

# Administrative Responsibility and Judicial Control Of AI Systems: Medical Field As A Model

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**Summary:** This study aims to provide an in-depth understanding of the administrative responsibility and judicial control of artificial intelligence systems in the medical field as a model, by evaluating the current policies and regulations that regulate the use of artificial intelligence in the medical field and determining whether they are sufficient to protect patients and ensure integrity and safety, as well as investigating ethical issues by studying them in multiple aspects, such as patient privacy, care distribution and discrimination.

Furthermore, this study aspires to develop and improve legal legislation in line with organising the use of artificial intelligence more effectively and impartially, by studying other experiences in organising and managing artificial intelligence and determining whether there are viable ideas from those experiences.

These goals contribute to understanding a variety of aspects related to the managerial responsibility and judicial control of AI systems in the medical field and improving the overall use of this technology.

**Keywords:** Administrative responsibility - Artificial intelligence (AI) systems - Judicial control - Artificial intelligence in the medical field - Administrative decisions processed automatically.

## 1. INTRODUCTION

Over the past few decades, health care has witnessed tremendous technology-driven transformations, and one of the most prominent of these transformations is the spread of artificial intelligence technology in the field of medicine, which is undoubtedly one of the pioneering technological achievements that represents a spectacular technical transformation and an impressive opportunity in improving the quality and effectiveness of health care, through the use of deep learning technologies and processing of big data. AI systems can analyse health data and make accurate decisions faster than ever before, opening new doors to improve disease diagnosis, treatment planning, and improve the patient experience.

This study takes on the task of exploring and understanding in depth the managerial responsibility of AI systems in the medical field.

We will analyse the impact of this technology from its issuance of all the decisions it makes through algorithms, in addition to the role of administrative judicial control in controlling those decisions issued by AI systems, and we will evaluate existing policies and regulations, and provide recommendations to improve current practises. And this study aims to highlight the challenges and opportunities of using artificial intelligence in the field of medicine and enhance our understanding of how to achieve a balance between benefitting from this innovative technology and maintaining safety, quality, and integrity standards in health care.

## 2. SIGNIFICANCE OF THE STUDY

The administrative responsibility of artificial intelligence systems in the medical field plays great importance for many reasons, the most important of which is maintaining patient safety by ensuring that the use of technology and AI in the medical field is carried out in a way that ensures patient safety. If it is not controlled correctly and disciplined, it can cause medical errors and health complications, in addition to that these systems include the collection and

analysis of large quantities of sensitive health data, which requires working to protect the privacy of patients and prevent the unauthorised exploitation of that data.

Research into responsibility can help guide legislation and regulations related to AI in healthcare, and studies and analyses can contribute to an appropriate legal framework that balances technological progress with legal liability.

There is no doubt that examining administrative responsibility and judicial control over the administrative decisions issued by AI systems in the medical field contributes to ensuring the safe and effective use of this technology, and to enhancing confidence in future health care that based on artificial intelligence.

### **3. THE PROBLEM OF THE STUDY**

The problem of the study is a set of challenges and issues that must be carefully addressed, some of these problems include the complexity of errors, and the difficulty of maintaining the privacy necessary for individuals, contrary to the need to develop legislation and regulations that keep pace with artificial intelligence systems.

These problems require in-depth research, analysis, and cooperation between different parties, including governments, health institutions, developers, and the medical community, to establish a legal and ethical framework that balances the development of technology and the responsibility for the correct and safe use of artificial intelligence in the field of medicine.

### **4. RESEARCH QUESTIONS**

There are many questions urging review of the administrative responsibility of AI systems and judicial control over them, here are some of these questions:

1. Who is responsible for errors and unethical behaviours in case of mistakes or unethical behaviors by AI systems in healthcare, who is in charge? Should the developers be held accountable? Or users? Or medical institutions?
2. How to balance automation and human intervention: How to achieve optimal balance between the use of AI to improve healthcare and the need for human intervention in critical medical decision-making?
3. Legislation and regulations: Is there a need to develop new legislation and regulations regulating the use of AI in the medical field? And who is responsible for implementing and ensuring compliance with these legislations?
4. Transparency and integrity: How can a high level of transparency and integrity be achieved with regard to data and AI-related decisions in healthcare?

These questions reflect the significant challenges facing the AI field in healthcare and emphasise the importance of conducting research and analytical studies to understand and improve managerial responsibility in this context.

### **5. THE STRUCTURE OF THE STUDY**

- Administrative responsibility for administrative decisions processed automatically.
- Administrative judicial control on AI decisions.

## **PART ONE: ADMINISTRATIVE RESPONSIBILITY FOR ADMINISTRATIVE DECISIONS PROCESSED AUTOMATICALLY.**

The use of artificial intelligence in management decisions and day-to-day work is an exciting matter of legal responsibility. It is important to address them carefully to ensure that the rights of individuals are safeguarded and protected, and justice is achieved. Legal responsibility in this context depends on the circumstances surrounding the use, which contain several aspects, including the design and programming of those systems, in which the entity responsible for their design and programming is legally responsible for any errors that may occur <sup>(1)</sup>.

It is different for the monitoring and evaluation of these systems, as it is necessary for the administrative authorities to continuously monitor and evaluate the performance of these smart systems, and the administrative authority must act quickly to address any error that may occur in those systems and compensate those affected by them.

And there must be human guidance and monitoring of processes involving AI systems and an assessment of final decisions.

Additionally, the administrative authority must comply with all relevant legislation and regulations when using artificial intelligence systems, and must follow legal and transparent procedures, in addition to the competent authorities must follow the legal standards applicable with regard to the use of artificial intelligence systems and move in the event of any violations that may occur in this regard.

In cases where management makes automated processing decisions using artificial intelligence, its responsibility to individuals and citizens is clear if these decisions are flawed with illegality <sup>(2)</sup>.

It is essential that management follow precise criteria and specific laws when designing and using smart systems that affect the lives of individuals, and these standards include full respect for the rights of individuals and citizens, including the rights to privacy and justice.

It finds out that judicial systems and legal principles play a vital role in correcting the decisions taken by artificial intelligence systems, if it is found that there are any violations or abuse in the use of these technologies, as individuals have the right to protect their rights and resort to the judiciary, without prejudice to their right to claim compensation for the decisions processed automatically.

This means that if there is arbitrariness or violation of laws or fundamental rights to use AI in decision-making, affected individuals can file legal claims for compensation, and these rights are protected in many legal systems around the world to ensure that individuals are protected from abuse and violations in relation to the use of smart technologies <sup>(3)</sup>.

In cases of responsibility for administrative decisions, the error is a duty to prove, which means that the plaintiff must provide evidence of an error in the administrative decision. Hence the importance of the principle of transparency and clarity in documenting the administrative decisions and the standards adopted in which they were taken, and for the administrative judge, he can ask the administration, or the authority concerned with the lawsuit to submit

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<sup>(1)</sup> Nordyke RA, Kulikowski CA, Kulikowski CW., A comparison of methods for the automated diagnosis of thyroid dysfunction, *Comput Biomed Res*, 1971;4(4):374-89.

<sup>(2)</sup> Selon cet article « La société a le droit de demander compte à tout agent public de son administration ».

<sup>(3)</sup> J. Groffe-Charrier, La loi est-elle dictée par le code? *D.IP/IT*, 2020, p. 602.

documents and evidence that prove the validity of the administrative decision and the applicability of the standards, and the bases based on its adoption.

And this helps the judge to assess the legitimacy of the decision and its compatibility with the applicable laws and regulations. In addition, the administrative judiciary is committed to the basic principles of administrative justice and the protection of citizens' rights and has an important role in ensuring a balance between management and individuals and ensuring the fair and transparent application of laws.

In Italy, the application of the law to the responsibility of automatically processed administrative decisions shows the importance of caution in the electronic execution of the proceedings, and in one case the request to open a pharmacy was rejected due to the failure to provide the statement required by e-mail in the initial two requests and in the third request due to duplication. Although the first two rejections were for formal reasons, the electronic system was uploaded wrong because of its confusion between formal and objective reasons, and the decision of the Administrative Court in Tronto shows that in cases of automated decisions, electronic systems must apply laws and regulations accurately and distinguish between formal and objective reasons. In the case of technical errors that result in the unjustified rejection of an application, civil liability can be applied, and compensation may be awarded on this basis <sup>(1)</sup>.

The regulatory decision to use AI may also be compensated. Accordingly, the State Council recently ordered to partially cancel and compensate the Prime Minister's decision. The partial cancellation of the Prime Minister's decision regarding the automated use of personal information in Italy, and its compensation, shows the importance of precision in the formulation of regulatory decisions dealing with the processing of personal information using artificial intelligence.

These decisions must be clear, specific, and legitimate and clearly define the nature and subject matter of the processors and conditions of use of the information in those processing, if these conditions are exceeded or the legitimate requirements for the automated processing of personal information are not available, the Administrative Court can annul the illegal part of the decision and issue a compensation decision on this basis. This reflects the legal importance of ensuring compliance with the laws and regulations on the automated processing of personal data and ensuring the protection of the rights of individuals <sup>(2)</sup>.

Illegality in decisions made with the help of AI systems may usually be related to the facility that made the decision. However, laws and regulations aim to bring responsibility for illegal decisions regardless of the actual facility that made the decision, meaning that individuals affected by illegal decisions must have the right to a claim for compensation whether the fault is accompanied by automated facilities or is the result of wrong administrative decisions.

Therefore, the administrative judiciary can issue compensatory judgements against management if decisions made with the help of AI systems are found to be illegal or have been made unlawfully and have resulted in harm to individuals.

And in many cases, administrative responsibility for illegal or harmful administrative actions is brought against the public authority using the artificial intelligence system, and not on the person who produced this system, and this

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<sup>(1)</sup> Cite in J.-B. Auby, *Le droit administrative face aux défis du numérique*, AJDA, 2018, p.835.

<sup>(2)</sup> CE, 10<sup>e</sup> et 9<sup>e</sup> chambres réunies, 13 av.2021, n. 439360.

reflects the concept of administrative responsibility where the public authority has to take responsibility for the decisions and actions it makes, including those taken with the help of artificial intelligence technology.

The purpose of this approach is to ensure that the public authority takes full responsibility for the actions it carries out, whether the technology is used or not, and to ensure that compensation is provided to individuals who are adversely affected by the decisions or illegal acts taken using that technology<sup>(1)</sup>.

Administrative responsibility for damage caused by the use of AI systems can be based on several foundations, including:

- **Error:** If an obvious error has been made in the use of the AI system and causes damage, the responsibility may be based on that error, for example, if the person supervising the AI model training enters incorrect data or malicious information that caused the wrong decisions, he could be responsible for that error.
- **Presumed error:** In some cases, responsibility can be based on the presumed error, meaning that even if an actual error is not proven, the responsibility can exist if the AI system could have been expected to have been more accurate or improved.
- **Without error:** Sometimes, responsibility can exist even if no specific error has been made, and this depends on the laws, context of the case and local legislation. For example, responsibility may arise if it violates civil rights or applicable laws.

### **1- Exclusion of liability on the basis of the fixed error:**

The exclusion of liability on the basis of fixed error can be appropriate in cases of the use of AI systems in non-base works that involve plurality or difficulty in determining who is responsible for the error. This identification can be a complex technical issue that is difficult to define precisely.

It should be noted that certain legal regulations may provide for specific liability of producers, operators, or users in certain cases. For example, in the presence of nuclear damage or accidents to aircraft, where special arrangements and liability organisation insurances are available.

It is essential that legal legislation and regulations evolve to meet the new challenges posed by technology and artificial intelligence, and this requires improving the legal foundations and compensation to address the damages caused by the use of these technologies in non-baseworks and ensure justice in this context.

### **2- The extent to which the liability system is applied on the basis of presumed error and liability without error:**

Recourse to liability on the basis of the presumptive error or presumption of error is a legal approach used in some cases to hold liability for damages even in the absence of a specific error on the part of the person or organisation concerned, and the application of this approach is based on the idea that the person or institution referred to has carried out an activity that is at least to be rescinded to the error or that it has a presumption of the error.

The use of AI systems by medical public utilities in the medical business is similar to the use of defective medical products. On this basis, the principle of liability based on defective products can be applied to medical public utilities using these systems.

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<sup>(1)</sup> J.-F. Kerlio, L'administration de produit, AJDA, 2020, p.2192.  
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Under this principle, medical public facilities can be held liable if there are defective medical products or faulty AI systems that have been used in treatment or diagnosis and have caused or caused damage to the patient's safety.

The medical administrative authority can refer to the founders or developers of AI systems products to claim compensation for all damages incurred by the administrative authority based on the principle of liability based on the defective products.

As a result, the responsibility of institutions and developers of artificial intelligence systems operating in medical public facilities finds its basis in responsibility on the basis of defective products, and this is reflected in the main trend to understand and apply legal responsibility in this context.

This analysis can also be applied in Egypt by taking into account the existing laws and regulations in the country, where the Trade Law No. 17 of 1999 in Egypt stipulated the responsibility of the producer for defective products, and made this responsibility an objective responsibility, which means that in the case of a defective medical product used in medical facilities and caused a limit in patient safety or caused damage, the responsibility can be directed to the product or the entity responsible for manufacturing this product.

Accordingly, people affected by defective medical products or defective artificial intelligence systems based on Egypt's applicable laws can file claims to claim compensation for damages suffered, and the court can consider these cases and identify those responsible for the defective products or systems and hold them responsible for damages resulting from their use.

## **PART TWO: ADMINISTRATIVE JUDICIAL CONTROL ON AI DECISIONS.**

The possibility of appealing by cancellation decisions based on artificial intelligence systems has become common today in French law, and this relates to decisions made in the face of individuals using algorithms that automatically process their personal data without human intervention in the process, and these decisions can cover a variety of areas such as medical, financial, tax and marketing activities, and have legal effects or an important impact on the rights of individuals.

For example, the decision to refuse process individuals at the expense of the state can have a significant impact on individuals if it relies on the use of algorithms that automatically apply certain criteria to a person's medical information without human intervention. Since these decisions automatically handle data, they may be subject to errors or unfair control, making it necessary to grant individuals the right to appeal the cancellation of these decisions.

This right allows individuals to review and intercept decisions made using artificial intelligence and provides them with an opportunity to ensure that laws and standards are implemented fairly and equitably in these processes.

The definition of an electronically processed decision constitutes a major shift in the concept of administrative decision, as it means that the decision is not just an expression of the will of management alone but is a product of the artificial intelligence system. Even if the decision seems that it was adopted by the administration as the decision maker, in fact it is produced automatically based on the available data and information, the administrative judge has the authority to control the legitimacy of administrative decisions, whether these decisions were made in accordance with normal procedures or using electronic procedures.

With regard to decisions based on artificial intelligence, the administrative judge can later exercise control (en aval) by reviewing the decision after it is signed or issued. But censorship can also be exercised early (en amont) by

reviewing and estimating the support or assistance provided by algorithms at early stages of the decision-making process <sup>(1)</sup>.

Artificial intelligence can have a role in making decisions in a variety of scenarios, but the challenges of law and ethics that may arise as a result must be considered. Indeed, running AI may lead to illicit or discriminatory decisions, and this can be a legal problem <sup>(2)</sup>.

It is important that a legal framework is developed to ensure that the use of AI systems is regulated in its decision-making, and that this is effectively monitored, including the availability of rules that provide for unjustified discrimination, and that the decisions made with AI systems comply with those laws and ethics.

We refer to the ruling in Italy on the importance of monitoring decisions made by AI and ensuring that there is no unjustified discrimination. Where a claim for compensation can be filed when there is intentional discrimination or illegal decisions, so there must be advanced legal procedures that allow the review and correction of decisions made by artificial intelligence, to ensure the rights of individuals and transparency in decision-making processes <sup>(3)</sup>.

In Italy, artificial intelligence is used in the implementation of exceptional plans for the recruitment and transfer of teachers, it can be effective for processing large numbers and diversity of applications, and the program can create automated procedures for submitting and reviewing these requests faster and more accurately than can be done manually. However, these automated procedures must be carefully designed to ensure that they adhere to the required standards and ethics. Audit and control mechanisms must also be provided to verify that the decisions made by the program comply with legal regulations and regulations. This intelligent use of artificial intelligence can be useful to simplify processes and save time and effort, but this must also be done accurately and transparently to ensure accountability and the rights of individuals <sup>(4)</sup>.

The codification of the relationship between individuals and management in France can be a good model for organising the use of technology and computational processing in individual decision-making, where the principle of transparency and the right of processing has been established in individual decisions that rely on computational treatment. In accordance with Article 11-3-31 of French legislation, an individual decision based on computational processing must include an explicit reference and inform the concerned person of the decision and must also include reference to the rules that guide this processing and the main characteristics of its implementation. This approach ensures that individuals have full notice of decisions that affect their rights and interests when taken using technology and computational processing, enhances transparency and accountability and contributes to ensuring adherence to ethics and regulations <sup>(5)</sup>.

Cancellation appeals can be filed in decisions based on artificial intelligence or computational processing in the same way that cancellation appeals can be filed in other decisions. If there is a belief that a decision based on technology or artificial intelligence systems is illegal or violates applicable laws or ethics, legal challenges can be submitted for review and cancellation, depending on the legal systems and regulations in each country and how to

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<sup>(1)</sup> Ph. Yolka, *Le droit de l'immatériel public*, AJDA, 2017, p.2047.

<sup>(2)</sup> J.-F. Kerleo, *L'administration de produit*, AJDA, 2020, p.2192; S. Sereno, *Focus sur les discriminations par algorithme*, *Rev.de droit du travail*, 2020, p.680.

<sup>(3)</sup> L. Ratti et M. Peyronnet, *Controverse: Algorithme et risque de discrimination: quel contrôle du juge?* *Rev, de droit du travail*, 2021, p.81

<sup>(4)</sup> G. Mancosu, *Le contentieux des actes pris sur la base de d'algorithmes, un point de vue italien*, *Rev. générale du droit*, 2019, n.49010

<sup>(5)</sup> *Code des relations entre le public et l'administration*, article L.311-2-1 cree par la loi n.2016-1321 du 7 octobre 2016 .

regulate the use of technology and artificial intelligence in decision-making. It is important that judicial oversight mechanisms are available to verify the validity of decisions and verify that they comply with laws and ethics <sup>(1)</sup>.

However, what this observation refers to is true to some extent in fact, when decisions depend on AI systems that rely on purely accounting standards and automated computational processing, traditional judicial shifts can be ineffective in the same way as decisions that require management appreciation. Traditional jurisprudence is based on concepts such as proportionality monitoring and obvious miscalculation. These concepts may be inappropriate when decisions are automatically made by AI systems. Therefore, legal methods and tools to deal with this technology shift must evolve. Possible solutions can include the development of new laws and legal systems that better address the legal challenges posed by AI systems. Advanced training can also be provided to judges and lawyers to better understand these technologies and the legal challenges related to them.

Moreover, decision-making assistance systems rely on the general application of available data and information, which means that they rely on existing data and information to analyse decisions based on predetermined criteria without the need for a separate administrative discretion. This approach can reduce the discretion of management in decision-making, and may, in some cases, have an impact on the application of laws and regulations. This indicates the importance of strong control procedures to ensure that decision-making tools work efficiently and accurately and that the data used is accurate and reliable. There must be procedures for reviewing and object to decisions made by decision-making assistance systems. Individuals affected by those decisions can file appeals to verify their legitimacy and take the necessary actions if they are inappropriate or unfair.

Standardising the standards and procedures followed by AI systems can reduce the likelihood of decision-making falling into the disadvantages of abuse of authority. When precise, clear, methodological standards are established for how data is processed and decisions made, the personnel involved in decisions can expect them to be processed in the same way while considering laws and regulations.

However, there must also be effective mechanisms to oversee the implementation of these standards and ensure that systems operate efficiently and accurately. In addition, individuals involved in the decision-making process should have access to information about how they are treated and the basis on which decisions are made, helping to improve transparency and accountability.

In addition, individuals must have the right to object and appeal the decision if they believe that there is unfair discrimination or abuse that has occurred in the use of data or any illegal conduct, and these measures may play an important role in ensuring the protection of individual rights and supporting justice in the use of AI technology.

Therefore, the information or standards used in making administrative decisions with AI systems can be challenged by revocation, and in many legal systems, individuals are allowed to challenge administrative decisions if they consider that this information or standards are illegal or constitute illegal discrimination or misuse of data.

For example, if the person concerned believes that the information used to make an administrative decision represents unlawful racial discrimination, he can file an appeal of cancellation in that decision accordingly, and the administrative judge can consider the legitimacy of the standards and information used and management decisions<sup>(2)</sup>.

This mechanism comes to protect the rights of individuals and ensure that administrative decisions are based on legitimate and appropriate information and standards. Laws and regulations that grant this right provide a legal framework for individuals to defend their rights in the face of administrative decisions that are considered illegal.

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<sup>(1)</sup> J.-F. Kerleo, L'administration de produit, AJDA, 2020, p.2192.

<sup>(2)</sup> CE, sec., 30 oct.2001, n.204909



In Italy, the administrative judicial oversight of the regulatory decision to enforce the use of AI systems in making individual decisions reflects the need for balance and transparency in these processes.

The administrative judge monitors the legality of these decisions and verifies that they adhere to legal standards and due process. It is critical that applicable laws and regulations are clear and transparent with respect to such decisions and that appropriate procedures are in place to ensure accuracy and objectivity in the use of AI.

There is no doubt that it is important to balance the potential benefits and risks of using artificial intelligence in the process of issuing administrative decisions, which requires procedures aimed at continuous monitoring and constant improvement of algorithms.

The administrative judiciary must also ensure that the decision-making process is conducted in clear and understandable ways for the public and judges, and that the algorithms and standards used in issuing decisions are open to litigation and review.

The result is that seeking permanent monitoring and improvement on these systems ensures the issuance of administrative decisions that are in accordance with the correct law and that pursue the required transparency, as well as taking into account the rights and freedoms of individuals.

### **THE ITALIAN JUDICIARY WAS KEEN TO HIGHLIGHT THE FOLLOWING TWO OUTCOMES:**

The first result is that it is the responsibility of the administration to take responsibility for the procedures, that is, a balance from the beginning, before the implementation of the program between all the interests concerned, which also requires modifications and updates, and the conduct of regular tests of algorithms, especially if the latter are automatic or deep learning algorithms. And the second result is that the susceptibility of the algorithms to litigation is assumed to be understood by judges and citizens <sup>(1)</sup>.

### **CONCLUSION**

Through this research, we dealt with the administrative responsibility of artificial intelligence systems and its application in the medical field, and judicial control over administrative decisions issued using these systems. Through these parts, we have found that the developments of artificial intelligence make legislative intervention necessary to face the new legal challenges and issues posed by these technologies. In addition, the automatic and automatic issuance of administrative decisions can lead to challenges with regard to the rights of individuals and private life. Therefore, legislation should be developed to regulate this aspect.

### **AND THIS IS OUR MAIN FINDINGS AND RECOMMENDATIONS:**

#### **FINDINGS:**

- Artificial intelligence has a set of characteristics that enable it to be able to make decisions accurately and without depending on human will.
- Current legislative texts are insufficient to regulate the use of artificial intelligence in the medical field in order to ensure the safety of smart products, and to preserve the privacy of individuals.

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<sup>(1)</sup> G. Mancosu, Le contentieux des actes pris sur la base de d'algorithmes, un point de vue italien, Rev. générale du droit, 2019, n.49010.  
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- The importance of balancing the potential benefits and risks of using artificial intelligence in the process of issuing administrative decisions, which requires actions aimed at continuous monitoring and constant improvement of algorithms.

## RECOMMENDATIONS:

- Legislatures, public health authorities and health care regulators should establish a precise legal and ethical framework that regulates the use of AI technologies in the medical field.
- Seeking to constantly monitor and improve artificial intelligence systems to ensure that administrative decisions are issued in accordance with the correct law and pursue the required transparency, as well as taking into account the rights and freedoms of individuals.
- The use of AI systems in the medical field should be based on transparency, integrity, as well as security in its activation and decision-making.
- Work to establish independent institutions that monitor and evaluate what AI systems do in the medical field and assess what they do, and the potential risks.
- Communication between the various stakeholders, including health institutions, patients, lawyers, and medical experts, should be strengthened to ensure that everyone understands the laws and ethics related to AI in healthcare.
- The public should be well sensitised about the use of AI technologies in the medical field and their rights and responsibilities.

## REFERENCES

- [1] J. Groffe-Charrier, La loi est-elle dictée par le code? D.IP/IT, 2020, p. 602.
- [2] Cite in J.-B. Auby, Le droit administrative face aux défis du numérique, AJDA, 2018, p.835.
- [3] CE, 10<sup>e</sup> et 9<sup>e</sup> chambres réunies, 13 av.2021, n. 439360.
- [4] J.-F. Kerlio, L'administration de produit, AJDA, 2020, p.2192
- [5] Ph. Yolka, Le droit de l'immatériel public, AJDA, 2017, p.2047.
- [6] J.-F. Kerleo, L'administration de produit, AJDA, 2020, p.2192; S. Sereno, Focus sur les discriminations par algorithme, Rev.de droit du travail, 2020, p.680.
- [7] L.Ratti et M. Peyronnet, Controverse: Algorithme et risque de discrimination: quel contrôle du juge? Rev, de droit du travail, 2021, p.81.
- [8] G. Mancosu, Le contentieux des actes pris sur la base de d'algorithmes, un point de vue italien, Rev. générale du droit, 2019, n.49010.
- [9] Code des relations entre le public et l'administration, article L.311-2-1 cree par la loi n.2016-1321 du 7 octobre 2016.
- [10] CE, sec., 30 oct.2001, n.204909
- [11] G. Mancosu, Le contentieux des actes pris sur la base de d'algorithmes, un point de vue.
- [12] Nordyke RA, Kulikowski CA, Kulikowski CW., A comparison of methods for the automated diagnosis of thyroid dysfunction, Comput Biomed Res, 1971;4(4):374-89.
- [13] Selon cet article « La société a le droit de demander compte à tout agent public de son administration».

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