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Administrative sanctioning process in the digital age
Administrative Sanctioning Proceedings in the Digital Era
Administrative Sanction Procedures in the Digital Era

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Summary

This article examines the digitization of the administrative sanctioning process based on five inseparable requirements: legality, adversarial process, justification, data protection, and traceability.
The migration from paper to electronic platforms reduces barriers to movement and increases the visibility of processes, but it does not, by itself, correct poorly reasoned decisions or asymmetries in access. The analysis articulates Brazilian legislation, administrative law literature, and studies on digital government. It argues that legitimate efficiency depends on an institutional design capable of recording the decision-making chain, communicating acts in intelligible language, and preserving human review. The relevant economic gain lies not only in the reduction of paper use, but also in the prevention of rework, nullities, and avoidable litigation.

Keywords: administrative process; digital government; justification; access to justice; governance.

Abstract

This article examines the digitalization of administrative sanctioning procedures through five inseparable requirements: legality, adversarial participation, reasoned decisions, data protection, and traceability. Moving from paper to electronic platforms may reduce travel barriers and make procedural progress visible, but it does not automatically correct weak reasoning or unequal access.
The study combines Brazilian legislation, administrative law scholarship, and digital government research. It argues that legitimate efficiency requires institutional design that records the decision chain, communicates acts clearly, and preserves human review. The relevant economic gain lies not only in reducing paper use, but also in preventing rework, invalid decisions, and avoidable litigation.
Keywords: administrative proceedings; digital government; legal reasoning; access to justice; governance.

Introduction

The digital transformation of the state is often presented as a technological project.

The sanctioning process, however, is primarily a legal and organizational problem. A screen can

to expedite the filing of a defense, but the legitimacy of the procedure remains linked to...

due process of law, the right to a fair hearing, and the possibility of understanding the reasons for the decision, in

terms of items LIV and LV of article 5 of the Federal Constitution.

The financial scale makes the discussion concrete. The Justice in Numbers 2024 report recorded, in

In 2023, expenses in the Judiciary totaled R$ 132.8 billion, while revenues reached R$ 68.74 billion. Although these

While numbers don't measure the administrative process of traffic, they reveal the institutional cost of...

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Decision-making and control systems. Avoid nullities, duplications, and appeals resulting from failures.
Communication has fiscal value, in addition to legal value.
The goal is to identify the conditions under which digital processing produces effective access, not merely...
computerization. The central argument is that decision-making quality and efficiency are complementary.
Management achieves sustainable savings by organizing data, defining criteria, and creating...
Audit trails that allow for reconstructing who made the decisions, based on which documents, and under what circumstances.
Which standard?

2 Methodology

A qualitative research approach of a legal-institutional nature was adopted, involving a literature review and...
Documentary analysis. The normative corpus includes the 1988 Constitution, Law No. 9,784 of 1999, and...
Brazilian Traffic Code, the Digital Government Law, and the General Law on the Protection of Personal Data.
The interpretation was guided by four categories: access, motivation, traceability, and control.
Each category was compared with the literature of Celso Antônio Bandeira de Mello, Maria Sylvia
Zanella Di Pietro, Odete Medauar and Floriano de Azevedo Marques Neto, while respecting the differences.
among its formulations.
Aggregated data from the National Council of Justice were used only to measure the...
economic and operational scale of decision-making institutions. Equivalence is not presumed between the
Judicial activity and administrative process. The comparison shows that the procedural design
And the quality of information has budgetary consequences.
The study does not measure causality nor does it attribute a specific economic benefit to a platform. It is about...
A normative and conceptual analysis. Governance propositions are presented as criteria.
evaluative, testable by public bodies through time series, sample audit and
User research.

3. Procedural guarantees and sanctioning power

Administrative sanctions interfere with a citizen's legal sphere and, therefore, require competence and proper form.
and legally defined purposes. Bandeira de Mello (2021) reminds us that the administrative function is
subordinated to the public interest, legally qualified, and not to the personal will of the agent.
Digitizing does not change that link.
The adversarial process has both an informative and a participatory dimension. Simply providing a [discuss/opportunity] is not enough.
field for attaching files. The interested party needs to know the nature of the charge, identify the deadline, and access

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The relevant documents and have your arguments examined. The interface is part of the guarantee when
It conditions the exercise of the right to defense.

Law No. 9,784 of 1999 establishes general parameters of purpose, motivation, reasonableness,
Proportionality, broad defense, and legal certainty. Even when local or sectoral legislation
Discipline the rite, these principles function as a common language of control and help to
To distinguish the speed of precipitation.

In traffic, the Brazilian Traffic Code and the regulations of the National Traffic Council apply.
They structure their own phases of formalization, defense, and appeal. The electronic process must preserve the
separation between the registration of the fact, the notification, the admissibility examination and the judgment, avoiding
that automation eliminates the legal differences between these steps.

Technical specialization arises from the ability to relate facts, documents, competence, and standards.
applicable. It should not be confused with the mechanical repetition of models. Similar cases require
coherence; relevant differences require justified treatment. This discipline protects both
administered as well as the body itself.

4. Admissibility as a gateway to merit.

The admissibility analysis determines whether a challenge can be examined regarding its merits.
Content. Errors in identifying the timeliness, legitimacy, or regularity of documentation.
They can prevent discussion of the merits of the case. Therefore, procedural filters need to be clear and proportionate.
and revisable.

Well-designed platforms reduce avoidable errors by providing information about missing documents.
Record the protocol time and issue a complete receipt. These functionalities do not decide.
The resource, but reduces uncertainty. Digital evidence must remain accessible to the citizen.

Regarding the team responsible for the analysis.
Medauar (2018) associates administrative procedurality with participation and the objectification of action.
state-owned. From this perspective, the electronic workflow should make the relevant steps visible. A generic status,
The phrase 'under review' provides little information; records of receipt, distribution, and decision-making strengthen the...
Predictability without exposing protected data.

The digital divide imposes a limit on the exclusively remote model. In-person channels and support
Assisted devices remain necessary for people with low connectivity, disabilities, or difficulty connecting.
Digital literacy. Law No. 14,129 of 2021 encourages digital services, but does not authorize that...
administrative convenience constitutes a disproportionate barrier.

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Suitable indicators include the rate of unknown resources due to formal failure, the time between protocol and triage, the percentage of summonses actually received, and the volume of corrections registration data. The indicator should reveal where the procedure loses quality, not just serve to... accelerate closures.

5 Motivation, jurisprudence and coherence

To motivate means to explain the relationship between the proven facts, the applicable rule, and the conclusion. (Di Pietro) (2023) observes that motivation allows for the control of legality and prevents public power Hide the decision under abstract formulas. In a digital environment, copying text is simple; justifying it is not. It remains an intellectual endeavor.

Case law research serves a coherent function, but precedents do not replace analysis. of the case. The decision needs to demonstrate why a particular understanding is relevant. Citations Disconnected elements increase the document's volume without improving its quality. Standardized templates can organize recurring elements, provided they contain fields for... Specific facts and decisive fundamentals. The risk arises when the model anticipates the conclusion or omits a relevant argument. Peer review and sample auditing help identify insufficient substantiation standards.

Di Pietro (2023) highlights that the control of administrative activity depends on the possibility of Relating public choice to the legal limits that condition it. Consistency does not require Immobility. Interpretative changes are legitimate when declared, justified, and applied with... attention to legal certainty.

Language is also an integral part of motivation. Technical terms can be indispensable, but... The outcome and its consequences must be understandable. An intelligible decision reduces requests for... clarification and avoids appeals filed simply because the recipient did not understand what was said. decided.

6. Traceability and governance of information

Traceability is the ability to reconstruct the path of a process. It requires the identification of Versions, access logs, document integrity, and transaction history. Without these... Among the elements, the speed of the system can mask evidentiary weaknesses.

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The Access to Information Law promotes transparency, while the LGPD (Brazilian General Data Protection Law) imposes a purpose.
The need for and security in the processing of personal data. The two standards are not antagonistic.
Proper design separates institutional transparency from the undue exposure of personal information.
Access profiles must meet functional needs. Logs need to record events.
Relevant information must be protected against changes. Retention policies should consider legal deadlines,
evidentiary purpose and safe disposal, avoiding both premature elimination and storage.
indefinite without justification.
Governance requires clearly defined responsibilities for aspects related to legal content, security,
User experience and operational continuity. When everyone responds generically to
System failures cross internal boundaries without resolution. The responsibility matrix needs
To monitor the entire service cycle.
Audits can combine technical testing, decision review, and observation of the user journey.
Incidents, outages, and fixes should generate institutional learning. The platform
A mature company is not one that claims to never fail, but one that detects, documents, and corrects failures with...
transparency.

7 Economic efficiency and rework prevention

The most visible economic benefits of digitization stem from reductions in paper, postage, and transportation.
The items, while real, represent only a portion of the cost. Rework caused by registration.
Incorrect, defective notification, illegible document, or incomplete justification consumes hours.
qualified and prolongs the procedural liabilities.
The measurement should distinguish between the costs of deployment, maintenance, security, training and...
customer service. A seemingly inexpensive platform can transfer expenses to the user or to...
the back-office teams. The total cost of ownership offers a more honest picture than the
starting price of the software.
The CNJ (2024) reports that the Judiciary moves resources on a large scale and recovers revenue for
the State. The values in Figure 1 contextualize the fiscal relevance of procedural quality, without
to suggest that all expenses are avoidable or that administrative activity should be replicated in judicial proceedings.
Economic analyses need to track the reopening rate, the cycle time, and the average cost per
procedural class and the incidence of nullities. Sustainable gain occurs when the service maintains
Quality is achieved with less repetitive effort, not just by transferring inventory to another unit.

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Methodological transparency is essential. Every statement about economics must indicate the period,
The baseline, the expenses included, and the external factors. Without this information, percentages
Impressive findings cannot be audited and lose scientific value.

8 Human supervision and continuous evaluation

Classification and search tools can support triage, but sanctioning decisions require...
Responsible human supervision. Authority cannot be replaced by opaque scoring. The
The employee needs to understand the recommendation, compare it with the case file, and record any discrepancies.
Automation can also reproduce historical errors. Incomplete databases, poorly defined categories.
Defined criteria and biased data affect the results. Periodic evaluations should compare groups,
resource types and administrative units for detecting patterns inconsistent with equality and
reasonableness.

Training isn't limited to screen use. Teams need to understand data protection, and...
Security, clear writing, and the limits of automation. Legal knowledge remains central.
because it is he who identifies when the general rule does not adequately address the specific case.
User participation improves the service. Comprehension surveys, usability tests and
Dispute channels allow for the identification of blind spots that internal reports fail to capture.
Citizen experience is a source of evidence, although it does not replace legality control.
Continuous evaluation means publishing criteria, reviewing indicators, and documenting changes.
This routine brings innovation closer to responsibility. Digital transformation is no longer just a project.
It becomes an episodic event and integrates into the ordinary governance of the body.

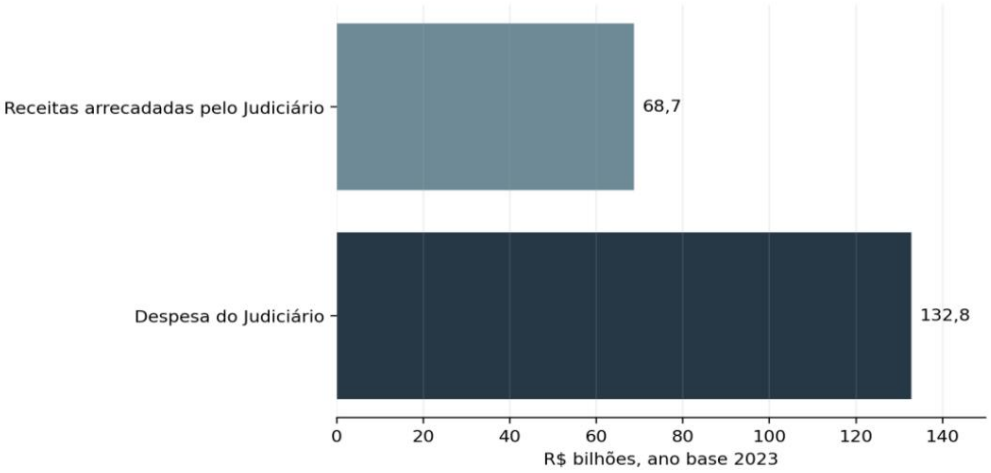


Figure 1 Financial scale of the Brazilian justice system

Source: own elaboration with data from the National Council of Justice, Justice in Numbers 2024.
base year 2023.

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Final considerations

The digitization of the sanctioning process is legitimate when it expands the capacity for defense and makes the
A controllable decision. Electronic means do not reduce the duty to provide reasons; they increase the possibility.
to verify whether this duty has been fulfilled.
Admissibility deserves to be treated as a substantive step in the access process. Clear forms,
Complete supporting documents and guidance on requirements reduce procedural losses that are not kept.
relation to the merits of the controversy.
Consistent decisions depend on careful normative and jurisprudential research. Models can
organize the work, but they must preserve space for specific facts, relevant arguments and
justified change of understanding.
Traceability connects efficiency and control. Version history, protected logs and...
Clearly defined responsibilities allow for the reconstruction of the procedure and the correction of errors before they occur.
convert into nullity or litigation.
Data protection needs to be integrated into the architecture from the start. Broad access to the service does not mean...
Extensive disclosure of personal information. Transparency and privacy coexist when purposes
and access profiles are precisely defined
The economic value of digital transformation must be demonstrated with auditable metrics.
Paper savings matter, but so do rework, reopening, downtime, and support costs.
They offer a more complete measure of efficiency.
No technology eliminates the need for responsible human judgment. Systems can.
to support search, screening, and consistency, while the decision remains with the competent agent.
capable of explaining and reviewing the result.
In short, a quality digital administrative process is not necessarily the fastest one under any circumstances. It is one
that combines reasonable time, effective participation, and sound reasoning.
individualized, information security and the ability to continuously learn from their own
data.

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