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Administrative Law Approach on Digitalisation

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Nowadays, scientific discoveries are becoming increasingly frequent. Society is undergoing a comprehensive process of global reform, being forced to embrace the new tools of the future. While in theory, digitalisation in public administration seems simple, in practice, studies show that the number of people who have interacted with public authorities or services for personal purposes remains relatively modest. Therefore, based on the State of the Digital Decade Report performed by the European Commission, this paper seeks to examine the applicable regulatory framework governing digitalisation. The proposed topic is highly relevant in scientific and practical terms, being of general interest since in the near future it is expected that everyone will be faced with the situation of interacting remotely with public authorities, using various platforms, by means of a device, be it a computer or a smartphone, and must be informed in this regard. Therefore, the scope of this study is to analyse, by using research methods specific to law, both from a national perspective and from a comparative law perspective, the way in which the legislator has regulated the digitalisation issue. Methodologically, the paper consists of legal doctrine, statutory provisions, and a case study. The results of the study show that meeting the new challenges brought by modern technologies is an ongoing process that involves not only the authorities but also the citizens. In this respect, acquiring digital skills seems to be an imperative need for effectively confronting these global challenges transformations.

Keywords: *Administrative law; Digitalisation; Internet; Digital Decade; National Institute of Statistics of Romania*.

Introduction

Nowadays, the digitalisation of public services is not just a theoretical goal but can become a practical reality on a global scale. In this regard, public authorities around the world are faced with the task of creating the ideal legal and institutional framework to make available to citizens, guaranteeing them that accessing platforms for interacting with authorities respects their fundamental rights. There are countries in the world that have regulated the use of computers in their fundamental laws. Such an example is the Constitution of the Portuguese Republic that expressly regulates in art. 35 – *use of information technology*. Para. (2) provides as follows: "*The law shall define the concept of personal data, together with the terms and conditions applicable to its automatized treatment and its linkage, transmission and use, and shall guarantee its protection, particularly by means of an independent administrative entity"*, while para. (6): "*Everyone is guaranteed free access to*

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public-use information technology networks (...)"[1]. In contrast, the Constitution of Romania makes no mention of computer use or personal data, with secondary legislation existing in this regard.

Globally, we are witnessing reforms proposed by authorities, necessary for day-to-day operations, and adjustment is the key word. In this background, the scope of the study is to look into the laws, relevant literature and practice in order to learn as much as possible about the legal framework for digitalisation, without approaching the interference with the personal data protection regime. The question that will be answered in this study shall be: "Does digitalisation benefit from legal regulation?".

Specific goals:

1. documenting relevant literature on new technologies that can be used in administration;
2. researching European and national legislation applicable to digitalisation;
3. conducting a practical case study to determine how much the internet is used by the population in relation to public authorities.

Literature Review

In recent years, there has been a growing interest among the scientific community in analysing topics such as the vulnerabilities of new technologies used in administration, digitalisation, the impact of artificial intelligence on society, and cybersecurity, etc.

The unprecedented evolution of technology forces decision-makers in public administration, when taking measures for the population, to take into account not only legal aspects, but also morality and ethical issues. In this regard, a review of the relevant literature from recent years reveals that there are valuable collections of studies that harmoniously combine ethical and legal aspects. For instance, An Advanced Anthology of Law – Ethics – Business (2025)[2] or A Comprehensive Anthology of Law – Ethics – Business (2024)[3].

Experts have rightly noted that "*In the past years*, *the EU political agenda has been marked with an accelerated digital transformation programme intended to provide for both a safety net for the implementation and use of technology and the regulation and democratisation of access to technology*[4]". Notwithstanding, as has been noted "*digitalisation brings with it new issues of responsibility, legal liability, limits and respect for citizens' rights and freedoms*"[5].

At the same time, it has been noted that some authors plead for interdisciplinarity, pointing out that it is difficult to analyse a single topic, such as digitalisation and cybersecurity, for example, without resorting to concepts from other fields: "*In the context of international law and multiple cybersecurity*

[1]https://www.parlamento.pt/sites/EN/Parliament/Documents/Constitution7th.pdf
[2]See Frenkel (2025) at 11.
[3]See Frenkel (2024) at 9.
[4]See Boura (2024) at 385.
[5]See Ștefan (2024) at 565.

challenges, we believe that a multidisciplinary research endeavour on the complex and ever-expanding cybersecurity law, *from the perspective of interference with other branches of law, is a necessity*[6]". In fact, it is a reality that "*Digital transformation in itself has had a significant influence on the global economy*[7]".

The European legislator has responded to people's needs to connect easily from a remote location, save time, and have access to an infinite source of information that is useful in their daily activities by proposing the use of artificial intelligence. It concerns the adoption of Regulation (EU) 2024/1689 of the European Parliament and of the Council of 13 June 2024 laying down harmonised rules on artificial intelligence and amending Regulations (EC) No 300/2008, (EU) No 167/2013, (EU) No 168/2013, (EU) 2018/858, (EU) 2018/1139 and (EU) 2019/2144 and Directives 2014/90/EU, (EU) 2016/797 and (EU) 2020/1828[8]. Artificial intelligence (AI) is a major challenge for people who need to get used to the tools of the future, learn about them, and adapt to new. However, "the law requires acceptance and compliance with the prescribed conduct"[9].

Last but not least, a study draws attention to the errors that can occur in the background of technological innovations, with the author stating that "*In reality, errors frequently occur in many cases of technological innovations and the instruments via which they are put into practice. They tend to automatically be credited, without the slightest degree of critical analysis, with virtues such as truth, rigour, social improvements, etc. which in reality due to their very nature they lack* [10]".

In this context, other authors have considered that "*The emergence and dynamism of the role of artificial intelligence (AI) in the context of the digitalisation of public administrations, especially today, cannot be overlooked*[11]".

Research Methods

Several research methods were used in conducting this study. Firstly, the documentary method was used to collect relevant data, which were then analysed within its context and interpreted using the logical and deductive method. Subsequently, the IT method proved to be extremely useful, as it enabled us to access various databases and public information available on the internet.

The research hypothesis underpinning this study proceeds from the recognition that it is not yet possible to assert that definitive or comprehensive answers exist with regard to the digitalisation of public administration. In our view, a critical examination of the relevant literature provides an opportunity to enhance our understanding of the subject under consideration by capturing and synthesising the perspectives of specialists in the field.

[6]See Cătană (2025) at 32.
[7]See Caragnano (2023) at 550.
[8]Published in Official Journal no L 2024/1689, 12.7.2024.
[9]See Hegheș (2022) at 153.
[10]See Castillo López (2023) at 518-519.
[11]See Bencsik (2024) at 13.

In general, the scientific community is concerned with analysing modern technologies, their impact on people's lives, and digitalisation, as these topics are part of the current state of development of society, with a global impact. Therefore, in addition to identifying the legal instruments that regulate digitalisation issues, this study also adds the perspective of relevant literature, which can complete and piece together, like a puzzle, the necessary and useful information on the topic analysed, not only for legal professionals but also for the general public.

Documentary explorations of doctrinal and legal sources were conducted in English, using keywords such as: technology, digitalisation, artificial intelligence, etc. The bibliography was structured on two parallel levels: national sources and comparative law sources, with an interdisciplinary analysis based on the vision of administrative law. The criterion for selecting sources was relevance. Subsequently, the empirical data collected were interpreted legally and filtered through own thinking. The paper encourages reflection on the topics analysed, with a view to identifying ethical and legal solutions for the use of new technologies in administration.

One of the strengths of this paper is that it presents practical aspects, in order to see how the concepts are reflected in the applied approach. Therefore, in the final part of the paper, a case study was conducted to determine the internet usage by the population in relation to the authorities, using public information for this purpose.

The Digitalisation in the EU Plan

As shown in the relevant literature, the scope of the «*First Digital Agenda for Europe 2010* [(COM 2010) 245 final] was as follows: "a vibrant digital single market; interoperability and standards; trust and security; fast and ultrafast internet access; research and innovation; enhancing digital literacy, skills and inclusion, developing social competences and inclusion [...]"»[12]. Then the *Second Digital Agenda 2020* [COM/2020/67/final] the vision of which was the following: "The Commission wants a European society powered by digital solutions [...] that enrich the lives of all of us (...)"»[13].

Another important document that we take into consideration is Decision (EU) 2022/2481 of the European Parliament and of the Council of 14 December 2022 establishing the Digital Decade Policy Programme 2030[14].

Subsequently, European Declaration on Digital Rights and Principles for the Digital Decade (2023/C 23/01) was adopted[15]. The Preamble provides as follows: "*The digital transformation affects every aspect of people's lives*". The Declaration also states that: "*Everyone has the right to education, training and lifelong learning and should be able to acquire all basic and advanced digital skills*". The wording calls for a fair digital environment, but also for participation in the digital public space. In this regard, the document states: "*Everyone should be able to effectively*

[12]See Ștefan (2025) at 376-381.
[13]Ibid.
[14]Published in Official Journal of the European Union L 323, 19.12.2022.
[15]Published in Official Journal of the European Union C 23/1, 23.1.2023.

and freely choose which online services to use, based on objective, transparent, easily accessible and reliable information ". Furthermore, "*Everyone should have access to a trustworthy, diverse and multilingual digital environment* […]".

According to public information, since 2014 the European Commission has been monitoring the progress made by Member States in the digital field through reports on the digital economy and society index (DESI)[16].

Digitalisation in Romania – Few Highlights

The research hypothesis we start from in this section is that "*national actors are especially important since they are mainly responsible for the everyday application of E.U. law*"[17]. In analysing this topic, we refer to the regulatory framework that covers digitalisation and cybersecurity.

According to the current legislative framework, public administration is organized on two levels: central and local. At the central level, the authorities responsible for digitalisation include, for example: the Ministry of Economy, Digitalisation, Entrepreneurship and Tourism; the Authority for the Digitalisation of Romania - ADR.; the Ministry of Public Works, Development, and Administration. At the local level, all administrative authorities shall be responsible for digitalisation.

ADR [...] is responsible for implementing public strategies and policies in the field of digital transformation and the information society and coordinating their implementation, as well as ensuring the monitoring and control of compliance with domestic and international regulations in the field of digital transformation and the information society[18].

Therefore, with regard to the legislation on digitalisation, taking into account the European regulatory framework, we note that our country has adopted the National Strategy on the Digital Agenda[19]. At the same time, the Digital Competence Framework for Romanian citizens was recently approved[20] as well as the National Program for the Digital Transformation of Local Public Authorities[21].

In what concerns *cybersecurity*, Regulation (EU) 2019/881 of the European Parliament and of the Council of 17 April 2019 on ENISA (the European Union Agency for Cybersecurity) and on information and communications technology cybersecurity certification and repealing Regulation (EU) No 526/2013 (Cybersecurity Act)[22] was adopted at EU level. Given the obligation to implement European legislation, our country adopted Law no. 58/2023 on cybersecurity and defence of

[16]https://digital-strategy.ec.europa.eu/ro/policies/desi-romania
[17]See Petric (2023) at 44.
[18]Government Resolution no. 89/2020 on the organization and operation of the Authority for the Digitalisation of Romania, published in Official Journal no. 113 of 13 February 2020.
[19]Government Resolution no. 832/2024 on the approval of the National Strategy on Artificial Intelligence 2024-2027, published in Official Journal no.730 of 25 July 2024.
[20]G.E.O. no. 27/2025 approving the Digital Competence Framework for Romanian citizens, published in Official Journal no. 353 of 22 April 2025.
[21]Published in Official Journal no. 520 of 4th June 2024.
[22]Published in Official Journal of the European Union L 151/ 15, 7.6.2019.

Romania[23] which establishes "the legal and institutional framework for the organization and conduct of activities in the fields of cybersecurity and cyber defence, cooperation mechanisms, and the responsibilities of institutions with powers in the aforementioned fields".

Case Study – Computerization Level of the Romanian Population

In this section, practical research was conducted to determine the degree of computerization among the Romanian population, in terms of whether households have access to the internet, whether the internet is used in general, and in relation to public authorities in particular.

Since we wanted to obtain a result as close to reality as possible, we turned to public information, consulting the institution's website. The results of the research showed that the National Institute of Statistics of Romania (NIS) centralizes data based on the *Survey on Information and Communication Technology in Households*. The data are public and can provide an overview of the subject. To this end, we documented public reports, choosing a three-year reference period, 2022-2024. At the same time, public data from the European Commission were also used in this section.

I) According to the report of 2024[24], the survey was conducted by means of interviews with persons aged between 14 and 76, regardless of citizenship, who had been residing for at least 12 months in households located in selected research centres in all counties of the country, in urban and rural areas[25]. The survey covered 10,188 households, with a response rate of 82.8% (81.2% in urban areas and 84.7% in rural areas[26]). Briefly, the survey results showed:

a) With regard to *household access to internet from home*, the survey results showed that: "In 2024, 88.6% of households in Romania have access to internet from home, an increase of 2.9 percentage points compared to 85.7% in 2023 [...], the distribution between urban and rural areas is as follows: in urban areas, 92.5% of households are connected to the internet, while in rural areas, 83.2% are connected"[27]. With regard to development regions, at local level, "in 2024, internet connection was more developed in households in the Bucharest-Ilfov (95.2%), West (92%), and North-West (90.2%) regions, followed by the Central region (89.9%) and in the other regions, internet connectivity was lower, i.e. in the South-West-Oltenia (85.9%), South-East (85.2%), and North-East (85.1%) regions)"[28].

b) With regard to *the incidence of internet use,* the following can be noted: "The share of persons aged 16-74 who use or have used the internet is 94.2% in 2024, or 13.5 million persons"[29]. In terms of development regions: "the highest percentage

[23]Published in Official Journal no. 214 of 15 March 2023.
[24]https://insse.ro/cms/sites/default/files/field/publicatii/accesul_populatiei_la_tehnologia_informatiei_si_comunicatiilor_romania_2024.pdf
[25]Ibid, at 7 of the Report of 2024.
[26]Ibid, at 8.
[27]Ibid, at 15.
[28]Ibid.
[29] Ibid, at 19.

of persons who have ever used the internet was 97.7% in the region of Bucharest-Ilfov, followed by the North-West (96.6%) and West (96.5%) regions, while at the opposite pole is the South-East region with 92.2%."[30].

c) With regard to the *interaction with public authorities or services via the internet*, the following can be noted: "In 2024, the share of persons who interacted with public authorities or services for personal purposes was 19.4% (up by 4.1 percentage points compared to 2023)[31]". Furthermore, "Online activities with public authorities or services are carried out predominantly in urban areas (23.8%) compared to rural areas (13.5%)"[32].

Moreover, "Out of the persons aged between 16-74 who used the internet in the last 12 months, 13% downloaded or printed forms from a public authority website or application for personal use; 11.2% made appointments or reservations through a website or application of public authorities or public services for personal purposes; 11.7% of people have received official communications or documents from public authorities through their own account on a website or application of public authorities or public services [...]"[33].

II) According to the report of 2023[34], the survey covered 10,188 households, with a response rate of 89.7% (84.8% in urban areas and 95.7% in rural areas).

a) With regard to *household access to internet from home*, the survey results showed that: "In 2023, 85.7% of households in Romania have access to internet from home, an increase of 3.6 percentage points compared to 2022 (82.1%) [...], the distribution between urban and rural areas is as follows: in urban areas 89.8% of households are connected to the internet, while in rural areas 80.3% are connected"[35]. With regard to development regions, at local level, "in 2023 internet connection was more developed in households in the Bucharest-Ilfov (92.9), North-West (89.1%), West (87.7%) regions [...] and in the other regions, internet connection was lower, i.e. South-East region (81.7%)"[36].

b) With regard to *the incidence of internet use*, the following can be noted: "The share of persons aged 16-74 who use or have used the internet is 96.4% in 2023, about 13 million persons[37]". In terms of development regions: "the highest percentage of persons who have ever used the internet was 97.3% in the region of Bucharest-Ilfov, followed by the West (96.3%) while at the opposite pole is the South-East region with 88.7%)"[38].

c) With regard to *the interaction with public authorities or services via the internet*, the following can be noted: "In 2023, the share of persons who interacted with public authorities or services for personal purposes was 15.3%[39]". Furthermore,

[30]Ibid, at 19-20.
[31]Ibid, at 24.
[32]Ibid.
[33]Ibid.
[34]https://insse.ro/cms/sites/default/files/field/publicatii/accesul_populatiei_la_tehnologia_informatiei_si_comunicatiilor_romania_2023.pdf
[35]The Report of 2023 at 15.
[36]Ibid.
[37]Ibid, at 19.
[38]Ibid, at 21.
[39]Ibid, at 24.

"Online activities with public authorities or services are carried out predominantly in urban areas (19%) compared to rural areas (10.9%)"[40]. Moreover, "Out of the persons aged between 16-74 who used the internet in the last 12 months, 10.9% downloaded or printed forms from a public authority website or application for personal use; 11.6% made appointments or reservations through a website or application of public authorities or public services for personal purposes; 10.1% of people have received official communications or documents from public authorities through their own account on a website or application of public authorities or public services [...]"[41].

III) According to the report of 2022, the survey covered 10,188 households[42].

a) With regard to *household access to internet from home*, the survey results showed that: "In 2022, 82.1% of households in Romania have access to internet from home, an increase of 1.3 percentage points compared to 2021 [...], the distribution between urban and rural areas is as follows: in urban areas 61.2% of households are connected to the internet, while in rural areas 38.8% are connected"[43]. With regard to development regions, at local level, "in 2022 internet connection was more developed in households in the Bucharest-Ilfov (93.6%), Center of the country (85.3%), and internet connection was lower in the South-East region (78.4%)"[44].

b) With regard to *the incidence of internet use*, the following can be noted*:* "The share of persons aged 16-74 who use or have used the internet is 95.4% in 2022, about 13 million persons[45]". In terms of development regions: "the highest percentage of persons who have ever used the internet was 95.5% in the region of Bucharest-Ilfov, followed by the North-West (93.1%) and West (92.2%) while at the opposite pole is South Muntenia region (85.4%)"[46].

c) With regard to *the interaction with public authorities or services via the internet*, the following can be noted*:* "In 2022, the share of the persons who interacted with public authorities or services for personal purposes was 15.8%[47]". Furthermore, "Online activities with public authorities or services are carried out predominantly in urban areas (19.5%) compared to rural areas (10.5%)"[48].

Moreover, "Out of the persons aged between 16-74 who used the internet in the last 12 months, 14.5% downloaded or printed forms from a public authority website or application for personal use; 11.6% made appointments or reservations through a website or application of public authorities or public services for personal purposes; 12.1% of people have received official communications or documents from public authorities through their own account on a website or application of public authorities or public services [...]"[49].

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[40]Ibid.
[41]Ibid, at 24-25.
[42]https://insse.ro/cms/sites/default/files/field/publicatii/accesul_populatiei_la_tehnologia_informatiei_si_comunicatiilor_romania_2022.pdf
[43]Ibid, at 15 Report of 2022.
[44]Ibid.
[45]Ibid, at 19.
[46]Ibid, at 20-21.
[47]Ibid, at 23.
[48]Ibid.
[49]Ibid, at 24.

The limitations of the research based on statistical reports conducted by the NIS reveal several vulnerabilities, such as: the survey covered 10,188 households and not households of Romania; the response rate is not 100%; the sincerity of the interviewees, etc.

Romania 2024 Digital Decade Country Report[50], carried out by the European Commission, on Romania's performance towards the Digital Decade targets and objectives, notes the following:

> "In 2023, Romania made notable progress in digitalising public services and SMEs. Despite the ongoing efforts, important challenges persist in improving basic digital skills across the population and in rolling out 5G networks [...]".

The performance concerning the digitalisation of public services remains low, but continuous action could lead to radical improvements in the coming years, in terms of transparency, simplification, and quality. Important in this respect are the efforts to digitalise key national and regional services and to set up a governmental cloud and an interoperability portal and framework.

Two main weaknesses or areas to improve: *basic digital skills* (although Romania dedicates impressive efforts to raise the level of digital skills, including through major reforms and significant investments, more than 72% of its population still lacks basic digital skills); *5G coverage* [...][51]".

Conclusions

Following the documentary analysis conducted by us, we can consider the research objective to have been achieved, and we can draw several conclusions.

Firstly, there is legislation applicable to digitalisation, both at European and national level, as mentioned herein. Secondly, the national authorities involved in the digitalisation issue, at central and local level, have been identified. Furthermore, research into the relevant literature has led to the conclusion that there are doctrinal concerns regarding new technologies that can be used in administration.

Moreover, the results of the case study conducted using public data showed that, although we are in the midst of a process of digitalisation and an avalanche of modern technologies that accompany us daily, the level of internet use by the population in relation to public authorities remains low, below 20%. We claim this because the percentages are small in the focus group of 10,188 households, estimating that if a survey had been conducted by the NIS at the level of all households in our country, the results would probably have been comparable.

Therefore, following the centralization of official data collected by the NIS, the following conclusions can be drawn:

[50]https://digital-strategy.ec.europa.eu/ro/node/12837/printable/pdf
[51]Ibid.

- with regard to *household access to internet from home*, with a focus group of 10,188 households, the percentage of Romanian households with access to internet from home was of 82.1% in 2022, 85.7% in 2023 and 88.6% in 2024;
- with regard to *the incidence of internet use,* the share of persons aged 16-74 who use or have used the internet is 95.4% in 2022, 96.4% in 2023 and 94.2% in 2024.
- with regard to *the interaction with public authorities or services via the internet:* the share of persons who interacted with public authorities or services for personal purposes was 15.8% in 2022, 15.3% in 2023 and 19.4% in 2024.

It should be noted that from 2022 to 2024, according to the NIS, there is a significant increase in indicators regarding households' access to the internet from home and interaction with public authorities or services via the internet.

In this context, comparing the INS data with those from the Romania 2024 Digital Decade Country Report, it appears that the digitalisation of public services is low. Therefore, it can be said that at this point there is some interest among the population in using the internet in everyday matters involving public administration, but we are optimistic that over time the benefits of remote use of public services, by online means, will become apparent, which will increase users' interest.

The subject under examination is necessarily broad and cannot be exhaustively addressed within the confines of this paper. For this reason, we indicate potential avenues for future research, particularly with respect to the intersection between the legal framework governing digitalisation and the protection of personal data.

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