

Artificial Intelligence and Human Rights in the Context of Globalization. Challenges and European Regulations in Romania

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The expansion of the use of artificial intelligence in public administration, education and other sensitive areas raises essential questions about fairness, transparency and the protection of fundamental rights. The article addresses a central question: how can AI be regulated in a way that respects human dignity and protects fundamental rights? Starting from the European framework, with a focus on the AI Act and its human-centric approach to AI governance, the article provides a critical analysis of how these requirements are reflected in national realities. The Romanian case study highlights the gap between regulatory ambitions and concrete implementation: from digital justice and public administration to the education system where algorithms are present without a real public debate. Issues including the need for ethical audit mechanisms, the scope of citizen involvement and systemic risks for vulnerable groups are discussed from an interdisciplinary and applied perspective. The article proposes several solutions to strengthen the democratic framework of AI: establishing real forms of public participation, developing tailored control and monitoring tools, and recognizing the role of universities in promoting an ethical culture of digitalization. Through its critical but constructive tone, the article not only assesses existing regulations, but also provides a direction for the future – one in which technology serves people rather than replacing human judgment.

Keywords: artificial intelligence; globalization; AI Act; algorithmic discrimination; data protection

Introduction – On Dignity and Decisions Made by Machines

Technology has entered our lives step by step. Some changes were made quickly, without much explanation. Others came more slowly, but with effects that are still felt today. Behind digital applications or platforms, algorithms have begun to play an increasingly important role.

This raises a simple and legitimate question: how do we defend our dignity, when many decisions are taken over by automated systems?

Artificial intelligence is no longer merely a topic for the future. This article examines its legal implications, together with those of related digital systems, in areas such as judicial case allocation, scholarships and social assistance. In theory, these systems should be objective and effective. In practice, things are more complicated.

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Algorithmic systems may offer practical benefits, including shorter processing times, reduced administrative burdens and more consistent organisation of information. But in the absence of clear boundaries and public control, errors, inequities or even subtle forms of exclusion can occur.

To respond to these challenges, the European Union adopted a harmonised regulatory framework known as the AI Act. The Regulation seeks to strike a balance between innovation and respect for fundamental rights.

Because, ultimately, no matter how precise an algorithm is, if it does not have the human being at the centre - with their needs, fears, and rights - we risk that progress will become a path without a compass.

In legal terms, human dignity is both a foundational principle and a legally protected value. Within the European Union, Article 1 of the Charter of Fundamental Rights affirms that “Human dignity is inviolable. It must be respected and protected.” For the purposes of this article, Article 1 is used as a normative benchmark for assessing whether the design and use of AI-related systems respect individuals and their fundamental rights.

At the level of the European Convention on Human Rights, human dignity is not listed as a separate Convention right. Nevertheless, the European Court of Human Rights has linked respect for human dignity and personal autonomy to the protection of private life under Article 8. In *Pretty v. the United Kingdom* (2002) and *Christine Goodwin v. the United Kingdom* (2002), the Court examined questions concerning personal autonomy, identity and private life in terms closely connected with human dignity.

In the context of artificial intelligence, human dignity is challenged not only by the misuse of personal data or opaque algorithmic decisions, but also by the dehumanization effects of systems that reduce individuals to statistical profiles or behavioural patterns. As McCrudden² (2008) notes, dignity in legal discourse functions as a bridge between moral claims and enforceable rights—a function increasingly tested by digital systems with decision-making power.

Against this background, this article treats artificial intelligence not merely as a technological advancement, but as a legal challenge requiring a reassessment of the relationship between innovation and the protection of fundamental rights. It is not merely a matter of new rules, but of how we choose to maintain the balance between efficiency and respect for the individual. However, most of this scholarship remains either theoretical, focused on the EU framework in abstract, or centred on general principles of trustworthy AI. Less attention has been paid to the practical gap between the European regulatory model and its domestic implementation in a specific Member State such as Romania.

This article seeks to explore how the newly adopted EU Artificial Intelligence Act (Regulation (EU) 2024/1689) addresses—or fails to address—these dignity-related concerns, particularly in the case of Romania. The central research question is whether the current European regulatory framework, together with the Romanian legal and institutional framework, can provide effective safeguards for human

²McCrudden, Christopher (2008) Human Dignity and Judicial Interpretation of Human Rights. *European Journal of International Law*, 19(4), pp. 655–724.

dignity in the use of AI in justice, public administration, and education. The article uses a normative and comparative legal method, combined with a Romanian case-study approach, based on legal texts, institutional documents, official reports, and relevant scholarship. Its contribution lies in showing that the key issue is not only the content of the EU rules, but also the gap between those rules and their domestic implementation.

Methodology

This article combines normative and comparative legal analysis with a Romanian case-study approach. The Romanian case study focuses primarily on the use and governance of AI systems and related digital systems in justice, public administration and education. Healthcare and social assistance are addressed only as contextual examples in the discussion of vulnerable groups and high impact uses, rather than as separate comparative sectors.

The comparative references retained in the article focus primarily on France and on relevant Union-level benchmarks under the AI Act. Finland is used only as a contextual illustration of a public-sector digitalization initiative through the AuroraAI project. The selection is illustrative rather than exhaustive and does not constitute a systematic country-by-country comparison. No other jurisdiction is treated as a separate comparative benchmark; any incidental reference to another jurisdiction is retained only where supported by a specific official source and where it is directly relevant to the safeguard or institutional approach under discussion.

The analysis relies primarily on EU and Romanian legislation, complemented, where relevant, by official legal and institutional materials from France and by official institutional materials concerning the contextual examples discussed. Official reports, institutional documents and selected scholarly sources are used to support the analysis. Sources were selected for their direct relevance to the applicable legal framework, institutional implementation and protection of fundamental rights. Primary legal and institutional materials were prioritized, while scholarly sources were used to support conceptual and critical analysis.

The comparative assessment considers, for each system examined, first whether its functionality falls within the definition of an AI system under Article 3(1) of the AI Act and, where it does, whether its intended purpose falls within a high-risk category under Article 6 and Annex III. The assessment then considers the safeguards applicable to the relevant classification, including transparency and explainability, human oversight, the possibility of review and contestation, conformity assessment where applicable, monitoring mechanisms, institutional responsibility, public participation and the protection of vulnerable groups. Related digital systems are not presumed to constitute AI systems solely because they perform automated case-management or administrative functions.

The analysis covers developments from 2020 through 10 August 2026. Earlier legal and institutional materials are used where necessary to explain the background and evolution of the relevant digital systems. The comparative discussion is limited to the

safeguards, institutional arrangements and transparency mechanisms for which the article identifies a specific and verifiable source.

Human Dignity in the face of Algorithms – between Principle and Real Guarantee

If we had to choose one value that underpins the entire architecture of human rights, it would undoubtedly be dignity. Not only because it is expressly recognized in the preamble and Article 1 of the Universal Declaration of Human Rights and in Article 1 of the Charter of Fundamental Rights of the European Union, but because it represents, in a profound sense, the recognition that every person matters³.

Although it seems natural to talk about dignity as something that is self-evident, it becomes a vulnerable notion in the face of the cold logic of digital systems. We can rightly ask ourselves what is left of the idea of dignity when decisions concerning the life of a student, a patient or a litigant are silently taken over by a computer program. Can we talk about respecting this principle when the person concerned does not understand how he was assessed or why a certain label was applied to him? This is not an abstract issue. When a decision becomes opaque and the individual no longer understands how they were assessed, a real disconnect emerges between technology and human dignity. As discussed in the analysis cited here, the risk lies not only in error but also in the loss of human control over processes that directly influence an individual's life.

The AI Act refers to human dignity among the fundamental values relevant to the regulation of artificial intelligence⁴. But, as Smuha⁵ also observed, without concrete protection mechanisms, dignity risks remaining just an honourable intention, not an effective guarantee.

Some authors propose a return to the essence of the concept. Floridi and Cowls⁶, for example, insist that AI must be developed not only for performance, but for the common good – an AI for Social Good. More precisely, technology should help us without reducing us to simple lines of code in a cold, automated system. In contemporary literature, dignity is closely associated with concepts such as valid consent, personal autonomy, and the right not to be reduced to a purely algorithmic social function. This issue is particularly relevant in domains such as education,

³United Nations, Universal Declaration of Human Rights, adopted by General Assembly resolution 217 A (III) of 10 December 1948, Preamble and Article 1, available at: <https://www.ohchr.org/en/human-rights/universal-declaration/translations/english>; European Union, Charter of Fundamental Rights of the European Union, Article 1, Official Journal of the European Union, C 326, 26 October 2012, pp. 391–407, available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:12012P/TXT>.

⁴Regulation (EU) 2024/1689 of the European Parliament and of the Council of 13 June 2024 laying down harmonised rules on artificial intelligence, Recitals 4 and 27, Official Journal of the European Union, L 2024/1689, 12 July 2024, available at: <https://eur-lex.europa.eu/eli/reg/2024/1689/oj/eng>.

⁵Smuha, E. (2021). Artificial Intelligence for a Better Future: An Ecosystem Perspective on the Ethics of AI and Emerging Digital Technologies. *Springer*. <https://doi.org/10.1007/978-3-030-69978-9>.

⁶Floridi, L., & Cowls, J. (2019) A Unified Framework of Five Principles for AI in Society. *Harvard Data Science Review*, 1(1). <https://doi.org/10.1162/99608f92.8cd550d1>.

justice and healthcare, where algorithmic tools may support, shape or constrain human decisions.

Moreover, dignity is deeply intertwined with the notion of moral agency - the individual's ability to act freely and consciously. AI technologies operating without transparency or meaningful contestability threaten this moral agency. AI technologies operating without transparency or meaningful contestability may threaten individual autonomy by turning freedom into a programmable illusion.

In the Romanian context, the practical protection of dignity requires documented safeguards for the use of digital solutions in citizen–state interactions. Dignity must therefore be protected through enforceable safeguards.

European Framework. AI Regulation and the Protection of Human Dignity

In the context of the accelerated advance of artificial intelligence technologies, the European Union felt the need for firm regulatory intervention to draw clear boundaries and protect fundamental rights. It is no longer just about technological innovation, but about values: about what kind of society, we want to build in a digital age. That is why, on 13 June 2024, the European Parliament and the Council adopted Regulation (EU) 2024/1689, known as the AI Act. As a regulation⁷, it is directly applicable in the Member States, while its entry into force and its staged dates of application are governed by Article 113. One of the keys to reading the AI Act is its risk-based structure. Article 5 prohibits certain AI practices, while Article 6, read together with Annexes I and III, sets out the categories of high-risk AI systems. The legal classification depends primarily on the system's intended purpose and the applicable conditions under Article 6, not merely on the sector in which it is used. Certain biometric practices and social-scoring practices are prohibited under Article 5, whereas specified uses of AI in justice, education, public administration or other sensitive areas may be classified as high-risk or may be subject to transparency or other obligations under the Regulation, depending on the system's intended purpose and the applicable provision⁸.

In this regard, the AI Act should not be viewed merely as a technical tool, but as an effort to place technological development within a framework of accountability. The literature emphasizes that this regulation marks a paradigm shift: from a reactive approach to a preventive one, centred on risk assessment and the effective protection of fundamental rights.

High-risk systems therefore do not comprise all systems used in education, healthcare, law enforcement or justice. Under Article 6 and Annex III, the relevant categories cover only specified uses and are subject to the conditions and exceptions laid down in the Regulation. For high-risk AI systems, the AI Act imposes requirements concerning, among other matters, risk management, data and data governance,

⁷Treaty on the Functioning of the European Union, Article 288, available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:12012E288>.

⁸Regulation (EU) 2024/1689, Articles 5 and 6, Annex III and, where applicable, Article 50, available at: <https://eur-lex.europa.eu/eli/reg/2024/1689/oj/eng>

technical documentation, record-keeping, transparency, human oversight, accuracy, robustness and cybersecurity⁹.

The AI Act is not just a collection of technical rules, but expresses, in essence, a political and moral commitment: to put technology at the service of the values that define the European project. It is a declaration that digital progress cannot remain outside democratic control.

A fundamental part of this system is genuine collaboration between Member States, as a condition for the effective functioning of the new governance, control and enforcement structures. The AI Office is established within the European Commission as part of the Union governance framework for artificial intelligence. Member States must designate at least one notifying authority and at least one market surveillance authority and must ensure that the authorities designated under the Regulation have the powers and resources necessary to perform their tasks. The specific functions of those authorities depend on the allocation of responsibilities established by the Regulation and by the applicable national arrangements¹⁰.

The legal framework described above does not, by itself, resolve the practical challenges raised by digitalization in Romania. The idea from which this whole endeavour starts is simple and firm: human dignity is not negotiable, and no technological progress — no matter how spectacular — can justify violating this limit.

Vulnerable Groups and Systemic Risks

Digitalization is neither good nor bad. It all depends on the context, the implementation, and, above all, the people who design or apply it. For those who are already socially advantaged, AI can be a resource; for the vulnerable, it can become an unfair filter, a source of exclusion.

A lucid analysis of the impact of artificial intelligence must start precisely from this asymmetry. A child with locomotor disabilities who lives in a village may not benefit from the same technological opportunities as an urban student connected to the digital infrastructure. Likewise, an elderly person who does not use the internet may face practical barriers when administrative procedures are increasingly automated.

Virginia Eubanks (2018)¹¹, in *Automating Inequality*, examines how automated systems can reproduce and amplify pre-existing social inequalities. What seems like a neutral tool may, in fact, reflect structural biases in society.

Take, for example, an AI system used to analyse applications for social assistance or educational benefits. While the intention may be to streamline the process, a system trained on historical data may reproduce discriminatory patterns and may classify persons from disadvantaged backgrounds as being at risk based on past data

⁹Regulation (EU) 2024/1689, Articles 8–15, 16–27, 43–49 and 72–73, consolidated version of 27 July 2026, available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:02024R1689-20260727>.

¹⁰Regulation (EU) 2024/1689, Chapter VII, in particular Articles 64–70, available at: <https://eur-lex.europa.eu/eli/reg/2024/1689/oj/eng>.

¹¹Eubanks, Virginia. (2018) *Automating Inequality: How High-Tech Tools Profile, Police, and Punish the Poor*. New York: St. Martin's Press.

or classifications. This type of digital profiling could contribute to exclusion, particularly where affected persons lack effective means of understanding or contesting the outcome¹².

AI has remarkable potential in areas such as justice or health, but precisely where the human stakes are the highest, it must be applied with the utmost caution. The literature and policy analysis cited here draw attention to systemic risks, including the lack of transparency of algorithmic decisions, difficulties in understanding or challenging automated assessments, and the risk of discriminatory effects on affected groups.

Digital inequalities are not just a matter of connectivity or resources, but of inclusive thinking. When AI systems are designed in offices isolated from social reality, they tend to serve those who created them rather than those who need them most. Any discussion about regulation must therefore start from the premise of fairness.

The European Union recognizes these challenges in the AI Act, which addresses certain uses in education, access to essential services and benefits, law enforcement and the administration of justice through its prohibited-practice and high-risk provisions. Article 5 concerns prohibited AI practices, whereas Article 6, read together with Annex III, identifies categories of high-risk AI systems. A system is not classified as high-risk solely because it is used in one of these sectors. The applicable obligations depend on the system's intended purpose and classification and may include requirements concerning risk management, human oversight, transparency, documentation, accuracy, robustness and cybersecurity¹³.

However, implementing and operationalising these rules in a country like Romania involves more than adopting legislative amendments. It requires a shift from efficiency to inclusion. It is not enough to have transparent algorithms; the real question is who may be left out. Without this question, AI risks becoming a tool of the powerful, not a lever for social justice.

Monitoring Tools and Ethical Auditing: who Watches over the Algorithms?

When technology is designed to play a visible role in the life of the citizen — for example, through digital medical records or the automated evaluation of administrative requests — the question naturally arises: who is watching? Who is making sure that algorithms do not turn from helpful tools into blind mechanisms that forget the human being?

Technical correctness alone is not sufficient to ensure that an algorithmic system produces fair outcomes. In real life, an apparently neutral decision can produce profound injustices, especially when it ignores the nuances — the context, the

¹²Commission Staff Working Document SWD(2021) 84 final, Impact Assessment accompanying the Proposal for a Regulation laying down harmonised rules on artificial intelligence, in particular the analysis of impacts on fundamental rights and vulnerable groups, available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:52021SC0084>.

¹³Regulation (EU) 2024/1689 of the European Parliament and of the Council of 13 June 2024 laying down harmonised rules on artificial intelligence, in particular Articles 5 and 6, Annex III and Articles 9–15, Official Journal of the European Union, L 2024/1689, 12 July 2024, consolidated version of 27 July 2026, available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:02024R1689-20260727>.

vulnerabilities, the exceptions that do not fit into a formula. That is why more voices are speaking about the need for constant supervision, not only at the beginning of the process, but throughout the life of a digital system.

This form of ethical oversight requires an interdisciplinary approach, in which engineers, lawyers, sociologists and citizens work together. It is not about putting a brake on innovation, but about accompanying it with a simple but essential question: who benefits from this technology?

Participatory assessments — made not only by technical specialists, but also by communities directly affected — may offer a more complete picture of the social impact of a technology. The AI Act establishes requirements for high-risk AI systems in Articles 8–15, obligations for providers, deployers and other operators in Articles 16–27, conformity-assessment procedures in Articles 43–48, and registration obligations in Article 49. Article 72 concerns post-market monitoring, while Article 73 concerns the reporting of serious incidents. These provisions do not impose a general obligation to carry out participatory social audits of all high-risk AI systems¹⁴.

In Romania, the development of such mechanisms would require more than the existence of general legal responsibilities. It would also require procedures enabling a structured dialogue with affected citizens. Models such as “Ethics Review Boards” — independent committees made up of specialists from several fields — could be adapted in Romania.

Finally, public trust is not earned only by respecting standards. It is built over time, through transparency, honesty and the ability to correct mistakes. And this means that monitoring AI cannot be the task of a single actor. It is a shared responsibility — of institutions, research, the press and, above all, civil society.

Implementation of the AI Act in Romania - Challenges and Solutions

The adoption of the AI Act by the European Union has brought to the forefront a topic that until recently seemed reserved for the sphere of technology: the regulation of algorithms in the name of human dignity¹⁵. For Romania, this stage is not just a bureaucratic obligation, but an invitation to reflection – about how we want the state to function, about what kind of trust we still have in institutions and, finally, about how to build a culture of digital responsibility.

Although the AI Act is directly applicable in all Member States, its application requires national institutional arrangements, supervision and enforcement. For Romania, the challenge is therefore not only the existence of the legal framework, but also the capacity of the administrative system to understand and apply the new rules and, more precisely, to transform them from abstract provisions into coherent public policies and functional institutional mechanisms.

¹⁴Regulation (EU) 2024/1689, Articles 8–15, 16–27, 43–49 and 72–73, consolidated version of 27 July 2026, available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:02024R1689-20260727>.

¹⁵Regulation (EU) 2024/1689 of the European Parliament and of the Council of 13 June 2024, Official Journal of the European Union L 2024/1689, 12 July 2024, available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:02024R1689-20260727>.

This is why the Romanian case is especially relevant: it tests whether formal alignment with the AI Act can be converted into administrative capacity and enforceable safeguards¹⁶.

Under Article 70 of the AI Act, Romania was required to designate or establish, by 2 August 2025, at least one notifying authority and at least one market surveillance authority and to provide the authorities designated under the Regulation with the powers and resources necessary to perform their tasks. These functions may be allocated to one or more national authorities, provided that the applicable requirements concerning competence, independence, impartiality and resources are met. The relevant implementation challenge is therefore to ensure clear competences, coordination and procedures, rather than necessarily to create a single new authority¹⁷.

Another implementation issue concerns the registration of certain AI systems covered by the AI Act. Article 71 provides for an EU database for high-risk AI systems referred to in Article 6(2), while Article 49 imposes registration obligations on relevant providers and, in certain cases, deployers, including public authorities and public service providers using such systems. This does not amount to a general obligation to create a comprehensive public registry of all AI systems used in Romania. The Romanian implementation question is therefore how the relevant registration, disclosure and supervisory arrangements will operate in practice¹⁸.

Uncertainty concerning registration, disclosure and supervisory arrangements could generate serious consequences. If reporting standards were unclear or implementation could not be effectively verified, there would be a risk of using insufficiently tested systems with discriminatory or arbitrary effects¹⁹. In this sense, transparency in AI governance cannot remain a formal declaration of compliance; it must be verifiable *ex ante* and auditable *ex post*.

The European Commission's 2021 impact assessment also examined the need for supervision, monitoring and enforcement in relation to the proposed AI framework²⁰. This means that implementation should be assessed not only at the level of formal compliance with the Regulation, but also at the level of institutional readiness and operational enforcement.

The effective implementation and operationalisation of the AI Act in Romania will depend not only on political will, but also on institutional readiness and administrative capacity.

¹⁶Regulation (EU) 2024/1689, Article 113, which provides that the Regulation is binding in its entirety and directly applicable in all Member States, and Chapter VII on governance, available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:02024R1689-20260727>.

¹⁷Regulation (EU) 2024/1689, Article 70, in conjunction with Article 113(b), consolidated version of 27 July 2026, available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:02024R1689-20260727>.

¹⁸Regulation (EU) 2024/1689, Articles 49 and 71, together with Article 6(2), consolidated version of 27 July 2026, available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:02024R1689-20260727>.

¹⁹Wulf, Jörg (2022) Automated Decision-Making Systems and Discrimination: Understanding Causes, Recognizing Cases, Supporting Those Affected. *AlgorithmWatch*, 2022, p. 8.

²⁰European Commission. Commission Staff Working Document SWD(2021) 84 final: Impact Assessment accompanying the Proposal for a Regulation laying down harmonised rules on artificial intelligence, Brussels, 21 April 2021. Available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:52021SC0084>.

Furthermore, the AI Act itself establishes the rules on risk classification, high-risk requirements, human oversight and conformity assessment. Romania's implementation challenge concerns the designation of competent authorities, procedural arrangements, supervision, enforcement and any complementary national measures permitted or required by the Regulation. The main challenge is therefore operationalisation and enforcement, rather than reproducing Articles 6–15 in Romanian legislation. The practical risk would therefore be incomplete institutional and procedural operationalisation or excessive reliance on private actors for compliance management.

Considering these challenges, Romania should adopt an AI Implementation Roadmap, including:

- the legal designation of one or more national competent authorities for AI supervision, with clearly defined responsibilities and coordination mechanisms;
- the creation of an interdisciplinary task force including technologists, legal scholars, and civil society;
- integration into public procurement and digital strategy documents of verification procedures for any conformity-assessment requirements applicable under the AI Act;
- mandatory training modules for judges, civil servants, and education administrators regarding high-risk AI systems usage.

Implementation should not be treated as a mere bureaucratic step but as a democratic obligation to align technological governance with fundamental rights. Failure to operationalize the AI Act could undermine both the rule of law and public trust in digital institutions.

Beyond legal harmonization, the success of the AI Act's implementation in Romania also depends on embedding participatory ethics into the regulatory process. This is particularly important in high-impact sectors such as justice and education, where algorithmic decisions can affect rights that are difficult to repair after the fact. This involves more than public consultations or post-facto reporting. It requires creating inclusive mechanisms through which stakeholders—academics, civil society organisations, judges, educators, and marginalised communities—can shape both the interpretation and enforcement of AI rules. Ethical oversight should not be limited to technical audits or legal reviews but should include democratic deliberation on what kinds of AI are acceptable in public life and under what conditions.

Participatory ethics offers a way to reconnect legal implementation with social legitimacy. It helps bridge the gap between formal compliance and actual public trust. Romania could examine participatory governance approaches developed in other European jurisdictions, provided that any comparative claim about their transparency, value alignment or practical effects is supported by country-specific evidence. It could consider establishing local and national AI ethics panels, ensuring that implementation is not only administratively efficient, but also normatively grounded and publicly accountable.

Table 1. *Romania and Comparative Benchmarks under the AI Act*

AI Act requirement	Romania	Comparative benchmark	Practical takeaway for Romania
Registration and transparency of high-risk systems	According to the information published by ANCOM on 24 July 2026, the national authorities designated or proposed for the implementation of the AI Act were still working on the national implementation framework, including institutional competences, cooperation mechanisms and sanctions. The source does not establish the existence of a comprehensive Romanian public registry covering all AI systems used in public administration. The AI Act itself provides for an EU database for certain high-risk AI systems ²¹ .	EU-level benchmark: Article 71 of the AI Act establishes an EU database for high-risk AI systems referred to in Article 6(2). Article 49 establishes registration obligations for relevant providers and, in specified cases, deployers. The AI Act does not establish a general obligation to create a separate public national registry of every AI system used in the public sector ²² .	Romania should operationalize the national registration and supervisory arrangements required by the AI Act and may consider additional public transparency measures for public-sector AI systems. Such measures should be presented as complementary national policy choices, not as a general obligation to create a comprehensive national registry derived from the AI Act.
Human oversight	The AI Act requires appropriate human oversight for high-risk AI systems. The information reviewed for this article does not establish the existence of a single general Romanian	EU-level benchmark: Article 14 requires high-risk AI systems to be designed and developed so that they can be effectively overseen by natural persons during their use. The required	Romania should ensure that public authorities using high-risk AI systems identify the responsible human overseers, define their powers and duties, provide

²¹ ANCOM, “Regulamentul privind inteligența artificială în România – stadiul actual al cadrului de implementare”, 24 July 2026, available at: <https://www.ancom.ro/despre-noi/media/comunicate-de-presa/regulamentul-privind-inteligenta-artificiala-in-romania-stadiul-actual-al-cadrului-de-implementare/>.

²² Regulation (EU) 2024/1689 of the European Parliament and of the Council of 13 June 2024 laying down harmonised rules on artificial intelligence, Articles 14, 43–49, 70–72 and Annex VII, point 5.3, consolidated version of 27 July 2026, available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:02024R1689-20260727>.

	mechanism covering human oversight of all AI systems used by public institutions.	oversight must be proportionate to the circumstances, risks and intended purpose of the system.	appropriate training and preserve the ability to interpret, disregard or override the system's output where necessary.
Transparency and explanation	For ECRIS, the public materials reviewed for this article do not disclose, in sufficient detail, the code, allocation methodology and applicable exceptions. This finding concerns the public availability of information and does not establish that all automated systems used in Romania are opaque or that ECRIS is an AI system under the AI Act.	France provides a statutory example of algorithmic transparency in administrative decision-making. Article L. 311-3-1 of the <i>Code des relations entre le public et l'administration</i> requires information concerning an individual administrative decision based on algorithmic processing, while Article R. 311-3-1-1 specifies information concerning the contribution of the algorithmic processing, the data processed, the parameters applied and the operations carried out ²³ .	Romania should distinguish between transparency concerning the existence and operation of an automated system, the reasons for an individual decision and the technical documentation protected by legitimate confidentiality interests. Any general right to explanation should be formulated consistently with the applicable administrative, judicial, data-protection and sectoral rules.
Conformity assessment, monitoring and audit	The materials reviewed for this article do not disclose the methodology or findings of the external audits referred to in relation to the computerized random-allocation system ²⁴ . This does not establish the	EU-level benchmark: the AI Act provides conformity-assessment procedures for high-risk AI systems in Articles 43–49 and requires providers to establish and document a post-market monitoring	Romania should ensure that the competent authorities designated under Article 70 have the powers and resources necessary for supervision and enforcement and should require appropriate

²³*Code des relations entre le public et l'administration*, Articles L. 311-3-1 and R. 311-3-1-1, as reproduced and discussed in Council of Europe, "Artificial Intelligence and Administrative Law", CDCJ(2022)31E, 7 December 2022, available at: <https://www.coe.int/documents/22298481/0/CDCJ%282022%2931E+-+FINAL+6.pdf/4cb20e4b-3da9-d4d4-2da0-65c11cd16116?t=1670943260563>

²⁴Constitutional Court of Romania, Decision no. 33 of 23 January 2018, available at: https://www.ccr.ro/wp-content/uploads/2020/07/Decizie_33_2018-1.pdf

	absence of such audits. Nor does the AI Act justify describing ECRIS as a high-risk AI system without first establishing that a concrete ECRIS functionality is an AI system and falls within a relevant high-risk category.	system under Article 72. Periodic audits are expressly provided in Annex VII, point 5.3, in the context of surveillance of an approved quality-management system. The AI Act does not impose a general obligation to conduct participatory social audits of all high-risk AI systems ²⁵ .	documentation, monitoring and review of high-risk AI systems. The establishment of a separate independent national audit authority may be considered as a policy option, but it should not be presented as an obligation expressly imposed by the AI Act.
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Source: Author's own creation

Digitalisation of Justice: What We Gain and What We Risk When Algorithms Decide

Digitalisation of justice raises essential questions about balance, access and transparency. The present discussion focuses on the point at which digital tools used in court administration may affect the safeguards of judicial decision-making. The central issue is therefore not digitalisation as such, but whether automated mechanisms remain transparent, controllable and compatible with due process.

A first form of automation is that of random allocation of files, which was historically regulated in Romania by art. 53(1) of Law no. 304/2004 on judicial organization and is currently regulated by art. 34(1) of Law no. 304/2022²⁶. The current concern is therefore the transparency and controllability of the ECRIS mechanism under the present legal framework. Although ECRIS is designed to reduce the risk of subjective allocation, the public materials reviewed for this article do not disclose, in sufficient detail, the code, the allocation methodology and the applicable exceptions. The resulting concern is one of public transparency and controllability under the present legal framework.

ECRIS has developed through successive versions, with ECRIS IV introducing several changes relevant to the transparency and controllability of judicial case management. In a 2010 statement, the Ministry of Justice explained that ECRIS IV preserved the documents already existing in ECRIS III and introduced, among other changes, a more complex random-allocation function, restrictions on the deletion of certain case-file documents, the possibility of verifying when procedural fields had

²⁵Regulation (EU) 2024/1689 of the European Parliament and of the Council of 13 June 2024 laying down harmonised rules on artificial intelligence, Articles 14, 43–49 and 70–72, and Annex VII, point 5.3, consolidated version of 27 July 2026, available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:02024R1689-20260727>

²⁶Law no. 304/2004 on judicial organization, Article 53(1), in the version applicable before its repeal; Law no. 304/2022 on judicial organization, Article 34(1), current version.

been completed, automatic reporting where the initially allocated judicial panel had been deleted or changed and automated statistical functions²⁷. A further major update, launched in February 2013 in connection with the entry into force of the new Code of Civil Procedure, enabled the system to flag multiple cases involving the same subject matter, the same claimant names and the same personal identification numbers, allowing the competent court staff to examine possible attempts to manipulate random allocation²⁸.

ECRIS V represents a further development of the case-management infrastructure rather than merely a minor update of ECRIS IV. Official institutional information describes the implementation of a new ECRIS V case-management system for courts and prosecution offices. ECRIS V should therefore be described as a system under development and implementation, while ECRIS IV remains the system whose allocation and transparency features are examined in the present discussion²⁹.

Naturally, this development raises serious questions about the compatibility of automated decision-making with traditional safeguards of due process. The relevant question is whether a case-allocation mechanism is sufficiently transparent and controllable to preserve public confidence in the administration of justice.

Digital tools may assist legal research and the analysis of case-law, but their use does not remove the need for judicial reasoning and applicable legal safeguards. The risk that predictive tools could be treated as a substitute for judicial reasoning should therefore be assessed based on the concrete functionality and safeguards of each system.

A digitized justice system must also account for differences in access to technological resources, connectivity and digital skills among the actors involved, including judges and litigants.

The use of algorithmic mechanisms also requires training enabling judicial actors to understand their operation, assess their limitations and challenge their outputs. Without such capacity, technology risks being used formally, without effective oversight of how it may influence judicial work.

From a fundamental rights perspective, a central issue remains whether concrete digital tools used in the justice system have been subject to a documented ex ante assessment of their potential effects on equality, privacy and effective access to a court. The AI Act is directly applicable in the Member States and does not require transposition in the manner of a directive³⁰. For Romania, the relevant issues include the designation and operationalization of the competent authorities, the

²⁷Ministry of Justice of Romania, official statement concerning the implementation and functionality of ECRIS IV, 2010, exact title, date of publication and official URL.

²⁸Ministry of Justice of Romania, official information concerning the ECRIS update launched in February 2013, exact title, date of publication and official URL.

²⁹European Commission, 2023 Rule of Law Report – Country Chapter on the rule of law situation in Romania, Commission Staff Working Document SWD(2023) 823 final, 5 July 2023, section concerning the implementation of the ECRIS V case-management system, available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:52023SC0823>; see also Romanian Government, written contribution to the European Rule of Law Mechanism, 2024, section concerning ECRIS V, available at: https://commission.europa.eu/document/download/23555ef7-afe9-4d0b-80a3-b909573959bf_en

³⁰Regulation (EU) 2024/1689, Article 113.

adoption of any necessary national implementing measures and the application of the Regulation to concrete systems.

Under Article 6(2) of the AI Act, read in conjunction with Annex III, point 8(a), an AI system intended to be used by a judicial authority, or on its behalf, to assist in researching and interpreting facts and law and in applying the law to a concrete set of facts is classified as high-risk, subject to the exception provided by Article 6(3)³¹. Article 6(3) excludes from the high-risk classification certain systems referred to in Annex III where the provider documents that they do not pose a significant risk of harm to health, safety or fundamental rights, including because they do not materially influence the outcome of decision-making. Accordingly, neither the use of a digital tool in the justice system nor its influence on case allocation automatically results in a high-risk classification. The assessment must first establish whether the concrete functionality qualifies as an AI system under Article 3(1) of the Regulation and must then consider its specific intended purpose, its relationship with Annex III and any applicable exclusion³².

ECRIS should therefore not be characterized as an AI system solely based on its automated case-management functions. The public materials examined here do not provide sufficient technical documentation to determine whether any ECRIS functionality qualifies as an AI system under the AI Act or, if so, falls within a high-risk category. For already implemented applications, including the case-management system or tools used for sorting repetitive requests, the materials reviewed for this article do not disclose whether documented assessments have been conducted concerning their effects on equality, privacy or effective access to a court.

Although the Constitutional Court has referred to periodic external auditing of the computerized random-allocation system, the materials reviewed for this article do not disclose the methodology or findings of such audits. The relevant transparency concern is therefore not the absence of an audit mechanism as such, but the limited public availability of information concerning the audit process and its results. In particular, the public materials reviewed for this article do not disclose whether the ECRIS allocation mechanism has been independently assessed about the scope and methodology of the random-allocation process or its vulnerability to manipulation³³.

Moreover, limited explainability and reviewability in algorithmic decisions can create systemic risks. Without integrating appropriate safeguards — such as traceability logs, ethical reviews and human oversight — the Romanian judiciary may remain exposed to structural biases embedded in digital tools.

Ensuring that the implementation of ECRIS V and any subsequent ECRIS developments comply with the applicable legal and institutional safeguards should be treated as a legal and ethical priority, not merely as a technical upgrade. If a particular ECRIS functionality qualifies as an AI system and falls within a high-risk category under the AI Act, the corresponding obligations must also be assessed and applied. Transparency reports, stakeholder consultations, and judicial user training

³¹Regulation (EU) 2024/1689, Article 6(2) - (3) and Annex III, point 8(a).

³²Regulation (EU) 2024/1689, Articles 3(1) and 6(2) - (3), Annex III, point 8(a).

³³Constitutional Court of Romania, Decision no. 33/2018, passages referring to the periodic external auditing of the computerized random-allocation system.

should accompany any implementation that touches upon fundamental rights. For this reason, the discussion should focus on whether the current Romanian framework offers sufficient guarantees of human oversight, traceability and effective review.

Artificial Intelligence and Digitalisation of Public Administration in Romania

When we talk about the digitization of administration in Romania, the image of a modern state often comes to mind, where everything is solved quickly online, without unnecessary travel, queues or lost papers. It is a beautiful image, often found in official strategies and plans. But if we descend from the pages of these documents into everyday life, things get complicated. Citizens encounter a much more varied reality: with well-intentioned but unevenly implemented initiatives, with old obstacles and solutions that do not reach everywhere.

An example often invoked is the Ghișeul.ro platform. The Guide to the Digitalisation of Public Institutions, published by the Ministry of Research, Innovation and Digitalisation, identifies Ghișeul.ro among the digital solutions relevant to the provision of public services. However, the guide does not by itself establish that the platform reduced bureaucracy, that it is used uniformly in communes and small towns, or that digital public services are universally accessible³⁴.

According to the 2024 Digital Decade data presented by the Authority for the Digitalisation of Romania, Romania's score for the digitalisation of essential public services increased by 20.2%, compared with an increase of 3.6% at EU level. The score for the online provision of essential cross-border public services increased by 45.1% in Romania, compared with 4.3% at EU level. These figures indicate progress in the relevant indicators, although they do not by themselves establish that digital public services are uniformly accessible throughout the country³⁵.

Romania has no shortage of digital projects. On the contrary, it has a few initiatives, many of them supported by European funds, that show that the will to modernize exists. But profound transformation is delayed. And the obstacles are largely the same: norms that do not match each other, platforms that do not communicate and an institutional culture that is sometimes afraid of the new. As the specialized literature also notes, digitalisation cannot advance in the absence of a coherent framework and a real administrative reform.

Digitalisation does not just mean servers and applications. It also means people who know how to use them. The National Agency of Civil Servants established a

³⁴ Ministry of Research, Innovation and Digitalisation, Guide to the Digitalisation of Public Institutions, July 2024, available at: https://www.mcid.gov.ro/wp-content/uploads/2024/07/20240702_Ghidul_Digitalizarii.pdf.

³⁵ European Commission, State of the Digital Decade 2024, COM(2024) 260 final, 2 July 2024, including the Romania country data in the annexes, available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:52024DC0260>; Authority for the Digitalisation of Romania, "Progrese semnificative în digitalizarea României", available at: <https://adr.gov.ro/articole/progrese-semnificative-in-digitalizarea-romaniei>.

target of training 32,500 public servants in digital skills by June 2026. In June 2026, the Agency reported that the target had been exceeded³⁶.

The differences between regions are hard to ignore because the imbalance generates inequalities. If the state does not actively intervene to correct them, there is a risk of creating a digital administration that excludes precisely the most vulnerable. As research in the field has shown, digital inequality can become a fundamental rights issue.

The European Commission's 2024 country assessment described Romania's performance in digital public services as low and highlighted ongoing efforts to establish a governmental cloud and an interoperability portal and framework. Platforms such as Ghișeul.ro provide forms of digital interaction with public administration, but these developments do not by themselves establish system-wide interoperability or a comprehensive framework for the governance of artificial intelligence in public administration³⁷.

From a normative standpoint, digital governance refers not only to the use of information technologies in public institutions, but also to the legal and ethical structures that ensure transparency, accountability, and inclusion in these processes. When AI is deployed in administrative decision-making - such as in automated tax scoring, citizen profiling or social-benefit eligibility - some uses may fall within high-risk categories under Article 6 and Annex III, while others may be subject to different obligations or fall outside a particular obligation of the Regulation, depending on the system's intended purpose and design. Where high-risk classification applies, the Regulation establishes requirements including risk management, data governance, technical documentation, record-keeping and human oversight, alongside other applicable safeguards. From this perspective, the challenge is not merely technical, but one of governance. Regulating artificial intelligence becomes a balancing act between the need for modernization and the obligation to protect citizens from unintended or unfair consequences³⁸.

Romania's framework for algorithmic transparency in public administration remains under development. The materials reviewed for this article do not establish the existence of a comprehensive Romanian public registry covering all AI systems used in public administration. The practical risks therefore concern not only the availability of digital services, but also the ability of persons with limited digital skills, access or procedural literacy to understand and use them effectively.

³⁶National Agency of Civil Servants, "Dezvoltarea competențelor digitale", including the target of 32,500 trained public servants, available at: <https://www.anfp.gov.ro/proiecte/proiecte-in-implementare/proiecte-pnrr/proiecte-pnrr-lista/dezvoltarea-competentelor-digitale/>; National Agency of Civil Servants, "ANFP, finalistă în competiția European Digital Skills Awards 2026", 3 June 2026, available at: <https://www.anfp.gov.ro/anunturi/anfp-finalista-in-competitia-european-digital-skills-awards-2026/>.

³⁷European Commission, State of the Digital Decade 2024, COM(2024) 260 final, 2 July 2024, Romania country section, available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:52024DC0260>; see also Authority for the Digitalisation of Romania, "Progrese semnificative în digitalizarea României", available at: <https://adr.gov.ro/articole/progrese-semnificative-in-digitalizarea-romaniei>.

³⁸Regulation (EU) 2024/1689 of the European Parliament and of the Council of 13 June 2024 laying down harmonised rules on artificial intelligence, Articles 6, 9–15 and Annex III, consolidated version of 27 July 2026, available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:02024R1689-20260727>.

These challenges require not only technical investment but also the operational implementation and enforcement of the AI Act, supplemented where necessary by national institutional and procedural measures.

Artificial Intelligence in Education: between Potential and Caution

Education has not remained immune to the wave of transformations brought by digitalisation and, more recently, artificial intelligence.

In Romania, the introduction of AI into the educational process raises questions that concern both technological opportunities and pedagogical safeguards. The experience of the COVID-19 pandemic also showed that the digitalisation of education must be assessed together with access, infrastructure and the capacity of schools and families to use digital tools effectively.

A first aspect worth discussing is how Romanian schools adapted to the rapid shift towards digital learning during the COVID-19 pandemic. In 2020, the physical closure of educational institutions required schools and families to use digital learning tools on a large scale. European policy reporting identified the lack of suitable digital devices and unequal online-learning conditions as material barriers to distance education. These issues are relevant to the Romanian context, but the specific magnitude of the Romanian participation gaps should be stated only based on a Romanian source³⁹.

Potential uses of AI in education include automated feedback, adaptive learning and administrative support. Their use raises distinct questions concerning educational quality, data protection, human oversight and the assessment of possible effects on students. Any reference to a specific Romanian pilot project, its results or its non-expansion should be retained only if the project documentation is identified by its exact title, institution, date and official source.

Deeper than the technology issue, however, is the question: what kind of education do we want to build with the help of AI? If we view AI only as a tool for efficiency – less paper, fewer hours to correct – we risk losing sight of the human stakes of education: the formation of critical thinking, the cultivation of empathy, the development of creativity. However, these dimensions cannot be taught by algorithms. Can AI be an ally in learning? Of course. But it must remain an ally, not a substitute.

Another sensitive aspect concerns access. If AI tools are introduced in an educational environment in which access to devices, connectivity and digital skills differs between schools and students, they may deepen existing inequalities. Any assessment of the Romanian situation should therefore distinguish between

³⁹European Commission, Commission Staff Working Document accompanying the proposals for a Council Recommendation on enabling factors for successful digital education and training, SWD(2023) 205 final, 18 April 2023, available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:52023SC0205>; European Commission, Commission Staff Working Document accompanying the Digital Education Action Plan 2021–2027, SWD(2020) 209 final, 30 September 2020, available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:52020SC0209>.

documented differences in access and the broader risk of creating a two-speed education system.

The introduction of AI also requires teachers to receive training enabling them to understand the operation, limitations and educational implications of the tools used. Without adequate institutional support and continuing professional development, the benefits of AI may be distributed unevenly among schools and students.

Finally, an essential question concerns the protection of student and teacher data. AI-enabled educational applications may process personal data and, depending on their functionality, may raise issues concerning profiling, biometric data or the inference of emotional states. Their use must therefore be assessed under the applicable data-protection, education and artificial-intelligence rules. The AI Act prohibits certain emotion-recognition practices in educational institutions and classifies certain AI uses in education as high-risk, depending on their intended purpose and functionality⁴⁰.

Overall, AI in education can bring real progress – personalization of learning, administrative efficiency, prediction of learning difficulties. But for these benefits not to turn into new forms of exclusion, we need four fundamental conditions: (1) continuous training of teachers, (2) investment in rural digital infrastructure, (3) clear regulations on data protection and (4) involvement of students and parents in decisions on digitalisation.

Education is not a testing ground for technologies. It is, above all, a space of the human. Artificial intelligence can help the school, but it must not redefine it. And the lesson of the pandemic has shown us clearly: without equity, without dialogue and without respect for the role of the teacher, no platform, no matter how “smart” it may be, will succeed in educating a society.

The use of digital education tools during and after the COVID-19 pandemic has raised questions concerning the conditions under which AI-powered systems may be introduced in education. Tools such as automated assessment, administrative chatbots and adaptive learning systems require a case-by-case assessment of their functionality, data processing, educational effects and applicable legal safeguards.

Where such tools are used in Romania, schools and providers should clearly inform students and parents, where applicable, about the purposes of the processing, the role of the system in the educational process, the applicable safeguards and the possibility of meaningful human intervention. These requirements are relevant to informed consent, equal treatment and the dignity of learners.

The existence of strategic documents on artificial intelligence and digitalisation does not by itself establish a fully operational framework for assessing the impact of AI on learning. Without effective assessment and oversight, digital education may deepen existing inequalities and reduce students to behavioural data points, thereby affecting their autonomy and access to a holistic education⁴¹.

⁴⁰Regulation (EU) 2024/1689 of the European Parliament and of the Council of 13 June 2024 laying down harmonised rules on artificial intelligence, Article 5(1)(f), Article 6 and Annex III, point 3, consolidated version of 27 July 2026, available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:02024R1689-20260727>.

⁴¹Ministry of Research, Innovation and Digitalisation, National Strategy on Artificial Intelligence 2024–2027, July 2024, available at: https://www.mcid.gov.ro/wp-content/uploads/2024/07/20240723_SNIA_2024-2027.pdf; Regulation (EU) 2024/1689, Articles 5–6 and Annex III, consolidated

The discussion on the regulation of artificial intelligence in Romania is no longer just a theoretical exercise, but a practical urgency. Although the European framework, including the AI Act⁴², provides clear directions, implementing these requirements in the national context is not a mechanical operation. It involves a deep understanding of institutional realities, structural vulnerabilities and, above all, administrative limits.

Romania is required to apply a European framework governing one of the most technologically demanding areas, while also adapting that framework to its own institutional and administrative arrangements. That is precisely why normative proposals on AI must start from a simple but essential principle: regulation is not about technology, but about people.

A first possible direction would be to strengthen the national institutional structure for monitoring artificial intelligence systems, including through an independent or functionally independent component where appropriate. This institution should have supervisory, advisory and intervention powers in cases of systemic risk – like the existing models for data protection (ANSPDCP) or for competition (Competition Council). Unlike these, however, the authority for AI would have a transdisciplinary profile, including specialists in law, ethics, technology, but also representatives of civil society.

Secondly, regulation should consider the gradual and adaptive nature of technological development. Proposing rigid, universalist legislation, with provisions that are difficult to update, risks quickly becoming outdated. Therefore, a viable solution would be to adopt flexible framework legislation, accompanied by good practice guides developed periodically, with the participation of the actors involved (public institutions, academia, NGOs, private sector). However, such flexibility must remain bounded by clear statutory minimum standards, transparent criteria and legally reviewable obligations, so that essential safeguards are not left to soft law or administrative discretion. The aim is not to replace law with guidelines, but to combine adaptive legislative architecture with binding core requirements. In this way, regulation could evolve in step with reality, without remaining stuck in fixed definitions or technocratic metaphors.

A concrete example of this would be the introduction of minimum obligations for all public authorities using AI systems: the obligation to publish the description of the algorithm used (where possible without infringing intellectual property rights), to carry out impact assessments on fundamental rights and to ensure human intervention in all automated decisions that adversely affect a person. These requirements – inspired by the AI Act – could be detailed through ministerial orders or government decisions, without the need for major legislative amendments.

Another proposal, this time of an educational and ethical nature, aims to introduce a mandatory component of digital and algorithmic literacy in professional training programmes in administration, justice, education and health. Without a

version of 27 July 2026, available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:02024R1689-20260727>.

⁴²Regulation (EU) 2024/1689 of the European Parliament and of the Council of 13 June 2024, Articles 5–6, 14 and Annex III, consolidated version of 27 July 2026, available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:02024R1689-20260727>

minimum basis for understanding how algorithmic systems work, the ability of professionals to identify discrimination, decisional opacity or systemic error may remain limited.

Regarding the protection of vulnerable categories, special attention is needed in the regulation of AI applications used in sensitive areas such as education, social assistance or employment. For example, any algorithm that decides or influences the granting of a social benefit should be subject to a double assessment: technical (regarding its accuracy and robustness) and social (regarding the possible reproduction of pre-existing inequalities). This avoids technology becoming just a “cold mirror” of already existing discriminations.

In the medium term, Romania could adopt a “regulatory sandbox” model for re-sponsible innovation. Such a mechanism could allow the controlled testing of AI solutions within a supervised legal and institutional framework. The advantage is twofold: innovation is not blocked by rigid regulations, and the state actively learns about risks and good practices. Such a sandbox could operate under the aegis of an ARACIS-type institution for digital education or in partnership with academia and technology incubators.

Finally, it is essential that AI regulation in Romania includes clear mechanisms for transparency and public participation. Because the design and implementation of digital policies may affect different groups in different ways, public participation should be treated as an important safeguard of legitimacy and accountability. Therefore, any draft regulatory act on AI should be subject to a genuine public debate, accompanied by impact analyses and intersectoral consultations. Not only experts must have a say, but also those directly affected by these technologies: teachers, students, civil servants, beneficiaries of public services, people with disabilities.

In conclusion, the regulation of artificial intelligence in Romania should not be a purely technological approach, nor a simple formal alignment with EU standards. It is, rather, an opportunity to redefine the social contract in a digital age. If AI is the mirror of a society, then the quality of its regulation will reflect not only the technological maturity of the state, but also its democratic maturity. And Romania has, precisely here, the chance to become not just a beneficiary, but a regional model of ethical, responsible and inclusive regulation of new technologies. Inevitably, the regulation of AI in Romania must be viewed in the context of an administrative culture of responsibility and prudence. It is not enough to import European mechanisms; they must be calibrated, internalized and adapted. Therefore, a national strategy on AI and human dignity is needed, developed with the active participation of all relevant actors. This should contain clear objectives, evaluation indicators, sectoral plans (education, justice, health, administration), a realistic implementation calendar and sanction mechanisms in case of non-compliance with the rules.

Romania can build its AI policy on existing European obligations, national strategic documents and the expertise developed by public institutions, academia and civil society. For AI regulation not to remain merely a policy aspiration, institutional capacity, democratic responsibility and a human-centred vision are needed. But for AI regulation to not remain just a conference topic, institutional courage, democratic responsibility and a human-centred vision are needed. Technology is a means; human dignity must remain the goal.

Ethics of Dialogue: How to Build Trust in Digital Governance

Participatory ethics is not only a theoretical formula, but a practical necessity in AI governance. Artificial intelligence develops within society and influences choices, behaviour patterns and decision-making processes. It involves more than symbolic consultations or online questionnaires; it requires a deliberative process in which citizens' voices become part of the regulatory framework that governs technology.

Universities also have a key role in shaping participatory ethics. Beyond training specialists in artificial intelligence, they should remain spaces for reflection on consequences, interdisciplinary collaboration and critical debate. Through research and public engagement, academia can help develop ethical standards, identify risks ignored by industry or policymakers, and act as a democratic watchdog in algorithmic governance. This requires collaboration between computer science, law, philosophy, sociology and political science.

The AI Act establishes Union-level governance structures and provides for the participation and advice of relevant stakeholders in the development and implementation of the Union framework for artificial intelligence. It therefore supports a human-centred approach to AI governance, but it does not establish a general obligation to involve citizens in every testing, validation or monitoring process concerning an AI system⁴³. The practical scope of public participation depends on the applicable legal framework and institutional arrangements. In Romania, the existence and quality of public consultation should be assessed based on the specific policy or regulatory process concerned.

When decisions that influence people's lives are made by systems that are not well understood by those affected, mistrust arises. Artificial intelligence then risks being perceived less as a helping technology and more as a mechanism of control.

Participatory ethics is not just about being informed. It means having places where people can speak openly, platforms to have their say, and real collaborations between those who create the systems, authorities and vulnerable communities. Finland's AuroraAI project provides a relevant example of a public-sector initiative aimed at promoting the use of artificial intelligence in public services⁴⁴. Its participatory features and practical effects should not, however, be generalised without reference to the specific project documentation. Such initiatives could also be adapted in Romania, especially in large digitization projects financed by the PNRR.

At the same time, it is essential that participatory ethics are supported by a coherent institutional infrastructure. It is not enough for civil society to be "invited"

⁴³Regulation (EU) 2024/1689 of the European Parliament and of the Council of 13 June 2024, in particular Articles 65–68 on Union governance and stakeholder advice, and Recitals 27 and 165, consolidated version of 27 July 2026, available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:02024R1689-20260727>; Ministry of Research, Innovation and Digitalisation, Explanatory Note to the draft Government Decision approving the National Strategy on Artificial Intelligence 2024–2027, January 2024, section concerning public consultation, available at: https://www.mcid.gov.ro/wp-content/uploads/2024/01/nota-de-fundamentare-proiect-hg_SN-IA_30.012024.pdf.

⁴⁴European Commission, Finland's National Reform Programme 2023, section on public-sector digitalisation and AuroraAI, available at: https://commission.europa.eu/system/files/2023-04/Finland-NRP-2023_en.pdf.

to the table. Its voice needs to matter. This involves, on the one hand, the formation of multidisciplinary advisory committees and, on the other hand, the development of performance indicators that reflect not only technological efficiency, but also the satisfaction and ethical perception of beneficiaries.

Finally, we cannot talk about a fair regulation of artificial intelligence without an ethical process anchored in social reality. Participatory ethics is not a “normative luxury”, but a condition of democratic sustainability. In an age where algorithmic systems may influence decisions concerning access to social housing or educational grants, the voices of those affected cannot be treated as background noise. On the contrary, they must be transformed into benchmarks for building responsible and inclusive governance.

Conclusion: Dignity as the Limit of AI Governance

There are concepts that no technology, no matter how sophisticated, should call into question. Human dignity is one of them. It is not just a solemn formulation in European treaties or an abstract principle of constitutional law. It is that compass that helps us distinguish between what is technologically possible and what is humanly acceptable.

In this context, dignity becomes the ultimate validation criterion.

The European Union has tried to answer these questions through the AI Act, introducing risk criteria and guiding principles. This article has shown that, in the Romanian context, the decisive issue is not the absence of EU rules, but the gap between formal compliance with the Regulation and effective institutional implementation. Its contribution lies in demonstrating that the protection of human dignity depends not only on the text of the AI Act, but also on administrative capacity, transparency and genuine oversight at national level.

In Romania, the discussion of dignity in relation to AI is still at an early stage. But between an online form and an algorithm that decides whether a child is entitled to a scholarship, there is a difference of nature, not just of degree. Any use of AI that can influence a person's life should be subjected to a test of dignity: does it respect the person or reduce them to a score?

The solutions are not simple, but they are possible. We can introduce ethical assessments before the deployment of AI systems, with the direct involvement of the persons affected. We can require appropriate conformity assessment, monitoring and independent review mechanisms for high-risk systems, where provided for by the applicable legal framework. We can demand real transparency, not only through documents, but also through accessible and easy-to-understand interfaces.

We may never be able to define exhaustively what it means to respect human dignity in the age of algorithms. But it is precisely this uncertainty that compels us to be cautious. We cannot let this line be drawn exclusively by engineers, lawyers or bureaucrats. It must be drawn together, with lucidity, empathy and a deep understanding of the fact that every regulation, every decision and every omitted question leave a mark on reality.

Bibliography

- Aït-Bouziad, I., Raji, I. D., & Buolamwini, J. (2023) Accountability for AI under the Law: The Role of Participatory Auditing. *AI & Society*.
- Boura, M. (2024) The Digital Regulatory Framework through EU AI Act. *Athens Journal of Law*, Volume 10, Issue 3, July 2024, pp. 385-398, <https://www.athensjournals.gr/law2024-10-3-8-Boura.pdf>
- Eubanks, Virginia (2018) *Automating Inequality: How High-Tech Tools Profile, Police, and Punish the Poor*. New York: St. Martin's Press.
- European Commission (2021) Commission Staff Working Document SWD(2021) 84 final: Impact Assessment accompanying the Proposal for a Regulation laying down harmonised rules on artificial intelligence. Brussels, 21 April 2021. Available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:52021SC0084>.
- European Commission (2022) *Ethics Guidelines for Trustworthy AI*.
- European Commission (2023) *Finland's National Reform Programme 2023, section concerning public-sector digitalisation and AuroraAI*. Available at: https://commission.europa.eu/system/files/2023-04/Finland-NRP-2023_en.pdf.
- European Commission (2024) *Digital Economy and Society Index (DESI): Romania Country Report*.
- European Commission (2024) *Digital Education Action Plan – Monitoring Report*.
- European Commission (2025) State of AI Readiness in Member States: Country Dashboard.
- European Court of Human Rights. *Pretty v. UK*, Application no. 2346/02 (2002).
- European Parliament and Council of the European Union (2024) 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) 2018/858, (EU) 2018/1139 and (EU) 2019/2144 and Directives 2014/90/EU, (EU) 2016/797 and (EU) 2020/1828. Official Journal of the European Union, L 2024/1689, 12 July 2024. Available at: <https://eur-lex.europa.eu/eli/reg/2024/1689/oj/eng>.
- European Union (2012) Charter of Fundamental Rights of the European Union. *Official Journal of the European Union*, C 326, 26 October 2012, pp. 391–407. Available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:12012P/TXT>.
- Fiorino, D. J. (1990) Citizen participation and environmental risk: A survey of institutional mechanisms. *Science, Technology, & Human Values*, Volume 15, Issue 2, <https://doi.org/10.1177/016224399001500204>
- Floridi, L. (2019) Establishing the rules for building trustworthy AI. *Nature Machine Intelligence*, 1(6), 261–262.
- Floridi, L. (2023) Ethics, Democracy and AI Governance. *Minds and Machines*. DOI: 10.1007/978-3-030-81907-1
- Floridi, L., & Cows, J. (2019) A Unified Framework of Five Principles for AI in Society. *Harvard Data Science Review*, 1(1). <https://doi.org/10.1162/99608f92.8cd550d1>.
- Habermas, J. (1996). *Between Facts and Norms: Contributions to a Discourse Theory of Law and Democracy*. MIT Press.
- Law no. 2016-1321 (France) on the Digital Republic.
- McCrudden, Christopher (2008) Human Dignity and Judicial Interpretation of Human Rights. *European Journal of International Law*, 19(4), 655–724. Available at: <https://academic.oup.com/ejil/article/19/4/655/421093>.
- Pihlajamaa, M., Ruohonen, J., & Hyrynsalmi, S. (2020) AuroraAI: Building a Human-Centric AI-Powered Public Administration in Finland. *Government Information Quarterly*.

- Sarra, C. (2025) Artificial Intelligence in Decision-making: A Test of Consistency between the EU AI Act and the GDPR. *Athens Journal of Law*, Volume 11, Issue 1, January, pp. 45-62, <https://www.athensjournals.gr/law/2025-11-1-3-Sarra.pdf>
- Smuha, E. (2021) Artificial Intelligence for a Better Future: An Ecosystem Perspective on the Ethics of AI and Emerging Digital Technologies. *Springer*. <https://doi.org/10.1007/978-3-030-69978-9>.
- Stahl, B. C. (2021) *Artificial Intelligence for a Better Future: An Ecosystem Perspective on the Ethics of AI and Emerging Digital Technologies*. Springer Publishing Company, <https://doi.org/10.1007/978-3-030-69978-9>
- UNESCO (2023). AI and the Futures of Learning: Policy Guidance for Education Systems Worldwide
- United Nations (1948) Universal Declaration of Human Rights. Adopted by General Assembly resolution 217 A (III) of 10 December 1948. Available at: <https://www.ohchr.org/en/human-rights/universal-declaration/translations/english>.
- Veale, Michael, & Borgesius, Frederik Zuiderveen (2021) Demystifying the Draft EU Artificial Intelligence Act: Analysing the Good, the Bad, and the Unclear Elements of the Proposed EU Regulation. *Computer Law Review International*, 22(4), 97–112. <https://doi.org/10.9785/cr-2021-220402>.
- Wachter, S., Mittelstadt, B., & Floridi, L. (2021). Why Fairness Cannot Be Automated: Bridging the Gap Between EU Non-Discrimination Law and AI. *Computer Law & Security Review*, 35(4), 105-110.
- Zuboff, Shoshana (2019) *The Age of Surveillance Capitalism: The Fight for a Human Future at the New Frontier of Power*. New York: PublicAffairs, <https://www.hbs.edu/faculty/Pages/item.aspx?num=56791>

Legislation, Case Law and Official Institutional Sources

- Law no. 304/2004 on judicial organisation, Article 53(1), version applicable to the period discussed.
- Law no. 304/2022 on judicial organisation, Article 34(1), official version consulted.
- Constitutional Court of Romania, Decision no. 33/2018, official version consulted.
- Law no. 2016-1321 (France) on the Digital Republic.
- Code des relations entre le public et l'administration, Articles L. 311-3-1 and R. 311-3-1-1, official version consulted.
- ANCOM, "Regulamentul privind inteligența artificială în România – stadiul actual al cadrului de implementare", 24 July 2026, available at: <https://www.ancom.ro/despre-noi/media/comunicate-de-presa/regulamentul-privind-inteligenta-artificiala-in-romania-stadiul-actual-al-cadrului-de-implementare/>.