understand the decision. Authorities must specify the legal basis for automation, and individuals must have the right to methodological information and to request human review of the decision (C-203/22, [53], [66]–[67]). However, such rights are absent in Hungarian practice. Under Act CL of 2016, clients may request a full procedural review within five days of receiving a decision (§ 42), and this option should be outlined in substantive decisions. Yet, in *ex officio* procedures such as automatic speeding fines (Ritó & Czékman Zs., 2018) Hungarian law does provide a right to review, although the practical ability to exercise this right appears limited. In traffic violation cases, automatic decisions often include a link to a data protection notice.<sup>5</sup> This allows clients to access information about data processing, but only if they can determine which version applies to their case. It remains uncertain whether most clients understand how this information relates to their circumstances. While access is technically available, its practical effectiveness is questionable. The Digital Citizenship Act requires that digital services include clear, accessible information and user guidance (Act CIII of 2023, § 5(6)). As automation expands, especially with the anticipated integration of AI and profiling, transparency and access to remedies will become increasingly critical. When receiving a speeding ticket accompanied by photo evidence and a formal decision, most clients may not question the legality of the process. However, as AI-generated decisions

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<sup>5</sup> Közlekedésrendészeti szakterület. Ügycsoport: Közlekedésrendészeti szakterülethez kapcsolódó adatkezelések. Ügytípus: Objektív felelősséggel kapcsolatos közigazgatási hatósági ügyek [Traffic police field. Case group: Data processing related to the traffic police field. Case type: Administrative authority cases related to objective liability] Police.hu. Retrieved from <https://www.police.hu/adatvedelmi-tajekoztatok/hu!arendorsegrol!adatvedelem!kozlekedesrendeszeti-szakterulet!kozlekedesrendeszeti-szakterulethez-3>.

become predictive rather than evidence-based, these concerns will become more pressing. Although Hungary has not yet introduced AI-based decisions, such systems are already used abroad, especially in migration contexts (Molnar & Gill, 2018, pp. 23–28; Beduschi, 2021, p. 577; Csatlós, 2024). Article XXVI (2) of the Fundamental Law of Hungary promotes the exploitation of technological developments, and Hungarian legal literature has already begun discussing the status of AI its potential future impacts in public administration (Csatlós-Mezei, 2025, Patyi, Pollák & Fekete, 2025, Budai, 2024, Hoffmann, 2023, Bicskei 2023, Fábrián & Stankovics, 2022, Futó, 2020, Kovács, Czékmann & Ritó 2020).

#### **4. What Becomes Simplified and What Can Be Simplified?**

Simplification typically means making processes easier, quicker, and more efficient without removing essential components. AI is partially used in Hungarian public administration for data analysis and risk analysis, especially in the field of tax and financial administration (Bencsik, 2024, p. 15). However, when authority decisions are made through ADM, the issue lies in formulaic simplicity. While unproblematic in cases where rights are granted, it becomes problematic when requests are denied. The deficiencies in such rejections have broader legal implications. If key elements such as justification or legal remedy information are missing, the decision is fundamentally flawed (Veszprémi, 2023, [73]; Municipal Court, Case No. 14.K.701.081/2020/2, [2], [6]). Many automatic decisions follow rigid templates, resulting in inadequate factual reasoning and limited procedural guidance. Furthermore, Hungary lacks a comprehensive regulatory framework governing the structure of automated decisions. While some sector-specific laws offer guidance, in the absence of dedicated provisions, ADM outcomes must follow the same general requirements as traditional decisions.<sup>6</sup>

##### **4.1. The Rule-of-Law Problem of Incompletely Simplified Automatic Decision-Making**

Even when a case falls outside the Constitutional Court’s jurisdiction—such as electoral register cases (Act CL of 2016, § 8(1)(b))—the Fundamental Law still applies as a guiding principle. In a rule-of-law state, public administration must operate within clear legal constraints (Magyary, 1942, p. 40; Constitutional

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<sup>6</sup> The rules of the general code of administrative proceedings and the special procedures are the same on this issue: Act CL of 2016, 81. *cf.* Act II of 2012 on misdemeanours, misdemeanour proceedings and the misdemeanour registration system, 96; Act LXXX of 2007 on the right to asylum, 32/Q; Act XC of 2023 on the general rules on the entry and residence of third-country nationals, 190; Act CLI of 2017 on tax administration, 73; Act LVII of 1996 on the prohibition of unfair market conduct and restrictions of competition, 46 (2) i); Act CXXXIX of 2013 on the Hungarian National Bank, 49/C (2).

Court Decisions 56/1991 (XI. 8.), p. 456; 38/2012 (XI. 14.), p. 209; Rule of Law Checklist, 2016, p. 11), and its actions are subject to judicial oversight (Act I of 2017, § 4; Rozsnyai, 2023, [1]). To comply with the rule of law, administrative decisions must meet both formal and substantive legal requirements. A lawful, well-founded decision must be based on a fully clarified factual situation. Where facts remain unclear or incomplete, the decision becomes unfounded, resulting in a significant procedural violation (Juhász & Oláh, 2023, p. 13). The justification is central to determining this: it both affirms the legality of the decision and ensures verifiability for the client, supervisory bodies, and the wider public (Delsignore & Ramajoli, 2021, p. 23). Accordingly, the justification must effectively address all three audiences.

In ADM, the factual basis is typically derived from register-based data, which are presumed authoritative and immutable. The decision thus depends on the alignment between the application, the submitted data, and information held by the authority. However, the system lacks a built-in mechanism for clients to challenge or correct these presumptions. Addressing technical discrepancies therefore demands a transparent explanation of the decision-making logic and a clear justification for how data processing produced the result.

Such justification is proof that procedural safeguards were observed and that the decision was not arbitrary. A failure to apply abstract legal norms to the specific circumstances renders a decision substantively incomplete and insufficiently individualised. If relevant facts or contextual details are absent, whether during fact-establishment or evidence evaluation, the judiciary is unable to determine how the authority reached its decision. Therefore, decisions must cite the relevant substantive law, including the specific provision authorising the outcome. The client must also be informed that the decision was issued through an automated process.

The right to legal remedy applies to both the operative part and the reasoning of the decision. If the grounds for rejection are found only in internal documents rather than in the decision itself, this limits the client's ability to exercise their constitutional right to challenge the outcome. While certain procedural deviations such as simplified formats or client-favourable outcomes may justify reduced reasoning (Act CL of 2016, §§ 80(3)–(4), 81(2)–(5)), these exceptions must be narrowly construed. Any provision or administrative practice that relaxes the obligation to provide reasons warrants close scrutiny.

The Election Act, effective from 1 December 2023, requires that decisions on central register applications include the standard components of administrative decisions: factual context, evidence, and justification for rejections or deletions (Act XXVI of 2013, § 46(a)–(e)). These decisions may be issued without a signature or stamp (§ 95(4)). However, the absence of sufficient information in the justification obstructs the client's ability to seek legal redress and renders judicial protection ineffective. If a decision's legality cannot be assessed from its own reasoning, and it fails to meet case-specific requirements, the decision is both unlawful and unsuitable for substantive review. Clients must be informed of the legal grounds during the administrative phase itself (Act CL of 2016, § 81; Act I of 2017, § 4). Neither the authority's defence nor the court's

judgment can later remedy this failure. This has been consistently confirmed in case law (e.g. BH2016.189; Curia, Case No. Kfv.39.011/2020/9, [32]–[33]; Kfv.II.37.520/2022/5, [15]; Miskolc Court, K.700.458/2021/18, [23]; Szeged Court, K.700.740/2023/7, [29]; Győr Court, K.700.272/2023/9; Budapest District Court, K.702.244/2023/13, [37]; BH2024.69, [32]).

#### **4.2. The Role and Responsibility of the Authority in Relation to Its (Automatic) Decisions**

Administrative authorities must present all relevant facts and legal reasoning to demonstrate the legality of their decisions to clients and any reviewing body (Curia Report, 2023, p. 4). As Rozsnyai (2022, p. 14) explains, authorities face a ‘schizophrenic’ role, defending their decisions in litigation while ensuring clients’ rights during the procedure. These responsibilities are sequential: the duty to justify precedes the duty to defend. Authorities must provide adequate justification during the administrative phase, independently of any future judicial review. The decision must be lawful and well-founded, enabling the client to exercise both procedural and substantive rights. Informing clients of legal remedies is a fundamental aspect of procedural fairness (Curia Report, 2023, p. 2). If information is lacking and the client cannot act accordingly, the decision is unlawful.

The Curia has clarified that clients must be informed of the actual reasons for a decision during the procedure itself. A failure to do so constitutes a procedural violation affecting the substance of the case (EBH2017.K.14, [18]). Authorities that fail to separate the duty to justify decisions from their later defence obligations hinder both the client’s rights and judicial review. While authorities may correct errors before litigation begins, courts cannot be expected to regularly issue orders for correction (Act I of 2017, § 46).

The obligation to inform clients must go beyond listing legal provisions; decisions must contain substantive, comprehensible explanations (Act CL of 2016, § 5(a); CM/Rec(2007)7). In automated decisions, where legal remedies are not available, clients must have the option to request a full procedure (Act CL of 2016, § 42). However, in practice, references to this right are often omitted. A full procedure would allow clients to present counterevidence, ensure legal compliance, and support a well-founded decision. Unfortunately, essential facts and reasoning often appear only in defence submissions, information that should have been part of the original decision.

When a client initiates proceedings by filing a statement of claim, the authority has another opportunity to revise its decision (Act CL of 2016, § 115). According to the Curia, this corrective function applies at the lawsuit’s outset and does not bind the authority to the specific legal violations cited in the claim (Curia, Case No. Kfv.37.121/2022/8, [36], [38], [45]; Csatlós, 2024, p. 47). However, this process must not serve as a backdoor to retroactively correct defective justifications through litigation.

The subject of judicial review is the original administrative decision, and the court must assess its legality within the scope of the plaintiff’s claims

(BH2016.189, [16]; Act I of 2017, §§ 2(4), 4(1)). To initiate a valid legal remedy, the applicant must either (a) identify a legal violation affecting the case's merits or (b) provide justification from which such a violation may reasonably be inferred, particularly breaches of procedural rights or materially significant procedural rules. Vague references to general legal principles are insufficient. Applicants must demonstrate the breach of a specific legal provision.

### **4.3. The Judiciary's Task in Reviewing (Automatic) Authority Decisions**

Clients must receive a complete account in the administrative decision, indicating the facts considered, those disregarded, and the legal provisions applied. This ensures that courts can assess legality based on the decision itself, not on the subsequent defence (BH2022.277, [41]; Győr Court, Case No. K.700.272/2023/9, [18], [20]). The justification provided by the authority is the key source for this evaluation (Curia, Case No. Kfv.37.520/2022/5, [33]). Failure to clarify facts constitutes a serious procedural violation that cannot be remedied through judicial proceedings. Courts may not assume the authority's role in establishing facts or evaluating evidence, even though they may amend or supplement factual findings (Act CXL of 2004, § 72(1); Act CL of 2016, § 81(1); EBH2017.K.14, [18]). Nor can evidentiary procedures (Act CL of 2016, § 78(5); Barabás, 2024a) retroactively legitimise an unlawful decision. The requirement of legality must be interpreted in a broader constitutional context. The Curia has maintained that legislative interpretation must align with the Fundamental Law (Art. R(2), Art. 28) (Chronowski, 2021, pp. 149–152; Chronowski, 2022, pp. 164–165), and that the judiciary's protective function extends to upholding constitutional values. Courts must take these into account even where not explicitly raised by the claimant.

A failure to justify the legality of a decision, particularly under Article B and Article XXIV of the Fundamental Law, which enshrine the principles of legality and fair procedure, raises a constitutional issue (Curia, Case No. Kfv.IV.35.496/2018/12, [39]; Case No. Kf.IV.37.298/2020/13, [37]–[39]; Chronowski & Petrétei, 2016, p. 71; Csatlós, 2024b, pp. 42–43, 48). The rule of law requires that public administration operates within legal constraints and that both authorities and individuals adhere to legal norms. Although decisions may be issued by autonomous systems, responsibility for the outcome remains with human actors (Ivanov, 2023, p. 5).

A fundamental guarantee of a fair procedure is the protection of the client's rights. Any breach of these rights constitutes a legal violation that affects the substance of the case and directly breaches the Fundamental Law (Curia, Case No. Kfv.37.119/2021/5, [26]). Effective legal protection depends on a balance between formal legal remedies and the authority's procedural obligations. Courts should not be forced to correct an unlawful or flawed administrative decision (Parycek, Schmid & Novak, 2024, pp. 8391–8392; Csatlós, 2024c).

A valid public act requires strict adherence to procedural rules. These guarantees uphold the rule of law and ensure predictability in administrative

processes. Justice functions constitutionally only when procedural requirements are fulfilled (Constitutional Court Decision 11/1992 (III.5.), pp. 84–85; Barabás, 2024b). Any failure to comply cannot be justified retroactively. If a decision is found unsuitable for substantive judicial review, the procedure must be repeated, whether automated or not, according to constitutional standards.

## **5. Conclusion: A National Situation to Raise Global Awareness**

The increasing reliance on ADM in administrative procedures raises serious concerns regarding fundamental constitutional rights. While automation improves efficiency in areas such as traffic enforcement, the lack of transparency and insufficient justification undermines core constitutional principles, particularly the right to a fair procedure.

Failing to inform clients of the legal basis, provide comprehensive justifications, or clearly communicate legal remedy options violates both legality and procedural fairness. These omissions impair clients' ability to challenge decisions, infringing Article XXIV of the Fundamental Law. The absence of clear reasoning in decisions carrying legal consequences exacerbates this issue, rendering such outcomes procedurally flawed and unconstitutional. Where reasoning is insufficient or absent, administrative authorities undermine legal certainty, fairness, and transparency. The Fundamental Law requires public administration to uphold the rule of law by delivering decisions with clear, individualised justifications. When automated decisions lack legal reasoning or fail to inform clients of their right to contest outcomes, the process becomes arbitrary and violates constitutional standards. Furthermore, clients denied access to essential legal information are left without remedies. This failure also obstructs judicial review, as courts cannot assess the legality of decisions lacking sufficient explanation. As the Curia has emphasised, inadequate reasoning in administrative decisions constitutes not only a procedural deficiency but also an unconstitutional violation of fundamental rights.

Despite differences in case types explored, recurring concerns emerged across all examples. Rather than offering an exhaustive analysis, this study presented selected recent examples that reveal the risks of overly simplified, cost-efficient systems and their possible shortcomings in ensuring fair and lawful administrative procedures.

In its current form, ADM does not satisfy constitutional requirements. The lack of procedural safeguards, transparency, and proper communication renders these decisions legally unsustainable. To comply with the Fundamental Law, administrative authorities must provide transparent and well-founded justifications. Without such reform, new procedures will be necessary to restore legal certainty and uphold the rights of individuals.

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