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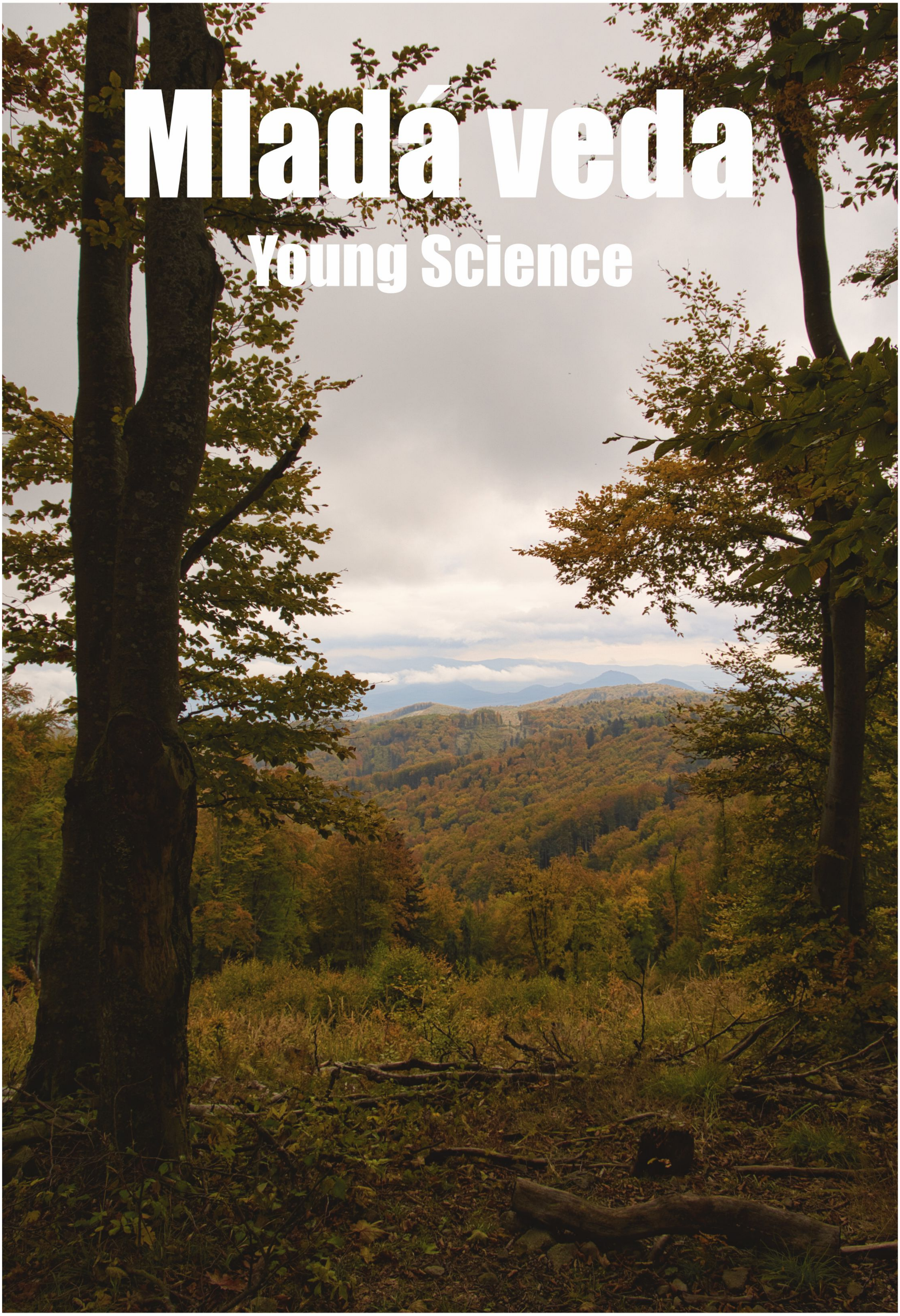

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THE ENDURING LEGACY OF ROMAN LAW IN THE DIGITAL AGE: LATIN LEGAL MAXIMS IN CONTEMPORARY MANAGERIAL DECISION-MAKING

PRETRVÁVAJÚCI ODKAZ RÍMSKEHO PRÁVA V DIGITÁLNEJ ÉRE:
LATINSKÉ PRÁVNE PRINCÍPY V SÚČASNOM MANAŽÉRSKOM ROZHODOVANÍ

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Autor pôsobí ako interný doktorand na Vysokej škole bezpečnostného manažérstva v Košiciach. Vo svojom výskume sa venuje systémovému nastaveniu riadenia bezpečnostných rizík v organizáciách a jeho právnym dôsledkom z hľadiska právnej zodpovednosti.

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Abstract

The article examines the continuing relevance of selected Latin legal maxims rooted in, or subsequently developed within, the Roman-law tradition and their potential application to contemporary managerial decision-making in the digital age. Particular attention is paid to the principles of *bona fides*, *pacta sunt servanda*, *nemo iudex in causa sua*, *audi alteram partem*, *culpa in eligendo* and *culpa in vigilando*. Using doctrinal legal analysis and conceptual interpretation, the study considers their historical foundations, contemporary legal significance and functional relevance to modern organisational governance. The strongest connection with artificial intelligence is identified in the principles of *culpa in eligendo*, *culpa in vigilando* and *audi alteram partem*, which are used to construct a three-stage framework based on appropriate system selection, effective human supervision and a meaningful possibility to challenge an adverse outcome. The analysis is complemented by the judgment of the Court of Justice of the European Union in *Dun & Bradstreet Austria*, Case C-203/22, concerning automated decision-making and the right to meaningful information. The article concludes that digital transformation changes the instruments of managerial decision-making but does not eliminate fundamental requirements of responsibility, impartiality, supervision and procedural fairness.

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Keywords: Roman law, Latin legal maxims, managerial decision-making, artificial intelligence, human oversight, algorithmic decision-making, procedural fairness

Abstrakt
Článok skúma pretrvávajúci význam vybraných latinských právnych princípov, ktoré majú pôvod v rímskoprávnej tradícii alebo sa v jej rámci následne rozvinuli, a možnosti ich aplikácie na súčasné manažérske rozhodovanie v digitálnej ére. Osobitná pozornosť je venovaná princípom *bona fides*, *pacta sunt servanda*, *nemo iudex in causa sua*, *audi alteram partem*, *culpa in eligendo* a *culpa in vigilando*. Prostredníctvom doktrinálnej právnej analýzy a konceptuálnej interpretácie článok hodnotí ich historické východiská, súčasný právny význam a funkčnú využiteľnosť v modernom organizačnom riadení. Najvýraznejšie prepojenie s umelou inteligenciou je identifikované pri princípoch *culpa in eligendo*, *culpa in vigilando* a *audi alteram partem*, na základe ktorých je vytvorený trojstupňový rámec založený na primeranom výbere systému, účinnom ľudskom dohľade a zmysluplnej možnosti napadnúť nepriaznivý výsledok. Analýza je doplnená rozsudkom Súdneho dvora Európskej únie vo veci *Dun & Bradstreet Austria*, C-203/22, týkajúcim sa automatizovaného rozhodovania a práva na zmysluplné informácie. Článok dospieva k záveru, že digitálna transformácia mení nástroje manažérskeho rozhodovania, avšak neodstraňuje základné požiadavky zodpovednosti, nestrannosti, dohľadu a procesnej spravodlivosti.
Kľúčové slová: rímske právo, latinské právne princípy, manažérske rozhodovanie, umelá inteligencia, ľudský dohľad, algoritmické rozhodovanie, procesná spravodlivosť

Introduction
Roman law represents one of the fundamental historical foundations of European legal culture. Its significance, however, is not limited to the preservation of historical legal institutions or to the study of legal history. Roman legal thought influenced the development of European private law, legal terminology and methods of legal reasoning, and its impact continued through the medieval *ius commune* into modern continental legal systems (Stein, 1999).

The influence of Roman law is particularly visible in private law and the law of obligations. Many concepts originating in Roman law did not disappear with the decline of the Roman legal order but underwent a gradual process of transformation, reinterpretation and adaptation within subsequent European legal systems. The modern civilian tradition can therefore be understood, to a considerable extent, as the result of a long historical development in which Roman legal concepts continued to provide an important intellectual foundation (Zimmermann, 1996).

One of the most characteristic manifestations of this continuity is the preservation of legal principles expressed in Latin. Roman jurisprudence developed *regulae iuris* as concise formulations through which more complex legal ideas could be expressed and transmitted. These rules subsequently became important instruments of legal reasoning and legal education, while their development continued beyond antiquity through medieval and later European jurisprudence (Dębiński, Pyter and Skřejpek, 2022, pp. 50–53).

Nevertheless, a distinction must be made between principles that can be traced directly to Roman legal sources and Latin legal maxims that were formulated or refined during later periods. The fact that a legal principle is traditionally expressed in Latin does not necessarily mean that its present formulation originates directly from classical Roman jurisprudence. Some maxims were developed by medieval jurists or later legal scholarship drawing upon Roman-law sources and methods of reasoning (Szczygielski, 2017). For this reason, the present study uses the concept of the Roman-law tradition in a broader sense, encompassing both principles originating in Roman law and legal ideas subsequently developed within the intellectual tradition influenced by it.

The contemporary relevance of these principles becomes particularly apparent in the context of managerial decision-making. Modern organisations increasingly rely on digital technologies, data-driven analytical tools and algorithmic systems when managing employees, evaluating performance, allocating resources, assessing risks or supporting organisational decisions. Algorithms are therefore becoming increasingly involved in functions that were traditionally performed predominantly through direct human judgement and managerial supervision (Kellogg, Valentine and Christin, 2020).

Despite this technological transformation, many normative problems associated with managerial responsibility remain familiar. Questions concerning good faith, contractual reliability, impartiality, conflicts of interest, adequate supervision and the opportunity of an affected person to present his or her position do not disappear merely because a decision is supported by digital technology. Traditional principles such as *bona fides*, *pacta sunt servanda*, *nemo iudex in causa sua*, *audi alteram partem*, *culpa in eligendo* and *culpa in vigilando* may therefore provide a useful conceptual framework for analysing contemporary managerial conduct.

Their potential relevance becomes especially visible in the context of artificial intelligence and algorithmic decision-support systems. The use of advanced technological tools does not automatically resolve questions concerning responsibility for a decision, the reliability of the information on which it is based, the adequacy of supervision or the possibility of human intervention. Contemporary European regulation itself reflects the continuing importance of human oversight. Article 14 of Regulation (EU) 2024/1689 requires high-risk artificial intelligence systems to be designed and developed in such a way that they can be effectively overseen by natural persons during their use, with the objective of preventing or minimising risks associated with their operation (European Parliament and Council of the European Union, 2024, Art. 14).

The relevance of traditional legal principles to contemporary management should not, however, be understood as an attempt to mechanically transfer Roman legal rules into modern corporate governance. Latin legal maxims cannot replace contemporary legislation, regulatory requirements or established standards of management. Their potential contribution lies primarily in their function as normative and interpretative principles capable of identifying recurring problems of responsible decision-making. Whether a decision is made personally by a manager, supported by an algorithm or influenced by an artificial intelligence system, questions of good faith, impartiality, responsibility, supervision and procedural fairness may remain fundamentally comparable.

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The primary objective of this article is therefore to examine the continuing relevance of selected Latin legal maxims originating in, or subsequently developed within, the Roman-law tradition and to assess their possible application as normative and interpretative principles in contemporary managerial decision-making. Particular attention is devoted to good faith, contractual reliability, impartiality, procedural fairness, responsibility for selection and responsibility for supervision. The analysis further considers how these principles may be interpreted in the context of digitalisation, algorithmic decision-support systems and artificial intelligence.

The central research question of the study is formulated as follows: To what extent can legal principles rooted in the Roman-law tradition provide a relevant normative framework for contemporary managerial decision-making in the digital age?

In order to answer this question, the study applies a qualitative and interdisciplinary approach based primarily on doctrinal legal analysis and conceptual interpretation. Selected Latin legal maxims are examined with regard to their historical origin and legal meaning before their contemporary relevance is assessed in the context of managerial decision-making. Where appropriate, the analysis is supplemented by contemporary legislation and judicial decisions in order to determine whether the underlying ideas represented by selected traditional principles continue to appear in modern legal reasoning.

The maxims were selected purposively according to three criteria: their identifiable connection with the Roman-law or Roman-canonical tradition, their relevance to recurring managerial responsibilities, and their suitability for comparison with contemporary governance standards, artificial intelligence regulation and case law. The analysis proceeds from historical and doctrinal interpretation to functional comparison and subsequently to the application of the selected principles to contemporary digital decision-making.

The purpose of the study is not to establish a direct equivalence between Roman law and contemporary management standards. Rather, it seeks to identify functional continuity between historically established normative principles and recurring problems of modern decision-making. The original contribution of the study lies in the construction of a three-stage interpretative framework connecting the traditional principles of *culpa in eligendo*, *culpa in vigilando* and *audi alteram partem* with the selection, supervision and contestability of AI-supported managerial decision-making.

The underlying thesis is that digital transformation changes the instruments, speed and informational environment of managerial decision-making but does not necessarily alter its fundamental normative requirements. From this perspective, the Roman-law tradition may provide more than historical insight; its enduring principles may offer a conceptual bridge between classical legal thought and contemporary challenges of digital governance.

Roman-Law Tradition and the Persistence of Legal Principles

The continuing relevance of Roman law should not be understood as the uninterrupted survival of an ancient legal system in its original form. Its importance for contemporary European legal culture lies rather in the transmission, reinterpretation and adaptation of legal concepts, institutions and methods of reasoning over many centuries. Following the decline of the Western Roman Empire, Roman legal thought became part of a broader intellectual tradition that was preserved, studied and gradually incorporated into changing legal environments. Its influence was therefore evolutionary rather than static (Stein, 1999).

An important element of this tradition was the ability of Roman jurists to formulate concise legal propositions expressing the essence of more complex legal reasoning. The Latin term *regula* gradually acquired a normative meaning within Roman jurisprudence and came to denote a concise legal proposition. This was particularly significant because Roman law was strongly casuistic: legal reasoning frequently developed through the analysis of individual cases rather than through the systematic application of abstract rules formulated in advance (Dębiński, Pyter and Skřejpek, 2022, pp. 51–52).

The relationship between an individual legal problem and a general rule was already approached with caution by Roman jurists. A particularly important formulation attributed to Paulus and preserved in Justinian's *Digest* states: *Non ex regula ius sumatur, sed ex iure quod est regula fiat* – the law is not derived from the rule; rather, the rule is derived from the law. A *regula iuris* was therefore not intended to operate as an autonomous source from which legal consequences could mechanically be deduced, but as a concise expression of an existing legal solution (Dębiński, Pyter and Skřejpek, 2022, p. 52).

This distinction is also relevant to the present study. Latin legal maxims should not be treated as universal formulas capable of automatically resolving contemporary managerial problems. Their value lies primarily in their ability to identify recurring normative relationships and express them in a condensed form. Their contemporary application must therefore remain sensitive to both their historical meaning and the specific circumstances in which they are invoked.

The subsequent compilation and transmission of Roman legal rules strengthened their capacity for abstraction. Roman jurists produced specialised collections known as *libri regularum*, while Justinian's *Digest* ultimately devoted its final title, *De diversis regulis iuris antiqui*, to 211 legal rules derived predominantly from classical jurists such as Paulus and Ulpian. Rules originally connected with particular legal problems could thereby acquire broader significance when incorporated into a systematic legal compilation (Dębiński, Pyter and Skřejpek, 2022, pp. 54–56).

The transmission of Roman legal thought continued through the medieval period. Roman concepts and rules influenced canon law, while the renewed study of Justinian's texts at Bologna from the eleventh and twelfth centuries contributed decisively to the development of European learned law. Roman law and canon law were studied through related methods and predominantly in Latin, while the work of glossators and later commentators contributed to the development of the European *ius commune* (Dębiński, Pyter and Skřejpek, 2022, pp. 56–61).

The medieval revival of Roman law was not merely an exercise in historical reconstruction. Jurists interpreted Roman texts in response to the legal needs of their own time, combining Roman concepts with canon law, local customs and emerging territorial laws. This process subsequently influenced the reception of Roman law in continental Europe and the development of modern legal science and codification (Stein, 1999, pp. 38–70).

The history of Latin legal maxims reflects this gradual process of adaptation. It would therefore be inaccurate to assume that every principle traditionally expressed in Latin represents a verbatim statement originating in classical Roman law. Some maxims can be traced directly to Roman jurists or Roman legal sources, while others were formulated or refined by medieval canonists and later legal scholars working within a tradition strongly influenced by Roman law (Szczygielski, 2017). Their relationship with Roman law may consequently be textual, conceptual or methodological.

The continued use of Latin maxims in contemporary judicial reasoning further demonstrates that their significance is not confined to legal history. An examination of the case law of the Polish Constitutional Tribunal, for example, identified numerous Latin legal maxims used to articulate broader legal principles and values. The same research confirms their heterogeneous historical origins, including Roman, medieval and later legal scholarship (Szczygielski, 2017).

For the purposes of contemporary managerial decision-making, the significance of this historical development does not lie in the authority of Latin terminology itself, but in the persistence of the normative problems expressed by these principles. Questions concerning responsibility, fairness, trust, impartiality, contractual reliability and supervision are not confined to a particular historical legal order. The Roman-law tradition therefore provides a historically developed conceptual vocabulary through which such recurring problems may be analysed.

The selected maxims will consequently not be treated as binding rules of management or as substitutes for contemporary law. Each principle will instead be examined in terms of its legal meaning and historical development and subsequently used as a normative lens through which a particular aspect of contemporary managerial decision-making can be evaluated. This approach preserves the distinction between legal history and modern application while allowing the continuing analytical potential of the Roman-law tradition to be explored.

Latin Legal Maxims as Normative Principles of Decision-Making

Legal maxims are valuable not merely because of their historical origin, but because they condense broader normative ideas into concise and recognisable formulations. Their function is not to provide an automatic solution to every situation, but to identify principles that can guide legal reasoning and the evaluation of conduct. This characteristic makes them potentially relevant beyond the narrow context in which they originally developed (Dębiński, Pyter and Skřejpek, 2022).

Managerial decision-making similarly involves more than the selection of the most economically efficient alternative. Decisions concerning employees, contractors, business partners, organisational risks or the delegation of authority may also raise questions of fairness, responsibility, impartiality, trust and supervision. Contemporary corporate governance standards reflect these requirements. The G20/OECD Principles of Corporate Governance emphasise that governing bodies should act on an informed basis, in good faith, with due diligence and care, while exercising objective judgement, preventing conflicts of interest and effectively monitoring management (OECD, 2023).

This creates a functional connection between several traditional legal principles and contemporary managerial responsibilities. *Bona fides* can be associated with good-faith conduct and fair dealing; *pacta sunt servanda* with reliability in contractual relationships;

nemo iudex in causa sua with the prevention of conflicts of interest; and *audi alteram partem* with procedural fairness. Similarly, *culpa in eligendo* and *culpa in vigilando* provide a conceptual basis for examining responsibility arising from the selection and supervision of persons entrusted with delegated tasks, as well as of technological systems used to support such tasks.

The relevance of these principles does not depend on treating them as independent rules of management. Rather, they can serve as normative reference points for evaluating the decision-making process. A managerial decision may be economically rational and formally permissible while still raising concerns regarding impartiality, inadequate supervision, inconsistent conduct or insufficient consideration of the interests of affected persons. The use of legal principles therefore introduces an additional dimension into the evaluation of managerial conduct: not only whether a decision achieves its intended objective, but also whether the process through which it was reached reflects basic requirements of responsible decision-making.

This approach becomes particularly significant in a digital environment, where elements of assessment, recommendation and control may increasingly be delegated to technological systems. The following analysis therefore examines selected Latin legal maxims individually, focusing on their legal meaning and on the specific aspects of contemporary managerial decision-making to which their underlying principles may reasonably be applied.

Selected Latin Legal Maxims and Their Contemporary Managerial Relevance

The following section examines selected Latin legal maxims whose underlying principles remain relevant to contemporary managerial decision-making. Each maxim is considered from three interconnected perspectives: its legal meaning and historical foundations, its relevance to modern management, and its possible application in the context of digital and technologically assisted decision-making. The objective is not to treat these maxims as independent managerial rules, but to assess whether their underlying normative principles can contribute to the evaluation of responsible managerial conduct.

Bona fides – Good Faith

The principle of *bona fides* represents one of the clearest examples of continuity between Roman legal thought and contemporary standards of responsible conduct. The concept developed from the broader notion of *fides*, associated with trust, loyalty and the observance of promises, and gradually acquired a specifically legal meaning. In Roman contractual relations, *bona fides* allowed the assessment of conduct to extend beyond strict formal compliance and to include requirements of honesty, fairness and proper behaviour between the parties (Pop, 2019).

This underlying idea remains readily applicable to contemporary managerial decision-making. Modern corporate governance does not assess managerial conduct solely according to whether a decision formally complies with applicable rules. The G20/OECD Principles of Corporate Governance expressly require board members to act on a fully informed basis, in good faith, with due diligence and care, and in the best interests of the company and its shareholders. Good faith is therefore directly connected with the quality of the decision-making process and with the duties of care and loyalty (OECD, 2023, p. 35).

From a managerial perspective, *bona fides* may consequently be understood as requiring more than the absence of deliberate misconduct. A responsible decision-maker should obtain relevant information, consider foreseeable consequences and avoid using formal authority in a manner that conflicts with the legitimate interests of the organisation. Good faith thus provides a useful normative criterion for distinguishing between a decision that is merely formally permissible and one that is also responsibly made.

The same principle retains relevance when managerial decisions are supported by digital technologies. Reliance on an algorithmic recommendation cannot, by itself, demonstrate that a decision was made in good faith. A manager who uses such a system should still consider the reliability of the information available, the suitability of the technological tool for the particular purpose and the consequences of relying on its output. In this sense, technological assistance changes the means by which information is processed, but does not remove the requirement that managerial authority be exercised honestly, responsibly and on an adequately informed basis.

Pacta sunt servanda – Agreements Must Be Kept

The principle *pacta sunt servanda* expresses the binding force of agreements and constitutes one of the fundamental ideas of modern contract law. Its historical origin, however, requires some qualification. Although it is frequently described as a Roman-law maxim, classical Roman law did not recognise a general rule according to which every agreement was automatically enforceable. The modern principle emerged through a longer Roman-canonical development and was subsequently incorporated into European legal thought (Ivančík, 2025). Its contemporary meaning is considerably clearer. Article 1.3 of the UNIDROIT Principles of International Commercial Contracts provides that a contract validly entered into is binding upon the parties and may be modified or terminated only in accordance with its terms, by agreement of the parties or where otherwise permitted by the Principles. The official commentary expressly identifies this rule as the principle of *pacta sunt servanda* (UNIDROIT, 2016, Art. 1.3).

For managerial decision-making, the principle is closely connected with reliability and predictability. Organisations depend on contractual commitments towards suppliers, employees, customers and other business partners. A managerial decision that disregards validly undertaken obligations may therefore create not only legal liability but also operational and reputational risks. *Pacta sunt servanda* can consequently be understood as a reminder that managerial flexibility operates within the limits created by commitments that the organisation has voluntarily assumed.

The principle also retains relevance in a digital environment. The increasing use of electronic contracts, automated contracting processes or digitally managed commercial relationships does not diminish the binding nature of valid contractual obligations. Digitalisation may change the manner in which agreements are concluded, administered and performed, but it does not alter the basic expectation that valid commitments should be respected. From a managerial perspective, technological efficiency therefore cannot substitute adequate control over the contractual obligations created or executed through digital systems.

Nemo iudex in causa sua – No One Should Be a Judge in His Own Cause

The maxim *nemo iudex in causa sua* expresses the requirement that a person exercising decision-making authority should not decide a matter in which he or she has a personal interest. Its historical roots can be traced to Roman law; the Theodosian Code contained the rule *Ne in sua causa quis judicet*, prohibiting a person from acting as judge in his own cause. The principle later became firmly associated with natural justice, impartiality and the prevention of conflicts of interest (Valsan, 2016, p. 18).

Its relevance extends beyond judicial proceedings. A conflict of interest may impair the quality of judgement even where the decision-maker acts honestly and believes that personal interests have not influenced the decision. Valsan defines such a conflict as a situation in which a person required to exercise judgement for the benefit of another has an interest capable of interfering with the proper exercise of that discretion (Valsan, 2016, p. 18). This principle has a direct parallel in contemporary corporate governance. The G20/OECD Principles emphasise the need for objective and independent judgement and require boards to identify and manage potential conflicts of interest involving management, board members and shareholders. They also recommend the involvement of independent board members in decisions where such conflicts may arise (OECD, 2023).

Applied to managerial decision-making, *nemo iudex in causa sua* therefore suggests that a manager should not exercise decisive authority in matters where personal, financial or other interests may compromise objective judgement. This concern may become even more complex in a digital environment. The use of an algorithmic or AI-supported system does not necessarily remove a conflict of interest if the person selecting the system, defining its parameters or relying on its output has an interest in a particular outcome. Digitalisation may distance the decision-maker from the visible act of deciding, but it does not automatically guarantee impartiality.

Audi alteram partem – Hear the Other Side

The principle *audi alteram partem* expresses the requirement that a person affected by a decision should have an opportunity to present his or her position before an adverse determination is made. It constitutes one of the traditional foundations of procedural fairness and remains closely associated with the right to be heard (Della Cananea, 2016, pp. 35–60).

Its relevance to managerial decision-making is particularly evident where decisions have significant consequences for employees, applicants, contractors or customers. A procedurally responsible decision should not rely exclusively on information gathered about the affected person without providing a reasonable possibility to correct inaccurate information or challenge conclusions based upon it.

This principle acquires particular importance where decisions are based on automated assessment. In *Dun & Bradstreet Austria*, the Court of Justice of the European Union held that, in the context of the GDPR provisions applicable to automated decision-making, the information provided to the data subject must be sufficiently meaningful to enable him or her

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to understand the procedure and principles actually applied and thereby effectively exercise the right to contest the resulting decision (Court of Justice of the European Union, 2025, paras. 55–61). Although the judgment concerned the interpretation of the GDPR rather than the direct application of *audi alteram partem*, its underlying logic demonstrates the continuing importance of the ability to understand and contest decisions produced through automated processes.

From a managerial perspective, this suggests that the use of AI should not transform decision-making into a process in which the affected person has no meaningful opportunity to question incorrect data or an inappropriate conclusion. The traditional requirement to hear the other side therefore acquires a contemporary dimension: where the applicable legal framework requires procedural safeguards, effective fairness may depend not only on the possibility to respond to a human decision-maker, but also on the possibility to understand and challenge the relevant output of a technological system.

Culpa in eligendo – Fault in Selection

Culpa in eligendo refers to fault arising from the negligent selection of a person entrusted with the performance of a task. Within fault-based continental approaches to liability for the acts of others, negligent selection and supervision have served as explanations for attributing responsibility to the principal (Giliker, 2011, p. 33).

In managerial practice, delegation necessarily involves selection. A manager may entrust a particular activity to an employee, contractor, professional adviser or external service provider. Responsible delegation therefore requires consideration of whether the selected person possesses the necessary competence and reliability to perform the assigned task.

Digitalisation extends the same problem to the selection of technological systems. Where an organisation decides to use an AI system for recruitment, risk assessment, employee evaluation or another significant managerial function, the choice of the system itself becomes part of the managerial decision. Its intended purpose, reliability, limitations and suitability for the particular organisational context should therefore be considered before it is deployed.

This analogy should not be understood as a direct statutory requirement under the EU Artificial Intelligence Act to select a particular AI system. Nevertheless, Article 26 reflects a broader regulatory expectation that deployers assume organisational responsibility for the use of high-risk AI systems, including the adoption of appropriate technical and organisational measures and the assignment of human oversight to persons with the necessary competence, training and authority (European Parliament and Council of the European Union, 2024, Art. 26). In this broader managerial sense, *culpa in eligendo* may provide a useful conceptual framework for examining responsibility not only for selecting persons, but also for the initial choice of technological instruments through which organisational decisions are supported.

Culpa in vigilando – Fault in Supervision

Where *culpa in eligendo* concerns the quality of selection, *culpa in vigilando* concerns what follows after delegation. It refers to fault arising from inadequate supervision of a person

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entrusted with performing a task and forms part of fault-based explanations of liability for the conduct of others (Giliker, 2011, p. 33).

The principle is particularly relevant to management because delegation does not necessarily eliminate the need for control. A manager may legitimately transfer the performance of a task while retaining responsibility for establishing appropriate reporting mechanisms, monitoring performance and intervening where deficiencies become apparent.

The same reasoning becomes highly significant in relation to artificial intelligence. An organisation that introduces an AI system into a managerial process should not assume that technological delegation removes the need for human supervision. Article 14 of the EU Artificial Intelligence Act expressly requires high-risk AI systems to be designed so that they can be effectively overseen by natural persons. Human overseers must, among other things, be capable of understanding the system's capacities and limitations, detecting anomalies and disregarding, overriding or reversing its output where appropriate (European Parliament and Council of the European Union, 2024, Art. 14).

The obligations imposed on deployers reinforce this principle. They must assign human oversight to persons with appropriate competence and authority and monitor the operation of high-risk AI systems in accordance with the applicable instructions (European Parliament and Council of the European Union, 2024, Art. 26). The traditional concept of *culpa in vigilando* thus provides a particularly strong conceptual connection between historical principles of responsibility and contemporary AI governance. A manager who delegates analytical or decision-support functions to artificial intelligence does not necessarily cease to be responsible for supervision; the object of supervision has simply changed.

Roman-Law Principles in the Context of Digital and Algorithmic Decision-Making

The increasing use of artificial intelligence does not create an entirely new category of managerial responsibility. Rather, it changes the environment in which established questions of selection, supervision and procedural fairness must be addressed. Algorithms may analyse information, evaluate individuals, identify risks or recommend particular outcomes, but their incorporation into organisational processes remains the result of human and institutional decisions. Algorithmic management therefore does not eliminate managerial authority; it partly redistributes the manner in which that authority is exercised (Kellogg, Valentine and Christin, 2020).

The principles examined above suggest a three-stage framework for evaluating responsible managerial use of artificial intelligence: **selection, supervision and contestability**. These stages correspond particularly closely to *culpa in eligendo*, *culpa in vigilando* and *audi alteram partem*. The proposed connection should not be understood as a direct application of historical Roman-law rules to artificial intelligence. It represents a functional analogy through which traditional concepts of responsibility can assist in identifying contemporary managerial requirements.

The first stage concerns the **selection of the technological system**. The decision to introduce an AI tool into an organisational process should itself be treated as a managerial decision. Its suitability cannot be assessed solely by reference to technical performance or economic efficiency. The intended purpose of the system, the nature of the decisions it will support, the reliability of its outputs, the quality of the underlying data and the potential consequences of error are also relevant. In this context, *culpa in eligendo* offers a useful conceptual perspective: responsibility begins before the system produces its first output. The initial decision concerning which system is selected, for what purpose and under what conditions may determine many of the risks that arise during its subsequent use.

The second stage is **supervision**. The introduction of an AI system cannot reasonably be understood as transferring managerial responsibility from a human decision-maker to technology. This is particularly evident in the regulatory structure of the EU Artificial Intelligence Act. For high-risk AI systems, Article 14 requires effective human oversight and provides that persons exercising such oversight should be able to understand the relevant capacities and limitations of the system, monitor its operation, recognise the risk of over-reliance on automated outputs and, where appropriate, disregard, override or reverse those outputs (European Parliament and Council of the European Union, 2024, Art. 14).

The explicit recognition of automation bias is particularly significant for managerial decision-making. Human involvement has limited value if a manager merely confirms a recommendation generated by the system without independently considering its appropriateness. Effective supervision therefore requires more than the formal presence of a human decision-maker. Article 26 of the AI Act similarly requires deployers of high-risk AI systems to assign human oversight to persons possessing the necessary competence, training and authority (European Parliament and Council of the European Union, 2024, Art. 26). These requirements provide a contemporary regulatory parallel to the basic idea underlying *culpa in vigilando*: delegation of a task does not necessarily eliminate responsibility for supervising its performance.

The third stage concerns **contestability**. Where an AI-supported decision significantly affects an individual, responsible decision-making may require a meaningful opportunity to question the information, reasoning or outcome upon which the decision is based. In this respect, *audi alteram partem* acquires particular relevance. An affected person cannot effectively present his or her position if the reasons underlying the decision are inaccessible or unintelligible.

This concern is illustrated by *Dun & Bradstreet Austria*, examined in greater detail in the following section. Article 15(1)(h) of the GDPR requires the provision of meaningful information about the logic involved in automated decision-making (European Parliament and Council of the European Union, 2016, Art. 15(1)(h)). In *Dun & Bradstreet Austria*, the Court held that such information must enable the affected person to understand the procedure and principles actually applied.The Court also rejected the mere disclosure of a complex mathematical formula or an excessively technical description as sufficient for this purpose (Court of Justice of the European Union, 2025, paras. 59–66).

For the purposes of the present framework, the essential point is that a decision that cannot meaningfully be understood may also be difficult to challenge. This does not transform the judgment into a universal procedural rule applicable to every managerial use of artificial intelligence. Rather, it illustrates the importance of intelligibility where the applicable legal framework requires meaningful contestability. In this sense, *audi alteram partem* acquires a renewed practical dimension where part of the assessment or reasoning process is performed by a technological system.

Taken together, the three principles provide a coherent framework for examining managerial responsibility throughout the use of artificial intelligence. *Culpa in eligendo* directs attention to the decision preceding deployment; *culpa in vigilando* concerns continuing responsibility during operation; and *audi alteram partem* focuses on the position of the person affected by the resulting decision. In simplified form, the framework can be expressed as:
appropriate selection → effective supervision → meaningful possibility of challenge

The value of this framework lies in its technological neutrality. Particular AI systems will change, and the regulatory rules applicable to them will continue to develop. The underlying managerial questions are more persistent: Was an appropriate instrument selected? Was its operation adequately supervised? Could an affected person meaningfully question an adverse outcome? Viewed from this perspective, the Roman-law tradition does not provide ready-made answers to contemporary technological problems, but it continues to provide useful concepts for identifying and evaluating the fundamental questions of responsible managerial decision-making.

Judicial Case Study: Dun & Bradstreet Austria and the Right to Challenge Automated Decisions

A practical illustration of the continuing relevance of traditional procedural principles can be found in the judgment of the Court of Justice of the European Union in *Dun & Bradstreet Austria*, Case C-203/22. The case concerned an automated assessment of an individual's creditworthiness and, more specifically, the extent to which a person affected by such an assessment must be provided with information enabling him or her to understand how the result was reached.

The dispute arose after a mobile telephone operator refused to conclude or extend a contract with CK on the basis of an automated credit assessment performed by Dun & Bradstreet Austria. The proposed contract involved a monthly payment of only ten euros, yet the automated assessment concluded that CK did not possess sufficient financial creditworthiness. CK subsequently sought information concerning the logic and procedure underlying the automated assessment (Court of Justice of the European Union, 2025, paras. 16–17).

The case eventually reached the Court of Justice through a request for a preliminary ruling from the Administrative Court of Vienna. One of the central issues was the interpretation of Article 15(1)(h) of the GDPR, which provides the data subject with access to meaningful information about the logic involved in automated decision-making, including profiling (European Parliament and Council of the European Union, 2016, Art. 15(1)(h)). The practical question was therefore not merely whether information had to be provided, but what level and form of explanation would make that information genuinely meaningful.

Article 22(3) of the GDPR provides, in the situations covered by that provision, for safeguards including the right to obtain human intervention, to express one's point of view and to contest the decision (European Parliament and Council of the European Union, 2016, Art. 22(3)). The Court connected those safeguards with the ability of the affected person to understand the reasons leading to the automated decision and held that they could not be effectively exercised without such understanding (Court of Justice of the European Union, 2025, paras. 55–56).

The Court therefore interpreted the requirement to provide meaningful information as requiring an explanation of the procedure and principles actually applied in the individual case. Such information must be provided in a concise, transparent, intelligible and easily accessible form. Significantly, the Court held that neither the mere disclosure of a complex mathematical formula nor an exhaustive technical description of every step of the automated process would satisfy this requirement. The explanation must instead enable the affected person to understand how his or her personal data were used to produce the particular result (Court of Justice of the European Union, 2025, paras. 57–61).

The judgment also addressed an important practical limitation frequently associated with algorithmic systems: the protection of trade secrets. Dun & Bradstreet relied, inter alia, on the confidential nature of information connected with its scoring methodology. The Court did not accept that the existence of a trade secret could automatically eliminate the data subject's right of access. Where disclosure may affect protected information or the rights of third parties, the relevant information must be made available to the competent supervisory authority or court, which must balance the competing rights and interests (Court of Justice of the European Union, 2025, paras. 67–76).

From the perspective of the present study, *Dun & Bradstreet Austria* is particularly significant because it illustrates the contemporary functional relevance of *audi alteram partem*. The Court did not apply, nor did it need to invoke, the Latin maxim itself. Nevertheless, the underlying normative relationship is clearly comparable: a person cannot meaningfully challenge an adverse decision without an adequate opportunity to understand the basis upon which that decision was reached.

The digital environment therefore adds a further dimension to the traditional concept of being heard. Where an adverse decision depends substantially upon an automated assessment, merely allowing the affected person to submit a statement may be insufficient. Meaningful participation may also require access to sufficient information to understand and challenge the relevant reasoning. In this sense, explainability becomes a practical precondition of contestability.

The judgment is also relevant to managerial decision-making beyond the specific field of credit scoring. Organisations increasingly use automated tools in recruitment, employee assessment, fraud detection, risk classification and customer management. *Dun & Bradstreet Austria* should not, however, be interpreted as automatically extending the specific requirements of Article 15(1)(h) of the GDPR to every managerial decision involving artificial intelligence. Its significance for the present analysis is broader and functional: where technology materially influences a decision affecting an individual, the opacity of the technological process should not, by itself, prevent meaningful scrutiny where the applicable legal framework requires such scrutiny.

The case therefore supports one of the central propositions developed in this article. Digitalisation may significantly alter the technical process through which a decision is produced, but it does not necessarily eliminate the need for procedural safeguards. Where the applicable legal context provides a right to understand and contest an adverse automated decision, technological complexity cannot by itself justify making that right ineffective. The case thus demonstrates how a traditional concern underlying *audi alteram partem* can acquire renewed practical significance in the context of algorithmic decision-making.

Conclusion

The analysis indicates that the continuing relevance of the Roman-law tradition does not depend on the direct transplantation of ancient legal rules into contemporary management. Its significance lies rather in the persistence of fundamental normative problems that remain present despite profound technological change. Questions of good faith, reliability, impartiality, responsibility for selection, adequate supervision and procedural fairness continue to shape responsible decision-making in modern organisations.

The selected Latin legal principles demonstrate that many challenges associated with contemporary managerial decision-making are not entirely new in their normative substance. *Bona fides* emphasises responsible and honest conduct, *pacta sunt servanda* supports reliability in contractual relations, and *nemo iudex in causa sua* highlights the importance of impartiality and the prevention of conflicts of interest. Their relevance is not limited to legal doctrine, as comparable requirements can also be identified in contemporary standards of corporate governance.

The strongest connection with artificial intelligence can be observed in the principles of *culpa in eligendo*, *culpa in vigilando* and *audi alteram partem*. Together, they provide a coherent conceptual framework covering three essential stages of AI-supported managerial decision-making: the appropriate selection of a technological system, effective supervision of its operation, and the meaningful possibility to challenge a decision affecting an individual.

This framework is particularly relevant because the use of artificial intelligence does not automatically transfer responsibility from managers to technological systems. The EU Artificial Intelligence Act confirms the continuing importance of human oversight, particularly in relation to high-risk AI systems (European Parliament and Council of the European Union, 2024, Arts. 14 and 26). The judgment of the Court of Justice in *Dun & Bradstreet Austria* further demonstrates that automated decision-making may require sufficient transparency to enable an affected person to understand and effectively challenge an adverse outcome (Court of Justice of the European Union, 2025).

The research question posed at the beginning of this study can therefore be answered affirmatively, although with an important limitation. Legal principles rooted in the Roman-law tradition can provide a relevant normative framework for contemporary managerial decision-making, but they should not be treated as autonomous rules capable of replacing modern legislation, regulatory requirements or professional standards. Their principal value lies in their interpretative function: they help identify recurring problems of responsibility and provide a conceptual vocabulary through which those problems can be evaluated.

The principal contribution of the study lies in demonstrating that the selected principles may be organised into a functionally coherent framework applicable to contemporary AI-supported decision-making. In particular, the sequence of appropriate

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selection, effective supervision and meaningful contestability provides a conceptual structure through which managerial responsibility can be assessed before, during and after the use of technological decision-support systems.

Digital transformation changes the instruments, speed and complexity of managerial decision-making, but it does not eliminate the need for responsible human judgement. In this sense, the enduring legacy of Roman law is not primarily technological or institutional, but normative. The tools through which decisions are made continue to evolve; the fundamental questions of how responsibility should be exercised remain remarkably persistent.

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