

The Use Of Artificial Intelligence By Public Administration And Administrative Justice: Rights And Procedural Guarantees Of Citizens

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Abstract: This study examines the use of Artificial Intelligence (AI) by both Public Administration and Administrative Justice. The purpose of my study is to highlight the extent to which the rights of citizens are limited by the application of AI and to identify the procedural guarantees for the protection of their rights. In addition to presenting the existing legal framework, my legal research focuses on recent court decisions regarding the use of new technologies and how the rights of citizens are protected. A central axis of my study is the highlighting of the multi-layered issue of the use of AI by all state bodies and judicial officials, through the research of contemporary case law and provide some proposals *de lege ferenda*.

Key Words: Artificial Intelligence, Public Administration, Administrative Justice, algorithmic administrative acts, procedural guarantees.

1. INTRODUCTION: THE EVER-INCREASING USE OF NEW TECHNOLOGICAL MEANS BY THE STATE

The use of new technological means, particularly Artificial Intelligence (AI), by the State and specifically by Public Administration and Administrative Justice is now a reality (see Inglezakis, 2024, p. 305 et seq. [1]). The rapid surge in the use of AI raises specific issues concerning the protection of the individual rights of the governed. To this end, legislation has been introduced at both the EU level, with Regulation (EU) 2024/1689 of the European Parliament and of the Council concerning AI (AI Act), and at the national level (Hellenic legislation), primarily with Law 4961/2022, but also including, for example, the following Hellenic laws: a) Law 5110/2024 regarding the establishment of an AI Department within the Hellenic National Defence General Staff, b) Law 5119/2024 concerning the procedure of the Hellenic Council of State, c) Law 5142/2024 which pertains to the use of AI by the public law entity "Hellenic Cadastre" to complete the country's cadastral surveying process, d) Law 4820/2021 on the operation of the Hellenic Court of Audit, concerning the use of AI during the fiscal audits it conducts (see Prevedourou, 2025, p. 11-12 [2]).

However, in any case, in order to fully and substantially protect the individual rights of the governed and those appealing before the courts from the use of AI, the decisions issued automatically via AI systems should: (a) always be reviewed by a competent administrative body that is human and not some technological electronic program or/and another AI system, and (b) always be challengeable before the competent judicial

officer, who must be human, without the interference of a technological electronic program or/and another AI system. It is therefore crucial to have human oversight of AI systems, so that decisions made through AI systems are always subject to review at both the administrative and judicial levels (see Sotiriadou, 2025, p. 401 [3]).

In this context, the present study examines the application of AI in the administrative procedure (2), as well as in administrative justice (3), from the perspective of the Hellenic legal system. Furthermore, it highlights the problem of the restriction of citizens' individual rights by the use of AI and proposes some necessary procedural guarantees (4).

2. THE APPLICATION OF ARTIFICIAL INTELLIGENCE IN THE ADMINISTRATIVE PROCEDURE

This section explores the application of AI in the administrative procedure, focusing on the production of administrative acts/decisions by the Public Administration in Greece through algorithms (2.1.), as well as the conduct of administrative audits in Greece using new technologies (2.2.). It is noted that the Integrated Digital Portal of the Public Administration (gov.gr-ΕΨΠ) also exists, from which data and documents can be retrieved after user authentication.

2.1. Algorithmic Administrative Acts

The Hellenic Law 4727/2020 (Digital Governance Code) already provides, in Article 13, paragraph 2, for the issuance of a fully automated public

electronic document. This occurs through a specific information system that synthesizes data. These automated documents are issued through information and communication technologies by the competent Public Administration bodies, such as the issuance of certain individual administrative acts by the Hellenic social security institution (e-EFKA) regarding the granting of pensions. They also bear an approved electronic seal and signature and have the same evidential and legal power as printed Public Administration documents (Boukouvala, 2025, p. 388-389 [4]).

Specifically, algorithmic administrative acts are defined as acts of the Public Administration issued automatically using an algorithm, but without human intervention in the public entity's decision-making process (Boukouvala, 2025, p. 390 [5]). Thus, the citizen submits their request electronically to the Public Administration, the specific software processes the data, and the specific individual administrative act is issued digitally without human intervention. However, the aforementioned data processing presupposes the absence of discretionary power by the Public Administration bodies, as well as the absence of vague legal concepts. This is because it is imperative to convert specific rules of law and statutes into "fully mechanically executable legal code" to correctly issue the algorithmic administrative act without legal errors and deficiencies (Boukouvala, 2025, p. 390-391 [6]).

2.2. Modern Administrative Audits

The use of AI is found—beyond the issuance of administrative acts—at the level of audits conducted by the competent public bodies. Specifically, the auditing mechanisms of the Labour Inspectorate, the Electronic National Social Security Body, the Independent Authority for Public Revenue, and other Authorities and bodies of the Hellenic Public Administration are increasingly using AI to conduct more thorough, up-to-date, complete, and in-depth audits. In this way, the Public Administration becomes more efficient, more compliant, and more effective in a shorter time. This also affects the governed, given that the audit process is shorter and is therefore considered reasonable. At the same time, the sense of security of the audited party towards the Administration is strengthened, as they are no longer "hostages" to time-consuming audits, which are now shorter. This is reinforced by the judicial decisions of the Hellenic administrative courts regarding the statute of limitations period (see, for example, the following Hellenic case law decisions: Plenary Session of the

Council of State 1738/2017, Council of State 108/2019 and 2934/2017, Administrative Court of Appeals of Athens 1107/2019, Administrative Court of Appeals of Thessaloniki 1655/2018, Qualex Legal Information Bank [7]). More specifically, the common ground of the case law of the Hellenic administrative courts regarding the reasonable or unreasonable duration of the statute of limitations is the correlation of the time with the effectiveness of the audits by the Public Administration bodies, and the use of modern technological and electronic auditing methods by the competent bodies is taken into particular account.

A characteristic case is the use of modern technological means, such as algorithms and AI systems, by the auditing bodies of the Hellenic Tax and Customs Administration (see further: Risse, 2025, p. 182 [8]). Specific software is used during their audits. In particular, through the risk analysis method, specific tax cases are prioritized for audit. The selection criterion is the risk level present in each specific audit case (risk analysis system).

According to the Operational Plan of the Independent Authority for Public Revenue (AADE) of Greece for 2025, the AADE emphasizes that:

"Through the procurement of an Advanced Business Intelligence (BI) and Data Analytics System, which is underway, we seek the more effective utilization of our data in a strategic manner, for the prediction and improvement of behaviors that will strengthen compliance and performance in the collection of public revenues, and will contribute to the fight against tax evasion and smuggling. The System includes the procurement of appropriate software solutions and the development of Artificial Intelligence and Machine Learning techniques and tools, such as prediction models, data mining, statistical and quantitative analysis, etc., and will lead to better utilization of AADE data. To support this System, a unit for the analysis of massive digital data and cross-referencing is being created within 2025. Through advanced data analysis and Artificial Intelligence tools, we are improving the targeting of tax and customs audits and compliance actions. As part of a Technical Assistance project, we will receive a methodology for big data analysis and processing and a

proposal for the development of specialized data analysis capabilities within AADE within the year. A specialized data analysis unit will be created in this context." (Government Gazette, No. 1312/Issue B'/18.03.2025, p. 11697 [9]).

Similarly, at the level of customs controls, there is a corresponding technological system—specific software that determines the goods subject to control, and again, the criterion is the (high) risk level (Theocharopoulou, 2019, p. 300-301 [10]).

3. THE APPLICATION OF ARTIFICIAL INTELLIGENCE IN ADMINISTRATIVE JUSTICE

In this section, I examine the use of AI by the courts of administrative justice in Greece, namely the supreme courts: Council of State and Court of Audit, as well as the ordinary administrative courts: Administrative Courts of Appeal and Administrative Courts of First Instance.

There is (for the time being) a general legislative framework for the application of AI in administrative justice. Specifically, according to the provision of Article 127 of Law 4938/2022, "e-justice" is promoted, and the supreme courts are given the opportunity to specify the use of new technologies, including AI, in their operating regulations. In particular, the courts' use of information and communication technologies for their operational needs, as well as the use and reuse of open data in the judicial decisions they issue, can be specified. For example, electronic filing of initiating pleadings, electronic service of summonses, decisions, and acts, and the possibility of hearing cases using telematics technology, where the parties to the lawsuit connect remotely on a special platform for the needs of the trial, as if they were physically present in the courtroom, are provided for.

The possibility of using AI in the judicial decision-making process is of particular interest. According to the provision of par. 1 of Article 176 of Law 4820/2021, regarding the Court of Audit of Greece, the development of specific AI software is foreseen. This aims to scan the pleadings brought before it. This scanning should allow for the mechanical reading of the pleadings and the relevant previous decisions of the same Court. The aforementioned mechanical reading of the pleadings should take place so that they are categorized thematically and the relevant legislation and case law for the case are identified, to facilitate the judicial work of the judge. It follows, therefore, that the above provision of law

concerns the major premise of the judicial syllogism (Papapanagiotou & Zachou, 2025, p. 338 [11]). The same legislative provision aims in the future to evolve the same electronic software so that it will eventually have the ability to scan and mechanically read the entire electronic file of the case. This is because a future goal is the identification—through AI—of the critical data of the case file to compose the minor premise of the judicial syllogism.

Of course, it is self-evident that the use of AI by administrative justice must presuppose the non-automated issuance of judicial decisions, but the decision-making and the final review of the data and information retrieved through AI must in any case be checked by the competent judge, as the implementer of the Law. In other words, the use of AI must remain in its purely supportive role, without allowing the replacement of the natural judge by an AI-judge.

4. ISSUES OF RESTRICTION OF THE CITIZENS' RIGHTS BY THE USE OF ARTIFICIAL INTELLIGENCE AND THE NECESSARY PROCEDURAL GUARANTEES

It is observed that the indiscriminate use of AI, without a clear legislative framework concerning the specific protection of the individual rights and freedoms of citizens, poses risks to the rights and freedoms of the individual. To protect certain individual rights and freedoms, namely regarding: the protection of personal data (4.1.), the right to prior hearing (4.2.), the obligation to state reasons for administrative acts and judicial decisions (4.3.), certain procedural guarantees are imperative to reinforce the above rights, which in turn reinforce the individual's right to full and substantial judicial protection. A core common axis of the following rights and freedoms is the principle of transparency in the acts of the Public Administration, especially when it uses AI systems that affect the status quo of citizens.

4.1. Regarding the Protection of Personal Data

The protection of personal data is a sensitive and multilevel issue that arises anew with the use of AI. It is observed that with the use of AI, there is a risk of processing personal data on a large scale. Public Administration bodies, in particular, process the personal data of the governed to fulfill the purpose of public interest. For example, the Tax Administration aims for the tax compliance of taxpayers, which would be a "dead letter" if the Tax Administration did not have the ability to process

taxpayers' personal data (including through appropriate electronic systems), but this cannot be done without a clear legal basis, nor unconditionally. Is the processing of personal data by AI permitted, then? If so, on what legal basis and what are the limits set?

It is noted that a fundamental pillar for the protection of personal data is the EU General Data Protection Regulation (GDPR – No. 2016/679 and Hellenic Law No. 4624/2019), which must function complementarily with the EU Artificial Intelligence Act (AI Act – No. 2024/1689 and Hellenic Law No. 4961/2022). The inextricable link between the above EU Regulations and the interaction of these two European pieces of legislation (GDPR and AI Act) is highlighted, with the AI Act being based on the risks (e.g., see "high-risk" systems) arising from the use of AI systems, while the GDPR deals with the processing of personal data.

In any case, compliance with both aforementioned European Regulations is imperative when an AI system processes personal data. The AI Act, therefore, refers to how to manage the risk from the use of AI systems, where transparency (Art. 13 AI Act) and documentation (Art. 15 AI Act) regarding the AI systems play a key role, while the GDPR provides the legal basis (Art. 6 et seq. GDPR) for the lawful processing of personal data.

Specifically, the GDPR significantly strengthens the rights of the governed, providing them with: a) the right to information and access, so that the data subject knows which personal data are being processed, who is processing them, and why (Art. 15 GDPR), b) the right to rectification, based on which they can request the correction of their inaccurate personal data (Art. 16 GDPR), c) the right to erasure/right to be forgotten, which gives the data subject the possibility to request the deletion of their data (Art. 17 GDPR), d) the right to restriction of processing, by which the data subject requests the restriction of the processing of personal data (Art. 18 GDPR), e) the right to data portability regarding the transmission of data (Art. 20 GDPR), and f) the right to object, i.e., the data subject's right to object to the processing of their data (Art. 21 GDPR).

The processing of personal data through AI systems and the use of algorithms internationally concerned the Judiciary in the case of the Netherlands. More specifically, the Public Administration of the Netherlands in 2021 proceeded to mass revocation of previously issued decisions concerning the granting of child benefits. This took place based on the ethnic profile of the benefit recipients. The Public Administration of the Netherlands used

certain algorithms to create a risk profile called the "SyRI" system, according to which foreign names and the existence of dual citizenship were considered indicators of potential fraud (!). This case was brought before the competent Courts, which deemed the above "SyRI" system insufficient both in terms of sufficient transparency and verifiability regarding the operation of the specific algorithm. This made it impossible for the governed to control how their personal data was processed, and thus, there was a violation of Article 8 of the European Convention on Human Rights (ECHR) on the respect for private and family life. A key point, according to the aforementioned case law of the Courts of the Netherlands, is the transparency regarding the automatic decision-making of the Public Administration, especially when citizens' rights are restricted (Sotiriadou, 2025, p. 400-401 [12]).

Therefore, to limit the risk of illegal processing of the governed's personal data through AI systems used by the Public Administration, compliance with the GDPR and the AI Act is necessary, mainly regarding the transparency (Art. 13 AI Act) and security (Art. 15 AI Act) of these AI systems by the Public Administration. Consequently, in my opinion and based on the research on the above two EU Regulations, the processing of personal data is possible, under the necessary condition of adherence to the legal bases of Articles 6 et seq. and the legal principles of the GDPR, having the principle of proportionality as a limit to the restrictions on the rights of the governed (see Parcharidis, 2025, p. 332 et seq. [13]).

4.2. Regarding the Right to Prior Hearing

Before the competent Public Administration bodies proceed to issue an individual unfavourable administrative act/decision, they must summon the governed person for a hearing so that they can duly present their arguments. This is necessary in cases where culpability is attributed to the governed or/and when the administrative act is issued after measuring the amount of the administrative fine, taking into account both the circumstances of the administrative violation and its severity or/and other facts that affect the determination of the amount of the administrative fine (see Parcharidis, 2025, p. 485 [14]). Conversely, when the administrative sanction is based on objective facts and events that do not involve the subjective behavior of the governed, nor is their culpability evaluated, or when serving the summons for a hearing is "particularly difficult," which must be specifically justified (Plenary Session of the Council

of State 2370/2007, NOMOS Legal Information Bank [15]), then the existence of a prior hearing stage is not required (see Parcharidis, 2025, p. 485 et seq. [16]).

Specifically, the above must also apply if unfavourable individual administrative acts are issued algorithmically with AI systems. Unfortunately, there is the impression that (allegedly) "AI never makes mistakes" (sic), which is not true in my opinion (at least to date). It is therefore important to give the governed the opportunity to fully, clearly, and accurately state their views before the issuance of the unfavourable act by the Public Administration against them, even when the administrative act is issued using an AI system.

The principle of transparency dictates that the basic elements of the algorithm based on which an unfavourable individual administrative act is about to be issued using AI must be disclosed to the affected governed person. In this way, the governed will be able to know how the Public Administration acted to impose its unfavourable decision on them. Therefore, having objections to the legality of the imminent administrative act via AI, the governed must be legally given the possibility to object ad hoc beforehand to the specific manner of using AI, by observing the prior hearing stage. In this way, they can state their views in writing at a prior administrative stage, before the final decision of the Public Administration is issued. More specifically, a summons for a hearing can be issued and served to the governed person via an AI system; the governed will have the opportunity to state their views/objections in writing and with reasons, and to electronically submit the supporting evidence they possess. Subsequently, after all this information has been "uploaded" to the Public Administration's AI system, it will be processed by it (and the elements of the algorithm will have been made known to the governed in the meantime), and the relevant final decision will be issued, which will in any case be subject to the human oversight of the competent administrative body and then it will be communicated electronically to the governed person.

4.3. Regarding the Obligation to State Reasons for Administrative Acts and Judicial Decisions

A consequence of the need to adhere to the principle of transparency by the Public

Administration and Administrative Justice, during the use of AI, is the obligation to state reasons for administrative acts and judicial decisions, respectively.

The obligation to state reasons is based in the Hellenic administrative legal system particularly on Articles 20 par. 2, 24 par. 1, and 93 par. 3 of the Hellenic Constitution, Article 17 of the Hellenic Code of Administrative Procedure, and Article 198 of the Hellenic Code of Administrative Litigation. Furthermore, Article 6 of the ECHR, which refers to the right to a fair trial, includes the obligation for full, clear, and specific reasons for judicial decisions, and Article 41 of the EU Charter of Fundamental Rights (CFREU), which refers to the right to good administration, includes, among other things, the obligation of the Public Administration to state reasons for the decisions/administrative acts it issues.

The above is also confirmed by the recent Hellenic case law of the Supreme Administrative Court, the Council of State (CoS), in its Decision No. 1206/2024 (see relevant Prevedourou, 2025, p. 15 et seq. [17], Sotiriadou, 2025, p. 401 et seq. [18]). Specifically, the CoS ruled that it is necessary to state reasons for all decisions issued by the Public Administration, even those issued by an algorithm. The above court case concerned financial support through the NSRF for self-employed scientists, and the application for annulment was directed against the decision of the Appeals Committee, which was issued algorithmically (an unfavourable individual administrative act). The decision of the above committee was issued, that is, based on automated data processing. However, it did not include either the key/critical stages of the mathematical calculations that took place algorithmically, nor the variables/actual data that the AI system took into account. Based on these, the CoS ruled that the above decision was insufficiently reasoned and had to be annulled.

More specifically, the CoS in its Decision No. 1206/2024 (NOMOS Legal Information Bank [19]), ruled that:

"[...] the issue that arises, firstly, in case of challenge to an individual administrative act issued wholly or partly based on an electronic automated procedure is not related to the technological soundness of the relevant software or the hardware equipment used in the relevant procedure, but to the overall legality of the administrative act, i.e., to the

correct interpretation and application of the legal prerequisites of the rule of law governing its issuance. The obligation of the administration to state reasons for its individual decisions is, moreover, a constituent element of the rule of law related to the principles of transparency and legality of administrative action, as well as effective judicial protection, and accordingly, Article 17 par. 1 of the Code of Administrative Procedure (Law 2690/1999, A` 45) establishes the general rule that the individual administrative act must contain a statement of reasons, which must include the establishment of the satisfaction of the legal prerequisites for its issuance. This rule has, among other things, the more specific meaning that, in case of challenge to the legality of an individual administrative act issued wholly or partly based on automated data processing, the decision issued on the relevant objection must show both the critical stages of the mathematical calculations performed by the Authority and the actual data (variables) that were taken into account, so that on the one hand the governed person can ascertain whether the prerequisites provided by the relevant rules of law for the examination of their case were met, and on the other hand the judge can effectively exercise the relevant judicial review. [...]" (para. 15).

It is noteworthy that the above judicial decision, continuing its judicial reasoning, also refers to corresponding legislation of foreign legal systems and, at the same time, explicitly refers to provisions of the GDPR, as follows:

"[...] Similar solutions were adopted in other European legal systems, either legislatively - Articles L311-3-1 and R311-3-1-2 of the French Code of Relations between the Public and the Administration - or jurisprudentially - Decision 2270 of 8.4.2019 of the Italian Council of State, Consiglio di Stato. Furthermore, in the field of Union law already, with the provisions of Article 22 of the General Data Protection Regulation (Regulation 2016/679 - EU L 119), it is stipulated

for the, even major, case of the issuance of individual acts taken "solely" based on automated processing and, inter alia, following the explicit consent of the data subject, that the controllers, which obviously include the Administration, must ensure, by applying appropriate measures, "at least the right to obtain human intervention on the part of the controller, to express his or her point of view and to contest the decision" in favour of the data subject (see par. 1, 2 and 3 of Article 22 of the GDPR) [...]" (para. 15).

It is observed, therefore, that the obligation to state reasons for administrative acts issued using AI by the Public Administration, as well as the judicial decisions of the competent Courts, must be clearly, fully, and specifically reasoned, as a specific element of a fair trial and effective judicial protection. In this way, the citizen's sense of justice, security, and trust in the State is strengthened.

5. CONCLUSIONS-PROPOSALS: ARTIFICIAL INTELLIGENCE FOR OR AGAINST THE RIGHTS OF THE CITIZENS?

The ever-increasing technological progress in general and the possibility of using AI systems specifically by the entities, bodies, and officials of the State (Public Administration and Administrative Justice) clearly involve risks for the unimpeded exercise of citizens' rights and freedoms (see Lohr, 2025, p. 7 [20], Barnes, 2025, p. 7 [21], Antoniou, 2025, p. 14-15 [22]). However, the use of AI, when done with prudence, restraint, respect, knowledge, and within the regulatory framework, can become a "useful tool" promoting Science. A key point, in the opinion of the author, is the adherence to the fundamental legal principles of non-discrimination, effectiveness, and transparency of AI systems, and in any case, their human oversight (see relevant Hickman & Petrin, 2021, p. 597 [23]).

Naturally, the legislative framework for AI emphasizes the need for human oversight of AI systems, and as a "safety mechanism," the obligation to assess (impact assessment) the effects of using a specific AI system on fundamental rights (Fundamental Rights Impact Assessment - FRIA) is promoted, among other things.

Consequently, the prudent use of AI systems is proposed, adhering in any case to transparency, accountability, protection of privacy and personal

data, as well as security. Through the aforementioned case law precedents, the need to state reasons for administrative acts issued using AI, as well as for judicial decisions that may be issued using AI in the future, is established. Finally, I propose that all guarantees for safeguarding the rights and freedoms of citizens be observed, even if the data processing takes place algorithmically, and human oversight of AI systems is imperative in all cases.

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