

State Liability for Errors in AI-Assisted Lawmaking: Toward a Responsible Human Deputy Model for Constitutional and Administrative Accountability

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Abstract

This article examines the constitutional and administrative foundations of state liability for harm arising from the use of artificial intelligence (AI) in lawmaking and public regulatory processes. It argues that AI does not displace state responsibility or confer independent legal responsibility upon an algorithm. Rather, AI-assisted lawmaking requires enhanced human oversight, legal verification, traceability, documentation, and reasoned approval. Using a doctrinal, comparative, and policy-oriented methodology, with particular emphasis on Jordan and the European Union, the article examines whether traditional requirements of fault, damage, and causation remain applicable in algorithmic environments. It proposes the Responsible Human Deputy (RHD) as a designated human official responsible for reviewing and approving or rejecting AI-generated legal outputs. It further proposes an Algorithmic Decision Log (ADL) to document the AI-assisted decision process. The article argues that RHD and ADL can strengthen attribution, evidence, and judicial accountability without creating independent legal personality or liability for AI systems.

Keywords: State Liability; Artificial Intelligence; AI-Assisted Lawmaking; Responsible Human Deputy; Human Oversight; Algorithmic Transparency; Algorithmic Decision Log; Jordan; European Union.

1. Introduction

Artificial intelligence (AI) is increasingly being integrated into governmental and legal processes. Public authorities may employ AI systems for legal research, classification of legal materials, identification of inconsistencies, comparative analysis, drafting assistance, regulatory impact assessment, and the preparation or revision of legal and administrative texts. These developments create significant opportunities for improving administrative efficiency and the quality of legal drafting, but they also generate difficult questions concerning legality, accountability, attribution, and state liability.

The central legal difficulty arises when an AI-assisted process contributes materially to the formulation of a legal or regulatory text that is subsequently adopted by a competent public authority and causes harm. In such circumstances, responsibility may potentially involve several actors, including the public authority, officials participating in the process, technical personnel, AI developers, and service providers. The existence of multiple technological and institutional participants may make it difficult to identify the source of a legally relevant error and, more importantly, to establish the causal relationship between the error and the resulting harm. 1

The increasing use of AI in lawmaking does not, however, imply that the traditional principles of public-law responsibility have become obsolete. AI does not possess legislative or administrative competence merely because it is capable of producing sophisticated legal language. Nor does the generation of a legal text by an algorithm transfer legal authority from a constitutionally or statutorily competent institution to a technological system. 2

The European Union's regulatory approach illustrates this principle. The EU Artificial Intelligence Act incorporates requirements relating to human oversight and the logging and traceability of certain AI systems. 3 These requirements demonstrate an emerging regulatory understanding that algorithmic systems must remain embedded within identifiable institutional and human structures of responsibility.

The principal argument of this article is therefore that AI-assisted lawmaking should be understood as a form of technologically supported public decision-making rather than autonomous machine lawmaking. Consequently, the use of AI does not displace state responsibility. Instead, it changes the content of the duty of care owed by public authorities by requiring appropriate system selection, supervision, verification, documentation, risk assessment, and meaningful human review.

Against this background, the article proposes two complementary institutional mechanisms. The first is the Responsible Human Deputy (RHD), namely a designated human official responsible for meaningful legal and constitutional review of AI-generated or AI-assisted legal outputs. The second is the Algorithmic Decision Log (ADL), a structured documentary record designed to preserve the relevant stages of the AI-assisted process.

The originality of the article does not lie in claiming that human oversight or algorithmic logging are entirely novel concepts. Both are increasingly recognised in contemporary AI governance. Rather, the contribution lies in connecting these mechanisms specifically to AI-assisted lawmaking and public regulatory action. The RHD addresses the problem of attribution, while the ADL addresses the problem of proof and traceability.

The proposed model does not create independent legal personality for AI systems, nor does it transfer state responsibility to an individual official. Instead, it seeks to preserve the traditional principle that legally consequential public action must remain attributable to a competent public institution while providing clearer mechanisms for identifying the human and documentary chain through which AI-assisted outputs are transformed into legally effective governmental action.

2. Research Problem, Questions, Objectives and Methodology

2.1 Research Problem

The research problem concerns the application of traditional principles of state liability where AI materially contributes to the formulation of legal or regulatory norms and the resulting governmental action causes harm.

Traditional public-law liability generally requires consideration of elements such as unlawful conduct or fault, damage, and causation. AI-assisted processes complicate each of these elements because the relevant decision may result from interaction between an algorithmic system and several human and institutional actors.

The principal research question is:

To what extent can traditional principles of state liability apply to AI-assisted lawmaking, and how can structured human oversight and algorithmic documentation strengthen constitutional and administrative accountability?

This question gives rise to several subsidiary questions:

1. How should fault and the public authority's duty of care be understood when AI contributes to legal drafting?
2. Can technical error be distinguished from legally attributable administrative fault?
3. How should causation be established where an AI-generated output passes through several stages of human review and institutional approval?
4. What role should meaningful human oversight play in preserving public accountability?
5. Can an identifiable human official serve as an institutional accountability point without becoming automatically personally liable?
6. How can algorithmic documentation assist courts and administrative review bodies in reconstructing the decision-making process?
7. What lessons can be drawn from the European Union for the development of a Jordanian framework?

2.2 Research Objectives

The article seeks to:

- clarify the legal foundations of state responsibility in AI-assisted lawmaking;
- examine the continuing relevance of fault, damage and causation;
- identify the implications of AI for the public authority's duty of care;

- distinguish technical error from legally attributable governmental fault;
- examine the constitutional and administrative requirements of meaningful human oversight;
- develop the RHD as an institutional accountability mechanism;
- develop the ADL as a traceability and evidentiary mechanism;
- analyses the Jordanian legal and institutional environment;
- compare the proposed model with relevant developments in EU AI governance; and
- formulate recommendations for integrating AI into public legal processes without undermining constitutional and administrative accountability.

2.3 Methodology

The article adopts a doctrinal, analytical, comparative and policy-oriented methodology. The doctrinal analysis examines principles of public-law liability, administrative legality, human oversight and algorithmic governance. The comparative dimension focuses particularly on the European Union and Jordan. The policy-oriented analysis considers how existing institutional structures can be adapted to AI-assisted governmental action without creating unnecessary autonomous legal regimes for AI systems.

The proposed RHD and ADL are normative proposals. They are not presented as existing institutions under Jordanian law.

3. Literature Review and Research Gap

The emerging literature on AI and lawmaking can broadly be divided into several interconnected areas.

The first concerns the use of generative AI in legislative and parliamentary processes. Bresciani and Palmirani examine the constitutional opportunities and risks associated with AI in lawmaking, highlighting the need to preserve constitutional principles when technological tools become involved in legal production.⁴ More recent work on parliamentary practice demonstrates that generative AI is increasingly relevant to drafting and legislative work, while retaining the importance of human control over the final legal text.⁵

The second body of literature concerns liability for harm caused by AI. Abdel Hamid examines administrative liability arising from AI systems in public services and links technological deployment to legality and transparency requirements.⁶ Qadan and Irehaie Hatamleh examine civil liability and risk allocation in generative AI, while Smith and others analyse the application of existing liability principles to AI-related harm.⁷

A third strand concerns human oversight. The EU AI Act provides an important regulatory reference point by requiring appropriate human oversight for specified high-risk AI systems. 8 Recent scholarship concerning state liability and human-in-the-loop arrangements likewise emphasises the continuing relevance of human intervention in determining public responsibility.⁹

A fourth strand concerns judicial and constitutional accountability in algorithmic administration. Ameen and others examine judicial review of algorithmic administrative systems and emphasise the importance of considering not only final outcomes but also underlying design, data, objectives and oversight arrangements. 10 Lucchi develops a broader constitutional accountability framework for algorithmic governance. 11

Finally, scholarship has considered whether AI systems should be understood as actors within public governance. Crawford and Schultz, for example, examine AI systems in relation to state action and legal accountability. 12

Despite these developments, a specific institutional gap remains. Existing literature generally discusses human oversight, algorithmic accountability, state liability, algorithmic administration and AI-assisted lawmaking as related but distinct questions. Less attention has been given to their integration into a single accountability architecture specifically designed for AI-assisted lawmaking.

This article addresses that gap through a combined model:

RHD = institutional attribution and meaningful human responsibility

ADL = documentary traceability and evidentiary reconstruction

The combination is intended to respond to two distinct legal problems: identifying where institutional responsibility rests and establishing what actually occurred during the AI-assisted process.

4. Conceptual and Legal Foundations of State Liability in AI-Assisted Lawmaking

4.1 Fault and the Changing Duty of Care

The use of AI does not eliminate the concept of fault. Instead, it may modify what constitutes reasonable administrative care.

A public authority using AI in a legally consequential process should reasonably be expected to consider the suitability and reliability of the system, the purpose for which it is deployed, its known limitations, the quality of relevant data, cybersecurity and confidentiality requirements, mechanisms for detecting errors, and the availability of meaningful human review.¹³

Consequently, fault may arise where an authority:

- selects an unsuitable AI system;

- deploys a system outside its appropriate operational context;
- ignores known limitations;
- fails to implement adequate safeguards;
- fails to provide competent human oversight;
- ignores system warnings;
- approves AI-generated legal content without appropriate verification; or
- fails to maintain legally necessary records of the decision-making process.

The relevant question is therefore not simply whether the AI system made an error. The legal question is whether the public authority complied with the level of care reasonably required in the circumstances.

4.2 Technical Error and Legal Attribution

A technical error should not automatically be equated with legal fault.

AI systems may produce inaccurate, incomplete or inappropriate outputs even when used in accordance with established procedures. Such an outcome does not, by itself, establish administrative liability.

The analysis should distinguish among:

1. an unforeseeable technical error despite reasonable safeguards;
2. a foreseeable system limitation that was properly managed;
3. an error resulting from inadequate system selection;
4. an error associated with inadequate supervision;
5. a warning or anomaly that was ignored;
6. an error introduced or maintained through inadequate human review; and
7. an error incorporated into a legally effective governmental decision without meaningful verification.

This distinction prevents the emergence of automatic liability merely because AI was involved while simultaneously preventing public authorities from using AI as a shield against accountability. 14

4.3 Damage

The existence of an erroneous AI output does not necessarily establish legally compensable damage.

If an AI-generated draft is rejected before producing legal effects, the event may demonstrate a governance deficiency without necessarily producing compensable harm. By contrast, where an AI-assisted error is incorporated into an enforceable legal or administrative measure and adversely affects rights, obligations, property, equality or legitimate interests, the question of damage becomes materially different.

Accordingly, liability analysis should distinguish between:

AI error → governance failure

and

AI error → legally effective governmental action → actual damage.

The second chain is more directly relevant to compensatory state liability.

4.4 Causation

Causation is particularly complex in AI-assisted lawmaking because the process is usually sequential rather than technologically autonomous.

A useful analytical chain is:

AI system → AI-generated output → human review → modification/acceptance → institutional approval → legal effect → harm.

The presence of several intervening human decisions does not necessarily eliminate causation. Rather, the court or reviewing authority must determine whether the relevant human and institutional acts constitute independent intervening causes, corrective interventions, or components of a continuous decision-making process. 15

This is precisely why documentation becomes important. Without a reliable record of the process, establishing causation may become substantially more difficult.

4.5 Risk and Strict Liability

The increasing autonomy and complexity of AI systems may raise arguments for risk-based or strict liability in particular contexts. Nevertheless, there is no general rule under which the mere use of AI automatically creates strict state liability.

A more appropriate approach is risk-sensitive governance. The greater the potential impact of an AI-assisted governmental process on fundamental rights or legally protected interests, the stronger the requirements for testing, human oversight, documentation, security and review should become. 16

4.6 Evidence and Information Asymmetry

AI-assisted governmental processes create a significant information asymmetry.

The public authority may possess records concerning procurement, system configuration and institutional decisions. The responsible official may possess information concerning human review. The provider may possess technical information concerning the model, system architecture and performance. The affected individual may possess little or none of this information.

This asymmetry can create difficulties in judicial review and liability proceedings. A documentary mechanism such as the ADL can therefore serve an important evidentiary function by preserving the relevant chain of events.

4.7 AI and Independent Legal Responsibility

There is no necessary legal reason to attribute independent responsibility to the AI system itself.

AI systems do not need to be recognized as independent legal persons in order to construct an effective liability regime. Responsibility can instead be allocated among existing legal actors according to their respective duties.

The public authority remains responsible for the exercise of public power. Individual officials may have defined professional or statutory duties. Providers may have separate contractual, regulatory or other legal obligations.

This approach avoids the conceptual difficulty of treating AI as a legal subject while preserving meaningful accountability. 17

4.8 Interim Conclusion

Traditional state-liability principles therefore remain applicable, but their procedural and evidentiary application must adapt to algorithmic environments. AI changes the manner in which public decisions are produced; it does not abolish the legal requirement that public power remain attributable, reviewable and accountable.

5. The Responsible Human Deputy Model and Algorithmic Decision Logging

5.1 The Responsible Human Deputy

The proposed Responsible Human Deputy (RHD) is a designated human official within a public authority that uses AI in legally consequential lawmaking or regulatory processes.

The term "Deputy" does not mean that the official acquires legislative competence or replaces the constitutionally competent authority. Rather, it identifies an institutional accountability point within the AI-assisted process.

The RHD should possess:

- appropriate legal competence;
- sufficient technical awareness;

- access to relevant AI-system information;
- authority to request modification or further verification;
- authority to reject or escalate problematic outputs; and
- a legal duty to document material decisions.

The RHD is therefore not intended to become a substitute defendant for the state.

5.2 Formal Designation

The RHD model should be established through an appropriate legal or regulatory instrument defining:

1. the AI systems and processes subject to oversight;
2. the circumstances requiring designation of an RHD;
3. the RHD's legal and professional duties;
4. escalation procedures;
5. documentation requirements;
6. relationships with legal departments and senior decision-makers;
7. review and audit procedures; and
8. the circumstances in which individual responsibility may arise under existing law.

5.3 Functions of the RHD

The RHD should review AI-assisted outputs from several perspectives:

- legal accuracy;
- constitutional compatibility;
- consistency with higher-ranking legislation;
- potential effects on rights and freedoms;
- equality and non-discrimination;
- proportionality;
- legal certainty;
- system warnings or uncertainty;
- factual assumptions;

- necessity for modification, rejection or escalation.

The RHD should not simply sign an AI-generated document. Meaningful human oversight requires actual capacity to understand, question, modify, reject or escalate the output. 18

5.4 Constitutional Review

The RHD's role should be understood as preventive institutional review rather than judicial review.

Where an AI system contributes to the formulation of a legally consequential measure, the RHD should consider whether the proposed text respects:

- constitutional competence;
- separation of powers;
- legality;
- equality;
- proportionality;
- legal certainty;
- fundamental rights; and
- the limits of delegated authority.

The RHD cannot replace a constitutional court or administrative court. Rather, the model adds an internal safeguard before the matter reaches formal institutional approval.

5.5 Administrative Accountability

Designation of an RHD should not automatically transfer state liability to that official.

The distinction between institutional responsibility and personal responsibility is essential. The public authority remains the principal holder and exerciser of public power. An individual official may incur personal responsibility only where a legally recognized duty has been breached under applicable law.

Thus:

RHD designation ≠ automatic personal liability.

Instead:

RHD designation = identifiable institutional accountability + defined professional duties.

5.6 The Algorithmic Decision Log

The proposed Algorithmic Decision Log (ADL) is a structured documentary record of the AI-assisted legal process.

Depending on the nature of the system and the applicable legal framework, the record should include, where appropriate:

- identity of the AI system;
- relevant model or system version;
- responsible public authority;
- identity of the RHD;
- purpose and context of use;
- material inputs;
- relevant AI-generated outputs;
- system warnings or uncertainty indicators;
- material human modifications;
- reasons for acceptance, modification or rejection;
- escalation decisions;
- date and time of material stages;
- final legal text; and
- identity of the competent institutional authority giving final approval.

The ADL should not necessarily record every technically irrelevant interaction. Its purpose is to preserve legally material information necessary to reconstruct the decision-making process.

5.7 Evidentiary Function

The ADL can assist in distinguishing among several scenarios:

1. an AI-generated error detected and corrected by the RHD;
2. an AI-generated error that could not reasonably have been detected;
3. a warning that was identified but ignored;
4. an error introduced through human modification;
5. an error resulting from inadequate human review; and
6. an output adopted without meaningful review.

These distinctions can be highly significant when courts assess fault and causation.

5.8 Failure to Maintain an ADL

Failure to maintain an algorithmic record should not automatically establish liability unless the applicable law imposes a duty to create or preserve such records.

However, legislation or regulations could expressly establish evidentiary consequences for unjustified failure to maintain legally required records. Such consequences might allow courts to draw appropriate inferences where a public authority was under a legal duty to preserve material evidence.

5.9 The Institutional Accountability Sequence

The proposed model can be represented as follows:

AI System → AI Output → RHD Review → Accept / Modify / Reject / Escalate → ADL → Competent Institutional Approval → Legal Effect → Potential Harm → Administrative/Judicial Review

This sequence makes clear that AI remains a technological input rather than the final source of legal authority.

5.10 Allocation of Responsibility

The model distinguishes among three principal actors:

Actor	Principal responsibility
Public authority	Lawful deployment, institutional governance, supervision and final exercise of public power
RHD	Meaningful human review, verification, escalation and documentation within assigned duties
AI developer/provider	Applicable contractual, regulatory, technical, security and product-related obligations
AI system	Technological tool; not an autonomous legal person

This produces what may be described as distributed responsibility without distributed accountability: several actors may have different obligations, but public power must remain attributable to a legally competent institution.

5.11 Non-Delegation and Automation Bias

AI-assisted lawmaking must not become an indirect form of delegation of public legal authority to a technological system.

The formal existence of a human signature is insufficient if the human official merely accepts the AI output without meaningful review. Human oversight must therefore be substantive rather than ceremonial.

This is particularly important because automation may create cognitive pressure to accept apparently authoritative outputs. A legally accountable human reviewer should therefore have both the authority and practical capacity to question the system. 19

5.12 The Combined Function of RHD and ADL

The two mechanisms perform distinct but complementary functions:

RHD = attribution

ADL = traceability and proof

Together they provide a framework through which courts and administrative institutions can reconstruct the relationship between algorithmic output, human review and institutional approval.

6. The Jordanian Legal and Institutional Framework and the European Union Comparative Model

6.1 Jordanian Context

Jordan has taken significant policy steps towards the development and use of artificial intelligence. The Jordanian Artificial Intelligence Policy and the Jordan's Artificial Intelligence Strategy and Implementation Plan 2023–2027 provide an important policy foundation for AI development and deployment.

The 2023–2027 strategy constitutes a five-year implementation plan containing 68 projects and initiatives across priority sectors, including digital government services. 20

These policy instruments, however, should not be treated as a comprehensive regime governing state liability for AI-assisted lawmaking. They provide a policy and institutional foundation rather than a complete public-law accountability framework specifically addressing AI-assisted legislative or regulatory decision-making.

The proposed RHD and ADL model can therefore be developed incrementally within existing constitutional and administrative structures rather than through the immediate creation of an entirely separate liability system.

6.2 European Union Model

The European Union provides a useful comparative framework through Regulation (EU) 2024/1689, the Artificial Intelligence Act.

Article 12 addresses record-keeping and logging requirements for certain high-risk AI systems, while Article 14 addresses human oversight. 21 Article 26 also imposes obligations on deployers of high-risk AI systems concerning human oversight and related operational responsibilities.²²

These provisions are particularly relevant to the proposed model because they demonstrate that algorithmic governance is increasingly connected to identifiable human intervention and traceable system activity.

The EU AI Act should not, however, be described as a comprehensive state-liability regime. Its significance for the present research lies principally in its governance mechanisms concerning human oversight, traceability and risk management.

6.3 Comparative Implications

The European framework suggests three principles relevant to Jordan:

First, AI deployment should be risk-sensitive rather than technologically neutral.

Second, human oversight should be meaningful and operational, not merely formal.

Third, legally consequential AI processes should be sufficiently traceable to permit subsequent review.

These principles can be adapted to Jordanian administrative structures without mechanically reproducing the European regulatory model.

6.4 Proposed Jordanian Accountability Architecture

A possible institutional architecture is:

National AI Policy and Strategy



Legislative and Regulatory Framework



Public Authority AI Governance



Risk Classification



Responsible Human Deputy



Legal and Constitutional Review

↓

Algorithmic Decision Log

↓

Competent Institutional Approval

↓

Administrative and Judicial Oversight

↓

Potential State Liability and Remedy

Such a structure would integrate technological innovation with established principles of legality, institutional competence and judicial review.

7. Allocation of Responsibility Among the State, Responsible Human Deputy and AI Developers/Providers

The use of AI creates a temptation to attribute responsibility to the technology itself or to the external provider. Such an approach may obscure the fact that public authorities remain responsible for the exercise of public power.

The relevant inquiry should therefore begin with the public authority's conduct.

The authority should be assessed with respect to:

1. whether it possessed legal authority to use AI for the relevant purpose;
2. whether the selected system was appropriate;
3. whether adequate governance and safeguards existed;
4. whether meaningful human oversight was provided;
5. whether material warnings were considered;
6. whether the AI output was appropriately verified;
7. whether the final decision was lawfully approved; and
8. whether the relevant conduct caused legally compensable harm. 23

The RHD should be assessed separately according to the duties formally assigned to that position.

The provider should likewise be assessed under the legal framework applicable to its relationship with the authority and the nature of the alleged defect.

The following five-stage test may assist in analyzing state responsibility:

Stage 1: Legal Authority

Did the public authority possess legal competence to use AI for the relevant governmental function?

Stage 2: Governance and Due Care

Did the authority implement appropriate safeguards, testing, training, supervision and risk-management procedures?

Stage 3: Human Oversight

Was meaningful human review actually performed?

Stage 4: Causation

Did the relevant AI-assisted error materially contribute to the governmental action and resulting harm?

Stage 5: Damage and Remedy

Was legally recognized damage established, and what remedy is available?

This framework prevents the simplistic proposition that every AI error produces state liability while also preventing public authorities from avoiding responsibility merely because an AI system was involved.

8. Judicial Review, Constitutional Accountability and Proposed Legal Reform in Jordan

8.1 AI-Assisted Government and Judicial Review

The increasing use of AI does not place public administration outside judicial review. On the contrary, algorithmic decision-making may require courts to examine not only the final governmental act but, where legally relevant, the process through which the act was produced.

Judicial review may therefore concern:

- legal competence;
- lawful AI deployment;
- suitability of the system;
- risk management;
- human oversight;
- documentation;
- procedural legality;

- substantive legality;
- rights and freedoms; and
- causation and remedy.

Recent scholarship on judicial review of algorithmic administrative systems similarly emphasizes the importance of examining underlying design and oversight arrangements rather than focusing exclusively on the final output. 24

8.2 The Role of the ADL in Judicial Proceedings

An ADL could assist a court in determining:

- who initiated the AI-assisted process;
- which system was used;
- what output was produced;
- whether warnings existed;
- who reviewed the output;
- whether modifications were made;
- why the output was accepted or rejected;
- who gave final institutional approval;
- whether the alleged defect contributed to the harm.

The ADL therefore does not determine liability automatically. Instead, it provides evidence from which a court can assess the relevant legal elements.

8.3 Constitutional Accountability

AI-assisted lawmaking raises constitutional questions concerning:

- separation of powers;
- legislative competence;
- delegation;
- equality;
- proportionality;
- legal certainty;
- fundamental rights;

- transparency; and
- accountability.

The constitutional issue is not whether AI can physically produce legal language. It is whether the use of AI preserves the constitutional allocation of public authority.

The central constitutional principle should therefore be:

Technological assistance must not become technological substitution for constitutionally authorized public power.

8.4 Proposed Judicial Review Framework

A court reviewing an AI-assisted governmental process could consider seven stages:

1. Competence – Did the authority possess the relevant legal power?
2. Lawful AI Deployment – Was AI lawfully used for the relevant purpose?
3. Risk and Suitability – Was the system suitable and appropriately governed?
4. Human Oversight – Was human review meaningful?
5. Procedural Traceability – Is there adequate evidence of the process?
6. Substantive Legality – Does the resulting measure comply with applicable law and constitutional standards?
7. Causation and Remedy – Did the relevant defect cause legally recognized harm?

This framework would enable judicial review to remain consistent with established public-law principles while responding to the distinctive evidentiary problems created by AI.

8.5 Proposed Legal Reforms for Jordan

Jordan could consider a gradual regulatory framework incorporating:

1. risk-based classification of governmental AI applications;
2. mandatory meaningful human oversight for legally consequential applications;
3. designation of an RHD for specified high-risk public-sector uses;
4. ADL requirements for legally consequential AI-assisted processes;
5. preservation of state responsibility for the exercise of public power;
6. clear distinction between institutional and personal responsibility;
7. appropriate evidentiary rules concerning algorithmic records;

8. effective judicial access to relevant information;
9. AI-related procurement and audit requirements;
10. training for public officials responsible for AI-assisted processes; and
11. safeguards against indirect delegation of public legal authority to AI systems.

These reforms should operate as extensions of existing constitutional and administrative principles rather than as a replacement for them.

9. Conclusions and Recommendations

9.1 Conclusions

The analysis demonstrates that artificial intelligence does not fundamentally eliminate the legal foundations of state responsibility. Instead, it transforms the circumstances in which traditional principles of public-law accountability must operate.

First, AI does not displace state responsibility. Public authorities remain responsible for the exercise of public power even where technological systems contribute to the process.

Second, an AI error does not automatically establish state fault. Liability requires analysis of the authority's conduct, including system selection, governance, supervision, human oversight and verification.

Third, AI changes the content of the administrative duty of care. Authorities using AI in legally consequential processes should adopt safeguards proportionate to the risks involved.

Fourth, human oversight must be meaningful. A merely formal human signature cannot provide an adequate substitute for substantive review.

Fifth, the proposed Responsible Human Deputy provides an institutional point of accountability by identifying a human official with defined review, verification, escalation and documentation responsibilities.

Sixth, the proposed Algorithmic Decision Log provides a documentary mechanism through which the AI-assisted process can be reconstructed.

Seventh, responsibility should be allocated according to legally defined duties rather than technological involvement alone.

Eighth, designation of an RHD should not automatically create personal liability. Individual responsibility should depend on a legally recognized breach of an assigned duty.

Ninth, AI should not be treated as an autonomous legal actor merely because it can generate legally sophisticated language.

Tenth, judicial review should become sufficiently process-aware to examine, where legally relevant, the relationship among AI output, human review, institutional approval and resulting legal effect.

The central proposition may therefore be stated as follows:

AI may assist the formulation of a legal rule, but it should never become the untraceable source of legally consequential governmental action.

9.2 Recommendations

The article recommends that Jordan:

1. adopt a risk-based framework for governmental AI applications;
2. require meaningful human oversight in legally consequential AI-assisted processes;
3. establish an RHD mechanism for specified high-risk governmental uses;
4. introduce ADL requirements for AI-assisted processes capable of producing significant legal effects;
5. preserve the principle of state responsibility for the exercise of public authority;
6. distinguish institutional state responsibility from personal responsibility of officials;
7. establish appropriate rules concerning the evidentiary status and preservation of algorithmic records;
8. strengthen judicial access to relevant algorithmic documentation;
9. incorporate AI governance requirements into public procurement and auditing;
10. provide specialised training for officials responsible for AI-assisted governmental action; and
11. ensure that technological assistance does not operate as an indirect delegation of constitutionally or legally assigned public authority.

The proposed model therefore seeks not to create an autonomous legal regime for artificial intelligence but to reinforce existing constitutional and administrative principles through clearer attribution, meaningful human oversight and reliable documentary traceability.

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