



Judicial Review Automated Decision Issued by Artificial Intelligence System: A Comparative Legal Study of Iraqi and French Law

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ABSTRACT

The purpose of the study is to explore the judicial review of automated decisions issued by artificial intelligence systems, a significant concern for both Iraqi and French law. This led to an investigation and mapping of the challenges involved in compliance with judicial review of automated decisions issued by artificial intelligence systems in France and Iraq. A socio-legal study was adopted, using a functional, library-based comparative approach that focuses on how each legal system responds to a similar set of issues raised by AI-based automated decisions, rather than on finding similarities in formal legal texts. This approach helps identify functional alternatives, regulatory lacunae, and best practices that can be transferred across borders regarding the impact of judicial review of automated decisions made by artificial intelligence systems. The findings revealed that, for Iraq to meet the AI obligation, it must overcome challenges, including cost and complexity. Nevertheless, these costs are lower than the drawbacks associated with non-compliance. Following judicial review, an automated decision issued by an artificial intelligence system can help the Iraqi judiciary grow. However, it is difficult and expensive to comply with these requirements. The current research hopes that the AI regulatory authorities in France and Iraq will adopt more effective measures to ensure efficient compliance with AI.

Keywords: Accountability, Artificial intelligence, Automated decision, Fairness, Impartiality, Judicial review, Transparency

INTRODUCTION

AI is changing the way governments and public authorities make decisions. Systems that autonomously create outcomes (such as in social benefits, tax judgments, crime demands or public tenders) are no longer something hypothetical. By 2026, an estimated 90 countries will have developed a national AI strategy or formal governance framework, and more than one-third will have enacted dedicated AI legislation. These initiatives seek to reconcile innovation with regulatory guarantees of transparency, fairness, and accountability. France is a good example of an advanced regulatory framework. The seal uses the same AI governance principles as part of wider European Union initiatives (Chauhan, 2020).

Such as those enshrined in the General Data Protection Regulation (GDPR) and the proposed Artificial Intelligence Act, which regulate automated decision-making systems and consumer rights. As per Article 22 of the GDPR, individuals have a right not to be subject to a decision based solely on automated processing, including profiling, that produces legal effects or similarly significantly affects them, provided specific safeguards, such as human intervention and contestation. Legal systems that have already implemented sophisticated artificial-intelligence (AI) governance increasingly face challenges related to judicial review, legality, and the right to a fair trial in automated decision-making (Wolford, 2018).

Additionally, when output is produced by an opaque algorithmic system, his theoretical framework focuses on the significance of procedural safeguards, an issue that often arises in legal studies. The European Union's debate on automated decisions is concretely influenced by non-discrimination and data protection rules. Judicial contextualization is necessary for current legal frameworks to properly address discrimination, given that algorithmic fairness is largely unachievable (Wachter et al., 2021). Likewise, (Weerts, 2025), frisk the pertinency between ideas algorithmic partial and European non-prejudiced law indicates a "research gap" between technological fairness gauge and legal uniformity compass.

The General Data Protection Regulation (GDPR) and the forthcoming Artificial Intelligence Act are two examples of European Union legislative instruments that demonstrate a normative intent to protect people from the consequences of automated decisions. For instance, Article 22 of the GDPR affords data subjects the right to a justification, human intervention, and the right to object to decisions based solely on automated processing that have legal or similar effects. The statutory pattern provides a pivotal basis for exploring how judicial review should interact with outcomes of the ADM system (Wolford, 2018).

Moreover, the preceding controversies regarding AI ambiguity, often referred to as the “Black box Theory,” have been progressively detected in the research. Its primary objectives are normative and analytical in orientation, aiming not only to describe existing legal frameworks but also to consider whether they are adequate to safeguard basic human rights when confronted in new ways by AI-based automated decisions. Study sources for this part were limited to secondary legal materials, including Primary legal materials such as constitutional provisions, statutes, domestic administrative law, and regulatory instruments concerning AI-driven judgements from both jurisdictions. For France, that encompasses the GDPR (General Data Protection Regulation), the EU Artificial Intelligence Act and domestic legislation (Wischmeyer, 2019).

Regarding Iraq, such issues include administrative law principles, constitutional rights, and current E-Government laws. Case law, in particular that of the French administrative courts and the Court of Justice of the European Union, has addressed automated decision-making, algorithmic transparency, and the right to an effective remedy. Where applicable, Iraqi case law on discretion and the digital government has also been referred to. Academic literature, such as journal articles, books, and conference papers, on AI governance, administrative law, and judicial review. Policy documents and classes of regulatory advice generated by international agencies and regulators, such as the European Commission and data protection agencies, for situating emerging standards of AI regulation. (Mahmood 2020)

LITERATURE REVIEW

When automated decisions are challenging, such an organisation might provide rules, conduct audits, and offer the judiciary technological assistance. Moreover, judges’ ability to interact substantively with algorithmic decision-making would be further enhanced by judicial training programs on digital governance and AI-related legal concerns. It is essential to have well-defined structures for allocating accountability for automated verdicts. Regardless of the private sector’s involvement in system development, the Iraqi parliament should state that public bodies are nonetheless legally liable for judgments made by AI systems they utilise. The policy ensures that affected parties have a final responder in court actions and maintains the continuity of administrative accountability. Maintaining institutional and human accountability is crucial to avoiding the diminution of responsibility within automated governance institutions, as the French regulatory paradigm demonstrates (Ali et al., 2025).

UNESCO's research evidence demonstrates that a large number of judicial officers already use AI tools, raising ethical and human rights concerns, particularly regarding bias and the protection of human rights in decision-making (UNESCO – A2I paper, 2025). These studies underscore that judicial review should not be limited to mere black-box testing but should allow scrutiny of the algorithm's logic and its effects. Against this background of administrative justice in France, recent scholarship addresses not just the legality of introducing predictive analytics tools in administrative courts but also their impact on judicial independence and fairness writ large. Studzińska (2024) notes that while AI can increase the efficiency and consistency of administrative justice. Judicial review under classical administrative law is built on the idea that judgments are made utilising human reason, discretionary judgment, and identified authority; it is based on the presumption that a decision comes from human judgment, discretion or delegated authority.

By transferring the locus of final authority from human actors to algorithmic systems whose underlying workings may remain completely hidden, even to their creators or commissioners, automated decision making upends this paradigm. To overcome this issue, French and EU law articulate an innovative definition of legality that is both process-oriented and outcome-oriented. Legality in the context of the EU Artificial Intelligence Act and the General Data Protection Regulations requires adherence to risk assessment protocols, data quality standards, transparency requirements and human monitoring systems (European Commission, 2023).

French courts are being asked to examine not only the final administrative act but also the legality of the algorithmic process that generated it in this regulatory framework. Consequently, judicial review's purview broadens to include system-level protections and *ex ante* compliance requirements, strengthening administrative accountability (Chua, 2025).

Iraqi administrative law, on the other hand, is still based on a conventional approach to legal evaluation that emphasises jurisdiction, form, purpose, and abuse of power. The lack of express statutory acknowledgement of AI-based decision-making significantly restricts the actual applicability of these doctrinal standards, even though they may theoretically be extended to automated decisions. Iraqi courts face institutional barriers to expanding judicial review to algorithmic processes due to the lack of statutory recognition of algorithms as decision-making tools (Raghav et al., al 2025).

A more knowledgeable and assured judicial interaction with AI technologies is enabled by this institutional environment. According to recent studies, courts must have sufficient safeguards in place even though they are not expected to become technical experts. Chesterman (2021). This goal is accomplished in France through experts' testimony and audits. Ans documentations requirements that allow the judiciary to trial algorithmic rulings without directly trying the source code.

Additionally, Iraq shows a lack of institutional preparedness. Judicial capacity is limited by the lack of technical advice systems or specialised regulatory authorities, trained and expert personnel. The court now lacks the expert infrastructure and procedures necessary for efficient monitoring. Even though they were inclined to extend the review to automated determinations. The circumstances support scholarly worries that as artificial intelligence use surpasses the development of institutional frameworks, emerging legal systems run the risk of generating accountability gaps (UNESCO, 2025). The distribution of accountability for automated decisions has been raised as a recurring issue in both jurisdictions.

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In the context of automated decisions, transparency is a vital ingredient of judicial review. Transparency is treated as a procedural right rather than merely an administrative obligation

under French law, a framework greatly shaped by EU data protection regulations. Affected parties can challenge both the conclusion and underlying reasoning of automated judgements because to their to "meaningful information about the logic involved" (GDPR, Art.22). Additionally, the study explainability has two purposes first it supports individual procedural justice by establishing contestation easier; second, it refers judges the tools they required to assess whether an automated judgement satisfies proportionately and legitimacy requirements (Cobbe et al., 2021).

METHODOLOGY

A comparative approach is functional, focusing on how each legal system responds to a similar set of issues raised by AI-based automated decisions, rather than on finding similarities in formal legal texts. This approach helps identify functional alternatives, regulatory lacunae, and best practices that can be transferred across borders (Mac Síthigh & Siems, 2019). The legal and judicial Institutions of France serve as a reference to assess the strengths and weaknesses of the Iraqi system. This contrast reveals in which aspects Iraqi law would benefit from legislative reform, judicial leadership, or institutional capacity strengthening. The limitations of this study are the limited availability of AI-specific case law in Iraq, which limits empirical judicial comparison.

The conversation provides background for the subsequent legal study, demonstrating the increasingly international nature of AI governance, emphasising the well-developed regulatory mechanisms in France and the EU, and drawing attention to regulatory shortcomings and the emerging discourse in Iraq. Although the focus on judicial review is doctrinal, it also reflects institutional checks and procedural rights in the context of automated decision-making.

In addition, to evaluate judicial review of AI-driven automated decisions under Iraqi and French law, the study employs a qualitative, doctrinal, and comparative legal research method. The methodological design is based on an analysis of:

1. The legal regulations and judicial practice that govern regulatory strategies for AI-based decision-making, with special focus on procedural guarantees for determining proportionate sanctions and evaluating the severity of offences.
2. The extent of legality and enforcement mechanisms.
3. The mechanisms for assigning liability to AI producers.

Using a comparative law methodology, the study compares legal systems of two jurisdictions firstly France which functions inside the extensive regulatory framework created by the EU's legislative process, and secondly the Iraq whose AI regime is still in its infancy. This comparison makes it possible to assess how many different legal systems, or even different adjudicating bodies can impact the judicial review of automated decisions (Gless, 2010). Furthermore, legal advancement may surpass scholarly knowledge due to the rapid evolution of AI legislation. However, the method provides a relatively strong conceptual basis for comparing and evaluating the judicial review systems in the two nations.

DISCUSSION AND ANALYSIS

In the context of automated decisions, transparency is a vital ingredient of judicial review. Transparency is treated as a procedural right rather than merely an administrative obligation under French law, a framework greatly shaped by EU data protection regulations. Affected parties can challenge both the conclusion and underlying reasoning of automated judgements because to their to "meaningful information about the logic involved" (GDPR, Art.22). Additionally, the study explainability has two purposes first it supports individual procedural justice by establishing contestation easier; second, it refers judges the tools they required to assess whether an automated judgement satisfies proportionately and legitimacy requirements (Cobbe et al., 2021). This view is increasingly reflected in French jurisprudence, which requires public bodies to demonstrate that algorithmic tools do not jeopardise the principles of due process, equality, or neutrality.

Rachovitsa & Johann (2022) argue that, across comparable jurisdictions facing similar AI-driven challenges, a judicial guarantee is an essential prerequisite for automated decisions to comply with human-rights standards. After careful observation of French and Iraqi law, instant research was conducted and concluded that judicial review of automated decisions generated by an artificial intelligence system is necessary. The instant research demonstrates that basic administrative law presumptions. Especially those pertaining to legality, accountability, transparency, and procedural fairness are called into question by automated decision-making. Judicial review can be expanded to address algorithmic decision-making by broadening its scope and exposure to include process-based shields and institutional controls, as demonstrated by the French legal framework, which was influenced by EU data protection and AI regulations (Figueiredo, 2023).

Moreover, artificial intelligence-based decision-making systems that automate decisions demonstrate a crucial challenge to the concept of existing judicial review. The transfer of epistemic authority to algorithmic division systems is accompanied by robust structural variation in issues of validity, accountability, and procedural fairness, as well as regulatory divergence between French and Iraqi doctrines and principles. On the contrary, the Iraqi legal system today lacks explicit regulatory procedures that provide guidance and automate decision-making, thereby creating significant gaps in judicial coverage and accountability (Bradley, 2022).

Recommendations and Proposed Reforms

The legal system can ensure that automated verdicts remain subject to sufficient and meaningful judicial scrutiny and democratic accountability by developing legal frameworks aligned with technological reality. The capability of institutional structure, together with normative clauses, determines how well judicial review of AI-driven decisions operates. The French judiciary operates within a framework that encompasses technical expertise, regulatory authorities, and a pathway from a working entity like CNIL, which improves judicial understanding of algorithmic mechanisms.

Procedural protection includes the following minimal practical shields or prominently influences decisions. The right to information is a vindication that is prudent, straightforward, and lawful. The competence of human review or intervention when an automated judgment has significant ramifications. Also, the study checks whether the algorithmic method and process are legal, examining data quality and ratios, and following legal standards. Rather than seeing the technical source code itself, those rules need to be checked against legally required protection and statutory duties (Setiawan et al., 2024).

The French approach, using judicial oversight to ensure that public bodies have fulfilled their accountability and oversight commitments when setting up AI systems, can inspire Iraqis to start in this area. How ready and willing groups are decides how well judicial review works. To monitor how AI is used in public works, the Iraqi parliament should consider establishing or expanding a special unit to oversee these activities (Benyekhlef & Zhu, 2024).

The issue is addressed by French and EU law, which states that the public entity implementing the AI systems bears ultimate accountability, regardless of whether the technology was created by a private vendor. This ideological stance stops responsibility from spreading through technical delegation and maintains the continuity of administrative accountability (European

Commission, 2023). However, Iraqi law does not provide clear guidance on who should be held accountable, e.g., the software developer, the administrative authority, or another actor (Yassine et al., 2023).

Judicial review is complicated by this uncertainty, as courts may find it difficult to determine the proper respondent or legal basis for culpability. Uncertain liability structures have been shown to erode public trust in automated governance and judicial efficacy. An efficient judicial assessment of administrative judgments generated by artificial intelligence requires integrating legislative precision, procedural safeguards, and institutional capacity, as shown by a comparison of French and Iraqi jurisprudence. Consequently, the following suggestions are put forth.

Legislative Recognition: within Iraqi administrative and procedural law, enact specific statutory measures that recognise the use of AI systems by public agencies. An accurate definition of "automated decision", "AI system", and "AI algorithmic tool" would prevent regulatory gaps and provide a legal basis for judicial review.

CONCLUSION

This view is increasingly reflected in French jurisprudence, which requires public bodies to demonstrate that algorithmic tools do not jeopardise the principles of due process, equality, or neutrality. In contrast, Iraqi law does not yet recognise the right to algorithmic explanation. Procedural fairness is still limited to rules for notice and hearing involving human decision-makers. Ultimately, people exposed to automated administrative actions might not be able to understand the *ratio decidendi* of the decision, which would limit their ability to seek legal recourse. This gap demonstrates that procedural-fairness theories become ineffective when algorithmic governance is not taken into account (De Stefano & Wouters, 2022). Consequently, this study articulates that artificial intelligence must uphold administrative justice principles rather than replace them.

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