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Book Review

Susana de la Sierra, Juana Morcillo Moreno and Pablo Meix Cereceda (eds.), *El Estado Social Digital. Poderes Públicos, Inteligencia Artificial y Derechos*, Madrid, Aranzadi, 2025.

In 2022, Miguel Ángel Presno Linera referred, in an article published in the Spanish journal El Cronista, to the notion of a 'Social, Democratic and Digital State subject to the rule of law'. According to the author, within Social and Democratic States governed by the rule of law, and with regard to fundamental rights, the digital revolution may give rise to new entitlements that may be interpreted as forming part of the scope of certain already recognised fundamental rights. At the same time, however, it may also prove necessary to promote constitutional reforms aimed at incorporating additional rights.

The book under review takes as its point of departure the challenges and opportunities associated with this emerging 'Digital Social State'. The concept of the Social State necessarily refers to the Governing Principles of Economic and Social Policy (Articles 39 to 52 of the Spanish Constitution). As Professor Martín Rebollo recalls in the opening chapter, these principles enjoy a limited level of protection when compared to the subjective rights enshrined in other constitutional provisions. Nevertheless, this does not prevent them from serving as the normative foundation for numerous sector-specific statutes that recognise enforceable individual rights. The author accordingly urges that purely programmatic declarations be avoided and that any recognition of rights be safeguarded through dedicated protection mechanisms. These mechanisms of legal protection are in turn examined in Chapter 2 by Susana de la Sierra.

The advent of digital administration is profoundly reshaping public authority activity within the framework of these governing principles. The incorporation of new technological tools into the conduct of administrative procedures opens up significant opportunities to enhance managerial efficiency and citizen accessibility. Concomitantly, however, it entails risks of exclusion or discrimination affecting vulnerable groups – risks that must be effectively addressed.

This Digital Social State thus unfolds in a climate of tension between the opportunities and the dangers associated with the digitalisation of public governance. Chapters 3, 4, and 5 examine those areas in which this duality is most acute: gender, disability, and territory. In this regard, Concepción Campos analyses the gender digital divide and the gender biases embedded in artificial intelligence systems, pointing to digital literacy and human oversight as means of counteracting such risks. Juana Morcillo, for her part, sets out six proposals to ensure the accessibility of digital environments for vulnerable persons, while Antonio Villanueva explores the impact of territorial disparities on digital transformation and their connection with anti-depopulation strategies implemented both at the European and the domestic levels.

Chapters 6 to 9 undertake a systematic examination of the legal framework governing digitalisation and of the measures adopted at the supranational, constitutional, regional, and local levels with a view to addressing the challenges posed by digital transformation. Any analysis of these regulatory instruments of intervention would be incomplete without reference to so-called soft law, addressed by Professor Canals Ametller in Chapter 22. Her contribution proceeds from the premise that traditional legal instruments are insufficient to govern and manage the risks inherent in technological development, thereby necessitating complementary forms of action. Accordingly, even the hard law emanating from the institutions of the European Union calls for recourse to soft law –understood as a body of non-binding legal documents or acts – for the purposes of interpretation and implementation. The European Commission's Guidelines on the definition and application of artificial intelligence systems constitute a paradigmatic example of this phenomenon.

These new and traditional mechanisms of public intervention have resulted in an accelerated transition to digital administration, a development analysed in Chapters 10 to 13 of the volume. At the outset of this section, Alba Nogueira addresses this transformation from the perspective of those segments of the population who, despite possessing limited digital skills, are

legally required to interact with public authorities by electronic means. Under the title 'Digital Administration or Digitised Citizens?', Professor Nogueira López argues that the digitalisation effort imposed upon citizens has often not been accompanied by a corresponding redesign of administrative procedures capable of harnessing the full potential of digital tools. This line of argument connects with the 'adaptability paradox' identified by Francesc Rodríguez and Nuria Magaldi in their chapter. According to these authors, it is the citizen who has been compelled to adapt to digitalisation, whereas the functioning of public services has not adequately adjusted to the diverse and specific circumstances of individuals.

Chapters 14 to 21 ('Sectors') further explore this tension between the benefits and the potential risks of digitalisation across the various dimensions of the Social State. In Chapter 14, Francesc Rodríguez and Nuria Magaldi provide a comprehensive overview of equal digital access to public services, placing the guarantee of equal access at the core of their proposal. The subsequent contributions assess, against the backdrop of this imperative of equal access, policies aimed at safeguarding health protection, access to culture and education, and the individual autonomy and social inclusion of persons with disabilities. Leonor Moral, for instance, examines both the possibilities of implementing personalised, learner-centred pedagogical approaches and the risk that such technologies may introduce discriminatory biases. Antonio Pérez Miras analyses the concept of 'telemedicine' and its relationship with the World Health Organization's 'One Health' approach. Roberto Bustillo and Paula Gamallo address the issue of rural development and the application of big data and artificial intelligence to urban and rural planning of urban and rural ecosystems (so-called 'ecosystemic urbanism'). Comparable issues are examined in the contributions of Francisco Puerta, Héctor Álvarez, and Nuria Ruiz, among others, with regard to social services, disability, and culture.

Professor Meix Cereceda brings the collective volume to a close with a chapter entitled 'Language, Digitalisation and Artificial Intelligence in the Social State'. In the context of a transition towards digital administration, it is conceivable that communication with citizens will increasingly be channelled through applications commissioned or designed by public authorities. Against this backdrop, the author underscores the importance of ensuring that this evolution is guided by criteria of clarity and user-friendliness for citizens, and highlights the potential of artificial intelligence to expand citizens' linguistic rights in the educational sector and in their relations with public authorities more broadly, particularly in the case of groups whose mother tongue is a minority language.

As Isaac Martín Delgado emphasises in his concluding remarks, neither digitalisation nor digital transformation constitutes an end in itself; rather, both must invariably be pursued for the benefit of the citizen. In this vein, 'the digitalisation of the administration requires the adoption of a concept of the citizen placed at the centre of administrative action, all the more so where such action is directed especially towards persons who may be regarded as vulnerable'; in other words, it requires embracing the concept of the Digital Social State.

This volume therefore stands out not only for the breadth of the subjects it addresses, but also for the coherence with which the various contributions revolve around a common concern: how to ensure that the digital transformation of public administration remains firmly anchored in the values and guarantees of the Social State. The richness of perspectives brought together in the book makes it a particularly valuable resource for scholars and practitioners alike. For this reason, the work will undoubtedly prove of great interest to readers seeking a rigorous and comprehensive account of the legal challenges posed by digitalisation within contemporary welfare states. [Reviewed by SOFÍA SALGADO PONTÓN].

A. Huergo Lora and G. Manuel González Díaz, *The EU Regulation on Artificial Intelligence: A Commentary*, Milan, Wolters Kluwer - CEDAM, 2025.

The digital transition is one of the EU's macro-objectives. It is well known that the EU is seeking to stimulate this transition by adopting multiple regulatory frameworks, to the point that there is often talk of a process of hyper-regulation. It is also true that this is happening at a time when there is a great deal of skepticism surrounding the Union's law-making power: there are many who, for various reasons, consider EU binding law to be excessively slow, rigid, and, on the whole, incapable of governing the rapid changes brought about by the continuous evolution of technology. In short, there is a widespread opinion that the Union –

which is already losing credibility in the eyes of many in the face of today's major challenges – is using its legal arsenal as an inappropriate weapon that, in the end, would end up undermining European growth and competitiveness.

The development of AI is emblematic in this regard. The EU's narrative revealed the conflicting forces that have long characterized the legal debate on the subject. Should AI be regulated or not? If so, to what extent? What constraints should be imposed and on whom? Should harmonization be hard, soft, or mixed? What development needs should be guaranteed? How to ensure that many fundamental rights are protected? These and dozens of other questions marked the genesis of Regulation (EU) 2024/1689, namely the Artificial Intelligence Act (AI Act). Needless to say, both the Regulation and the preparatory works captured the attention of a wide range of scholars. Not only European Union law experts and, more in general, legal scholars, have chosen to contribute to a debate that could prove existential for the process of European integration, at least considering the central role that AI is assuming in many fields.

It is primarily in this sense that we can appreciate the originality of the book 'The EU Regulation on Artificial Intelligence: a Commentary', edited by Alejandro Huergo Lora and coordinated by Gustavo Manuel Díaz González. Unlike the numerous works on AI, some of which are indeed very rich, this book one of the few real commentaries in English on the AI Act (see, in this respect, P. Voigt and N. Hullen, The EU AI Act Answers to Frequently Asked Questions, Springer, 2024; C. N. Pehlivan, N. Forgó and P. Valcke (eds), The EU Artificial Intelligence (AI) Act: A Commentary, Wolters Kluwer, 2024; L. Cotino Hueso and D. U. Galetta, The European Union Artificial Intelligence Act: A Systematic Commentary, Editoriale Scientifica, 2025; D. Wendt and J. Wendt (eds), New Artificial Intelligence Act: A Practitioner's Guide, Nomos, 2025). In some ways, this is a pioneering volume of a multidisciplinary nature, because of the compresence of at least three souls corresponding to its administrative, constitutional and European Union law dimensions.

A couple of preliminary remarks before looking inside the book. First, this ambitious work is the result of the efforts of fifteen authors, mainly scholars from the Spanish school of administrative law; it is part of the series Public Administration at the Boundaries Studies and Perspectives on an Evolving Public Law. The legal background is therefore partly different from that of the author of this review, a European Union law scholar. Therefore, the comments in the review will largely be from a European Union law perspective. Secondly, it should be noted that the commentary is divided into twenty-eight chapters. For rather obvious reasons, it is not considered beneficial to summarize all the chapters (it would take twenty-eight reviews!) of a commentary here.

As expected, the chapters of the commentary follow the articles or, in some cases, chapters/sections of the Regulations. The initial chapters are written by the editor and coordinator of the volume. Huergo Lora first discusses the subject matter, scope and definitions of the AI Act, while Díaz González focuses on AI literacy and the AI practices that are prohibited under the Regulation. The classification of AI systems as high-risk is illustrated by Huergo Lora. Various Authors contribute to analyzing the provisions on high-risk systems, starting from the Section on relevant requirements: the topics dealt with in this part of the volume are compliance with the applicable requirements (Huergo Lora), risk management system (Alvarez Fernández), data and data governance (Palma Ortigosa), technical documentation (Gallone), record-keeping (Orofino), transparency and provision of information to deployers (Palma Ortigosa), human oversight (Lazcoz Moratinos), and, finally, accuracy, robustness and cybersecurity (Fernández Fernández). Still on the subject of high-risk AI systems, García Luengo reflects on the obligations of providers and deployers and other parties; next to this, Carrillo Donaire's comments cover the provisions on notifying authorities and notified bodies, as well as those on standards, conformity assessment, certificates, and registration. Then, readers will find comments on specific Chapters of the Regulation, some of which include multiple articles: there are chapters on transparency obligations for providers and deployers of certain AI systems (García Luengo), general-purpose AI models (Velasco Rico), measures in support of innovation (Meuwese), the governance of the Regulation, and the EU database for high-risk AI systems listed in Annex III (Álvarez Fernández). The various Sections of Regulation's Chapter on post-market monitoring, information sharing and market

surveillance are examined separately: the focus is, respectively, on post-market monitoring (García Luengo), sharing of information on serious incidents (Fernández Fernández), enforcement (Rodríguez Cembellín), remedies (Palma Ortigosa), and supervision, investigation, enforcement and monitoring in respect of providers of general-purpose AI models models (Zapata Sevilla). As for the last Chapters of the Regulation, Nicolás Lucas first discusses the codes of conduct and guidelines and then looks at the delegation of power and committee procedure; Rodríguez Cembellín comments on the Chapter concerning penalties; the final provisions of the AI Act are considered – again – by Nicolás Lucas.

All in all, the comprehensiveness of the work is evident not only in the breadth of topics covered, but also in the depth of analysis. One of the merits of the authors, in fact, is their ability to convey extensive theoretical and technical knowledge although the book was published shortly after the adoption of the AI Act. The successful combination of these elements is probably a reflection of the authors' prior knowledge and continuous updates; probably, they were able to anticipate the most salient legal issues while monitoring the evolution of the legislative procedure leading to the Regulation.

The multidisciplinary approach that pervades the book is noteworthy. The impression is that the work has its own disciplinary identity, to be found in European Union law. If anything, the authors' skills and basic knowledge enrich the work with interesting insights from different disciplines. It should also be noted that the research is based on a variegated bibliography. On the other hand, the extreme complexity of AI suggests that the Regulation can be better understood and explained if knowledge of European Union law meets expertise in other legal disciplines. It is believed that readers will benefit from all this.

The decision not to limit the various chapters to illustrating the technicalities that many topics inevitably imply is also commendable. On the contrary, even the most sector-specific parts are in some way linked to constitutional and institutional issues of EU law. For example, there are numerous references to the EU's structural principles, as well as to the Charter of Fundamental Rights, not to mention the founding values of the Union, which are repeatedly invoked to produce arguments that go to the heart of the constitutional dimension of the EU legal system. Another indicator of the dynamism of the analysis is the reference to various rulings of the Court of Justice, even in the absence of case law directly applicable to AI. These references also help to reconstruct the reference context and to draw some cross-cutting red lines that also run through the AI Act.

It is therefore pleasing to note that the commentary does not remain confined to a narrow niche, but also manages to take a broader view. The work is therefore accessible to a vast academic audience; likely, the various chapters will also be appreciated by those who may not be particularly accustomed to dealing with AI issues, but who may be inclined to view the Regulation as a prism through which certain constitutional elements of EU law are expressed. This is also thanks to an overall clear style, the absence of rigid formal structures, and the use of graphic elements (e.g., tables) that facilitate the understanding of specific points of analysis.

The final result is a vast and harmonious picture, even though there is still much to be written on the AI Act. This is not a static work. It is a contribution that also provides interesting insights for future research, imagining what might happen when the state-of-the-art is completed by additional and ancillary rules, starting with those contained in the numerous delegated and implementing acts that the Commission has recently begun to adopt. In this sense, the forward-looking considerations set out in the book's Foreword allow the reader to understand that the volume was not conceived as a point of arrival for analyzing such an incredibly fluid subject, but rather as a starting point for establishing a solid working basis for future studies. [Reviewed by FEDERICO FERRI].

M. Macchia, *Il presente dell'amministrazione algoritmica. Una ricerca sul campo,* Turin, Giappichelli, 2026.

The legal debate on artificial intelligence and public administration has reached a stage in which general principles are no longer sufficient. The problem is not only whether algorithms may enter administrative procedures, nor whether automated tools are compatible with transparency, participation and judicial review. The more urgent question is how these tools are already being used by public authorities, in which institutional settings, with which organisational precautions and with which effects on the exercise of public power. The collective volume edited by Marco Macchia has the merit of placing this question at the centre of

the inquiry, filling a previously existing gap.

Its title is, in this respect, particularly precise: the book is not devoted to the future of public administration, but to its present. It does not propose vague and theoretical reconstructions, but it researches the concrete areas in which artificial intelligence and algorithmic systems are transforming administrative action.

The volume moves away from a debate mainly based on general categories and judicial precedents, and it takes real cases as its starting point. This choice expresses a precise legal method: by observing actual administrative practices, it is possible to test the capacity of administrative law to govern technological innovation and, at the same time, understand where existing guarantees are insufficient or require adaptation.

The book is divided into ten chapters and may be read as a progressive exploration of the main fields in which algorithmic administration is already operating.

The first chapter provides the general framework. Starting from the emblematic case of Diella, the virtual minister presented in Albania as an instrument for managing and assigning public contracts, it examines the areas of intervention of artificial intelligence in the public sector, the legal basis of algorithmic power, the mitigation of risks, the role of human oversight and the practical dysfunctions that emerge in implementation. This opening part is especially useful because it avoids both technological enthusiasm and a purely defensive attitude. Artificial intelligence is presented as a tool capable of improving efficiency, reducing the duration of procedures and increasing the quality and quantity of services, but only if its use remains compatible with legality, responsibility, transparency and the protection of fundamental rights.

A central point is the consideration of the legal basis of algorithmic power. The book highlights that the principle of legality does not disappear when the administration uses automated systems. On the contrary, it becomes even more demanding, because the law must govern not only the final administrative act, but also the technical process that contributes to its formation. In this perspective, the volume pays attention to the new Italian legislative framework on artificial intelligence (Law 23 September 2025, no. 132, especially Art. 14), stressing the instrumental and supportive role that AI should play in administrative decision-making. The human being remains responsible for the procedure and the measure adopted; the algorithm may assist, classify, predict or suggest, but it should not become an autonomous holder of administrative will. In other words, as emerges from the analysis of the case studies, AI is primarily used to support investigative and fact-finding activities, as well as through chatbots and virtual assistants (p. 10).

This idea of non-substitutive automation is one of the leitmotifs of the entire work. It returns, for instance, in the fourth chapter on public accounting, which significantly outlines that artificial intelligence cannot decide for public administrations, but with public administrations (p. 91). The analysis of budgetary procedures, predictive models, public ERP systems and possible uses of generative AI shows that public accounting cannot be reduced to calculation alone. It is a constitutional and institutional function, involving priorities, responsibility and justification. If artificial intelligence were used without preserving this legal dimension, the risk would not simply be technical error, but a deeper de-institutionalisation of public decision-making. This observation is among the strongest contributions of the volume because it reveals that the main issue is not the use of the machine but the administrative model that may arise from an uncritical reliance on it.

Other parts of the work confirm the richness of the research. In the second chapter, the analysis of AGCOM and of the Piracy Shield platform shows how algorithmic instruments may accompany an incremental expansion of independent regulatory powers. Here the problem is not only the automation of individual procedural steps, but the relationship between technical infrastructures, private actors, administrative enforcement and the protection of rights in the digital environment. The third chapter on border control, focused especially on biometric data, facial recognition and ETIAS, moves the discussion to one of the most sensitive areas of public power. In this field, algorithmic risk assessment does not eliminate discretion; rather, it relocates discretion inside indicators, databases and technical parameters (p. 59). The consequence is a possible weakening of accountability and of the right of defence, particularly when the affected persons are migrants or travellers who may not be able to understand or challenge the logic of the automated assessment.

The same concern for fundamental rights emerges in the eighth chapter on facial

recognition and public security, devoted to the S.A.R.I. system. The author does not treat facial recognition as a homogeneous technology, but she distinguishes between different forms of use and different levels of risk. The discussion of S.A.R.I. Real Time and S.A.R.I. Enterprise is particularly relevant in light of the AI Act and of the principles of necessity and proportionality (p. 188). The chapter shows that the legality of facial recognition cannot be assessed only by verifying whether a technological tool is accurate or useful for law enforcement. It is necessary to ask which databases are used, how reliable they are, whether discriminatory effects may arise, what procedural safeguards exist and which authority is responsible for the decision.

Other parts of the volume extend the analysis to equally important areas of administration. The study on social security and INPS in the sixth chapter describes guidelines, governance models, types of algorithms and risk assessment procedures within an administration that processes an enormous amount of data and interacts daily with citizens. The seventh chapter on smart cities examines algorithmic decisions in urban governance, public services and the automation of the one-stop shop for productive activities, raising the question of whether a new epistemology of administrative decision-making is emerging. The contribution on citizen participation in the fifth chapter focuses on the ambivalent role of algorithms in democratic administration: digital platforms, civic tech tools, predictive simulations and digital twins may enlarge participation, but they may also become gatekeepers of collective visibility and of the formation of public will.

Particularly interesting is the ninth chapter on public procurement. It deals with a double perspective: artificial intelligence for procurement and procurement for artificial intelligence (p. 206). This distinction is valuable. On the one hand, AI can support the different phases of the procurement life cycle, for example, through assistants for drafting orders, cataloguing items or managing interactions with users. On the other hand, procurement is one of the decisive channels through which public administrations acquire technological capacities and define their relationship with the market. The issue is therefore not only procedural automation, but also strategic autonomy: administrations must avoid being captured by suppliers and must develop the technical and legal competence necessary to purchase, control and govern AI systems.

The final chapter on tax assessment completes the picture by addressing one of the areas in which the tension between efficiency and guarantees is particularly acute. Automated risk analysis, predictive tools, the protection of taxpayers and the consequences of algorithm-induced error are examined in connection with the principles of knowability and non-exclusivity of algorithmic decision-making (p. 230). Tax administration needs data analysis in order to direct controls and combat evasion, but the taxpayer must be able to understand the basis of the assessment and to contest it effectively. The chapter confirms a general thesis of the volume: automation may strengthen administrative capacity, but it cannot justify the opacity of public power.

Indeed, all the essays are unified by a common research question: what happens to administrative law when algorithmic systems enter the real exercise of public functions? The answer that emerges is neither apocalyptic nor celebratory. Algorithmic administration is not presented as the end of public law, but as a transformation that requires public law to refine its categories. Legality, transparency, participation, motivation, proportionality and judicial review remain essential; however, they must be rethought in relation to data quality, model design, training sets, human oversight, automation bias and the organisational capacity of public administrations.

Empirical ambition and sectoral analysis are highly valuable; at the same time, the work indicates the direction in which future research should move.

A further merit of the volume lies in its refusal to reduce the debate to the formula of ‘human in the loop’ (p. 17). Human oversight is necessary, but it is not in itself sufficient. A human official who lacks technical knowledge, who merely validates the output of a system, or who is institutionally pushed to trust the automated recommendation, does not provide a real guarantee. The book makes clear that effective oversight requires organisation, training, documentation, access to the logic of the system, accountability mechanisms and a culture of administrative responsibility. In this respect, it contributes to shifting attention from the individual official to the institutional conditions that make meaningful human control possible.

For these reasons, the work edited by Marco Macchia is an important contribution to the study of digital transition and administrative law.

Its importance derives above all from its method, bringing the debate back to administrative reality. It shows that the algorithmic public administration is already taking place in regulation, border control, accounting, participation, social security, urban governance, public security, procurement and taxation. It also shows that the future of administrative legality will depend on the ability to govern these transformations without renouncing the constitutive values of public law. Moreover, the volume is valuable both for legal scholars and for public officials involved in digital transformation, as well as for all those interested in the relationship between artificial intelligence, public power and fundamental rights [Reviewed by LUIGI PREVITI].