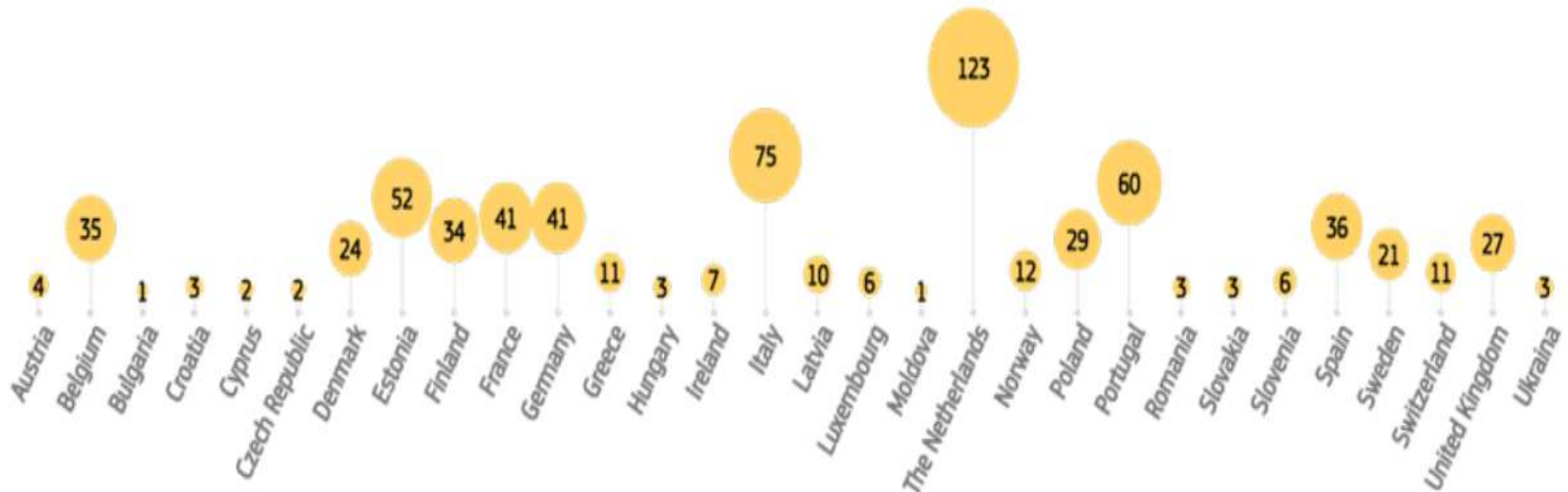




# Revolutionary Impact in Life-Cycle of Rules

*Nicoletta Rangone*  
*LUMSA, 2023*

The use of AI based tools in the public sector is emerging around the world, and its spread affects the core States functions: the administrative, the judiciary, and the legislative



**Figure 4.** Mapping the use of AI in the public sector in Europe

(see also [EC JRC 2021](#); [OECD 2019](#); [OCED 2021](#); [ACUS 2020](#))

# AI ↔ Effectiveness of Laws



GUIDO CORSO  
MARIA DE BENEDETTO  
NICOLETTA RANGONE

## Diritto amministrativo effettivo

Una introduzione

EDIZIONE DIGITALE SU  
PANDORA  
CAMPUS



il Mulino

Itinerari

il Mulino

Itinerari

CIVILIS  
RIVOLUZIONE



- ✓ AI is a new tool to enhance the effectiveness of laws
- ✓ Tech support can amplify the effectiveness of better regulation tools (consultation, impact assessment, and stock review)

X Challenge to effectiveness of laws due to the many rising risks

# *AI “already spans the work of the Modern Administrative State” (Engstrom et al. 2020)*

## ❑ *Reasons for success of AI in the public sector*

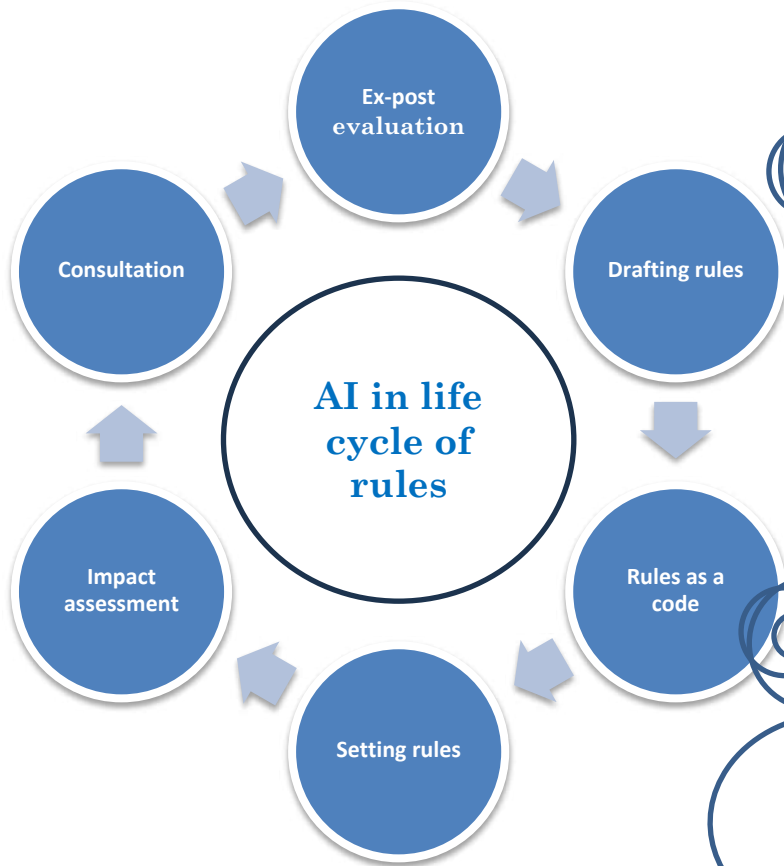
- Increased access to a knowledge base that would not otherwise be attainable
- Less specialist staff time is required
- More effective and fine-tuning interventions are viable
- Human errors, corruption-outcome, noise (potentially) limited

## ❑ *Risks affecting AI in the public sector*

- Lack of transparency
- Biased decisions and discriminations

## ❑ *Risks specific to law-making and rule-making*

- Stakeholders’ discrimination / Breach of right to be heard
- Decrease in the quality of information available to decision-makers
- Decrease in human autonomy (and discretion + automation bias?)
- Challenge to democratic representation



- ❑ Language processing tools to achieve clear/ compelling writing

- ❑ LLMs to move from legal jargon to citizens' narrative

- ❑ Text clustering algorithms to detect massive amendments

- ❑ Automated detection of inconsistencies or incompatibilities among rules

- ❑ Automatic adjudication

- ❑ Adjudication by AI

- ❑ Finding relevant scientific studies and data through academic research and public dataset

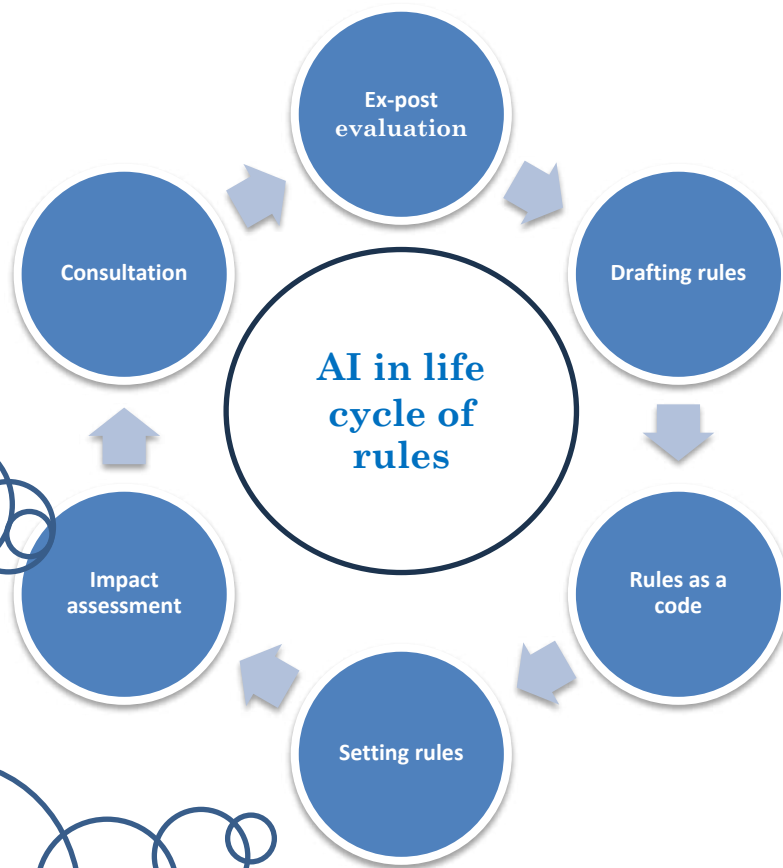
- ❑ Identify the regulatory framework addressed by the proposal and whether the alternative options are redundant or incompatible with existing regulations

- ❑ Identification and quantification of administrative burdens

- ❑ A law/regulation delegating AI to set rules

- ❑ AI playing a role at a stage that may precede rule setting

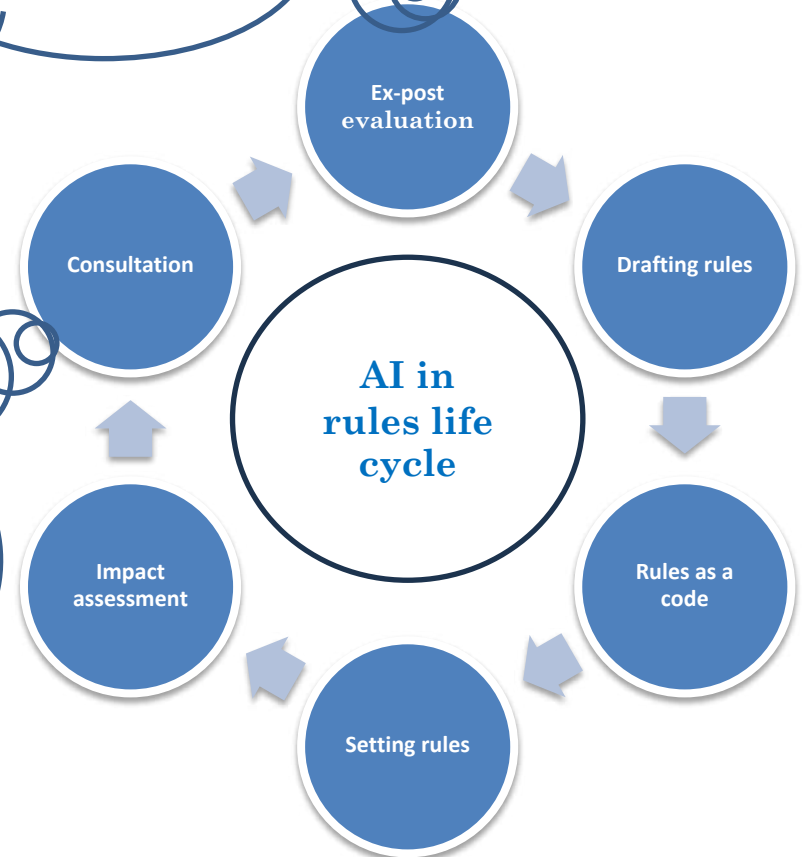
- ❑ AI supporting humans in writing a law/regulation



- ❑ Identifying outdated/ redundant rules, overlapping among regulatory areas, inaccurate cross-reference
- ❑ Identifying regulatory restrictions or regulatory stock in need of adaptation to a changing context

❑ Reorganising and analysing comments

❑ From everyday spoken language into technical language



# How to limit the risks while optimizing opportunities of the AI revolution?



The need for a tailored and agile framework for AI



**Test and Learn**

## \* **Complementarity between human and AI**

Ex ante: IA architecture might set tasks and roles

Ex post: human control of the output

## \* **Transparency**

## \* **Explainability**

## \* **Data governance**

## \* **Ongoing data quality**

## \* **Security**

## \* **Obsolescence-check**

*\* All principles to be ensured both in case of in-house providing or by a third party*



**Let's keep  
in touch!**



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Phase	Applications	Usefulness	Feasibility
Setting rules	A law or regulation can delegate AI to set rules	Yes, for non discretionary measures	Short term
	AI can play a role at a stage that may precede rules setting (complains, enforcement, ex post evaluation)	Yes	Short term
	AI to support writing a law or regulation	Yes	Short term
Drafting rules	Language processing tools to achieve clear, compelling writing, from grammar and spelling, to style, tone and incorrect legal citations, through suggestions that are comprehensive, and help to communicate more effectively	Yes	Short term
	LLM to move from legal jargon to citizens narrative	Yes	Short term
	Text clustering algorithms to detect massive amendments	Yes	Short term
Rule as a code	Automated detection of inconsistencies or incompatibilities among rules	Yes, for non discretionary measures	<ul style="list-style-type: none"> <li>• Not feasible or desirable for all rules</li> <li>• Implementation should not constrain rule-writing, leading to oversimplification</li> <li>• Resources and time consuming</li> <li>• Long term, to be tested in a protected environment over a seccrial regulation</li> </ul>
	Automatic adjudication	Yes, for non discretionary measures	
	Adjudication by AI	Yes	

Phase	Applications	Usefulness	Feasibility
<b>Impact assessment</b>	Finding relevant scientific studies and data	Yes	Short term with interconnection of relevant public and private dataset
	Identification and measurement of administrative burdens	No: easily performed by humans	-
	Show if a regulatory option is redundant or incompatible with existing regulations	Yes	Short term with interconnection of public and private relevant dataset
<b>Consultation</b>	Support in re-organising and analysing comments	Yes, in highly participated consultations	Short term, already used by many decision-makers
	Support rule-makers by identifying clustered stakeholders	Yes	Long term
	Transform citizens' narrative into technical language	Yes	Short term
<b>Ex post/stock evaluation</b>	Identifying outdated or redundant rules, overlapping among regulatory areas, inaccurate cross-reference	Yes	Short term
	Identifying regulatory restrictions or regulatory stock in need of adaptation to a changing context	Yes	Short term

# An open question: is AI reg proposal enough?

- ❑ Risk-based (towards affected persons' rights) classification
- ❑ Obligations = providers and deployers (legislators/regulators using AI?)
  - e.g. automated adjudications (rule as a code) in sensitive areas as high-risk = human intervention
- ❑ What for rule/law-making based on “narrow AI-applications”?
  - But if effects on fundamental rights (e.g., non-discrimination/to be heard within good administration)...
    - e.g., AI-exclusion of informal narrative, mistakes, mass campaign
- ❑ Human oversight as general principle + explicit for high-risk systems – what on foundation models? Would it be feasible to oversee?
- ❑ Foundation models not high risk as such, but they might... + similar obligations! “Generative AI” (drafting, setting, and consultation):
  - specific transparency (i.e. disclosing use + model preventing illegal content-generation + copyrighted data used for training)
  - train, design, and development = safeguards and fundamental rights-approved!
  - Public sufficiently detailed summary of the use of training data