Jurnal Legalitas
Volume 19 Issue 2, 2026
P-ISSN: 1979-5955, E-ISSN: 2746-6094
Faculty of Law, Universitas Negeri Gorontalo
This work is licensed under a Creative Commons Attribution-NonCommercial 4.0 International License.

Algorithmic Governance and Due Process in Indonesia's Administrative Decision-Making

Putri Naylarizki Lasamano[1], Fence M. Wantu[2], Ahmad[3]

[1] *Faculty of Law, Universitas Negeri Gorontalo, Indonesia. E-mail: poetrylasamano@gmail.com*
[2] *Faculty of Law, Universitas Negeri Gorontalo, Indonesia. E-mail: fencewantu@ung.ac.id*
[3] *Faculty of Law, Universitas Negeri Gorontalo, Indonesia. E-mail: ahmad_wijaya@ung.ac.id*

Article Info

Article History
Received: Jun 27, 2026;
Reviewed: Sep 24, 2026;
Accepted: Okt 16, 2024.

Keywords:

Algorithmic Governance, Administrative Justice, Due Process, Comparative Law

Corresponding Author:
Name : Putri Naylarizki Lasamano
Email : poetrylasamano@gmail.com

How to cite *[Chicago Manual of Style 17th edition (full note)]:*
Putri Naylarizki Lasamano, Fence M. Wantu and Ahmad, "Algorithmic Governance and Due Process in Indonesia's Administrative Decision-Making" *Jurnal Legalitas* 19, No. 2 (2026): 289–303.

DOI :
10.33756/jelta.v17i1.40129

Abstract

Rapid advancements in algorithmic governance have transformed public administration, yet they often challenge traditional principles of due process, this study addresses a critical regulatory vacuum in Indonesia, specifically the absence of statutory limits governing Automated Decision-Making (ADM) systems in administrative acts. The objective of this research is to analyze how administrative justice can be maintained amidst technological integration, specifically comparing the frameworks of the European Union and the innovation-centric policies of South Korea. This study employs a normative legal research method with a normative legal research method and a comparative approach. The principal findings indicate that while algorithmic system increase efficiency, they often compromise procedural fairness due to a lack of transparency. The novelty of this study lies in proposing a structural modification to the General Principles of Good Governance (AUPB) specifically tailored for electronic government systems to prevent unchecked abuses of digital authority. The legal implication of these finding is the urgent need for statutory updates in administrative law to regulate automated system and safeguard citizens' right.

1. Introduction

Digital transformation in public administration has changed the way the government interacts with citizens by using algorithmic governance and Automated Decision-Making systems. While government agencies use artificial intelligence (AI) to make operations more efficient and speed up services, this focus on technology

creates big challenges with basic rules of administrative law. The main legal issue isn't just about technology working well, but how these self-operating systems slowly take away clearness, responsibility within organizations, and the legal steps that make sure fairness in processes. When administrative power is turned into automated rules, it can create a new area where decisions are made without limits, and this happens beyond the usual legal limits set by the constitution.[1]

The disagreement about using algorithms in social welfare programs in the Netherlands, like the SyRI case, and the use of AI in government in the United States shows that automation in public decisions can threaten fairness and equal treatment. Using automated systems in making administrative decisions often creates difficult issues about transparency, who is responsible within the institution, and protecting the rights of citizens during the decision-making process.[2]Decisions made by automated systems are usually hard to understand because they work like a black box, making it tough to check if they make sense.These decisions can also lead to unfair treatment because the data they use might be biased, and the way the algorithms are designed can make things worse. In these situations, people are in danger of losing important legal rights, such as the right to be given a chance to speak (audi alteram partem), the right to get a clear explanation for decisions that affect them, and the right to seek fair legal help through the courts.

This legal problem shows a basic conflict between using technology to work faster and following the old rule of fair legal steps in today's administrative law. Public authorities have to adopt digital tools to improve how they run government operations. On the other hand, using algorithms should not take away from the principles of fair government that ensure citizens' rights as guaranteed by the constitution. So the main question isn't just whether AI can help make government work better, but whether decisions made or helped by machines can still be held legally responsible, clear and open, able to be checked by courts, and follow the right legal steps.

Existing research has started to look at these issues from various angles. Suksi looks at how administrative procedures work when decisions are made automatically in government.The study shows that it's important to keep important steps in place even as more government decisions are handled by machines.[3] Williams also says that making decisions with algorithms needs accountability and the ability to review those decisions.[4]

---

[1] Talitha Hurin Salsabila, Tri Mei Indrawati, and Revienda Anita Fitrie, "Improving Public Decision-Making Efficiency through Artificial Intelligence," *Journal of Internet and Software Engineering* 1, no. 2 (April 2024): 21, https://doi.org/10.47134/pjise.v1i2.2401.

[2] Avrilo Kynan Leandro, *Penerapan Automated Administrative Decisions Di Indonesia: Tantangan Hukum Dan Implikasinya Terhadap Hak Warga Negara*, n.d., accessed May 9, 2026, https://www.researchgate.net/profile/AvriloLeandro/publication/387655202_Penerapan_Automated_Administrative_Decisions_Di_Indonesia_Tantangan_Hukum_Dan_Implikasinya_Terhadap_Hak_Warga_Negara/links/67763551117f340ec3ed6eae/Penerapan-Automated-Administrative-Decisions-Di-Indonesia-Tantangan-Hukum-Dan-Implikasinya-Terhadap-Hak-Warga-Negara.pdf.

[3] Markku Suksi, "Administrative Due Process When Using Automated Decision-Making in Public Administration: Some Notes from a Finnish Perspective," *Artificial Intelligence and Law* 29, no. 1 (March 2021): 87–110, https://doi.org/10.1007/s10506-020-09269-x.

[4] Rebecca Williams, "Rethinking Administrative Law for Algorithmic Decision Making," *Oxford Journal of Legal Studies* 42, no. 2 (June 2022): 468–94, https://doi.org/10.1093/ojls/gqab032.

Comparing Indonesia with other countries helps understand where it stands in dealing with the challenges of managing digital systems that use algorithms. However, the selection of comparative jurisdictions should show different regulatory methods that can offer useful lessons for Indonesia.The European Union has developed a strong regulatory system through the General Data Protection Regulation (GDPR) and other tools connected to digital constitutionalism. It focuses on keeping personal data safe, making algorithms transparent, and watching over artificial intelligence to help protect the human rights of citizens. This method shows that digital transformation can't be separated from the idea of the rule of law and making sure public services are fair and follow proper procedures.

At the same time, South Korea is using a more flexible approach by combining technological advancements with ethical guidelines for artificial intelligence and how public data is handled. This method shows that speeding up digital change doesn't have to put people's rights at risk, as long as there are strong systems in place to hold people responsible and proper structures to monitor and manage the process. Even though the European Union and South Korea come from different legal systems and political backgrounds, both agree that digital constitutionalism is now essential for modern countries.This is especially important to make sure that how the government uses technology follows fair rules and protects people's rights to fair treatment.[5]

In Indonesia, the shift towards digital governance is growing quickly, following the ideas of electronic government and smart governance. However, this quick growth in technology hasn't been properly supported by laws that clearly set limits and rules on how algorithms are used in making government decisions. The lack of these legal rules leads to a big chance of misuse of power in the digital world, makes it easier for institutions to avoid responsibility, and harms the basic rights of citizens in online government services.

The regulatory challenge becomes especially important because the current Indonesian legal system does not yet have a fully developed framework that properly covers the use of automated systems in making administrative decisions. The personal data protection act and the government administration act, for example, do not yet set up clear rules for accountability, human supervision, and proper solutions when automated decisions are made in administrative processes. As a result, the more people use algorithmic systems, the more there could be a type of decision-making based on technology that is hard to check using traditional administrative law methods.

This article tries to link the fast use of new technology with having good rules, all within the legal system of a developing country. This study suggests looking at algorithmic governance through the lens of administrative law, with a focus on due process, which is different from earlier research that mainly talks about AI efficiency, regulations for general AI, data privacy, or how digital tech affects the law. This study looks at how the European Union uses a rights-based approach and how South Korea focuses on innovation, in order to find regulatory parts that can be used

[5] Geofani Milthree Saragih and Mirza Nasution, "Kecerdasan Buatan, Big Data Dan Konstitusionalisme Digital: Perbandingan Uni Eropa, Korea Selatan Dan Indonesia," *Konferensi Nasional Asosiasi Pengajar Hukum Tata Negara Dan Hukum Administrasi Negara* 3, no. 1 (2025): 147–64, https://doi.org/10.55292/7vb8n428.

in Indonesia's electronic government system. The unique part of this study isn't just about comparing different legal systems, but using those comparisons to create a clearer set of administrative law rules.These rules are meant to better control the power that comes with using technology, by making sure there's transparency, human supervision, responsibility, and strong procedures to protect people's rights.

This study is important because it helps stop the misuse of digital power in electronic government systems. The study aims to answer two main questions: first, how do automated decisions made by algorithms affect people's rights to follow proper procedures in government decisions?and second, what kind of rules should be in place in Indonesia to make sure technology works efficiently while also ensuring fair and just government actions? By answering these questions, this study aims to help develop Indonesian administrative law by creating legal protections for automated administrative decisions and by improving how the General Principles of Good Governance (AUPB) are applied in electronic government systems. The idea is not to stop new technology from being used, but to make sure that when algorithms are used in government decisions, they are clear, can be checked, can be reviewed, and follow proper legal procedures and the rule of law.

2. Method

This study uses a normative legal approach, combining qualitative and prescriptive legal analysis to look at how the general principles of Good Governance (AUPB) need to be changed to work with Automated Decision-Making (ADM) systems. Instead of just listing different methods, this study combines both conceptual and comparative legal approaches to directly address the research questions. This approach looks at traditional rules of administrative law by considering the real-world effects of algorithmic black-boxes, and it examines how automated governance affects people's rights to follow proper procedures. At the same time, the comparative approach looks at external regulations to create a good legal model for Indonesia. The comparative analysis between the European Union and South Korea focuses on identifying specific, translatable criteria. The EU is chosen as the rights-based standard because it has a written right to explanation under the GDPR and the EU AI Act. South Korea was chosen as the innovation standard because its AI Basic Act effectively combines fast technological growth with required institutional performance checks.

The legal documents are arranged in a clear, organized order with different levels of importance. The main legal sources are rules that must be followed, such as the 1945 Constitution of Indonesia, the 2014 Government Administration Law, the 2022 Personal Data Protection Law (UU PDP), the 2024 Information and Electronic Transaction Law (ITE Law), and international agreements like the GDPR and the EU AI Act. Secondary legal materials include articles from Scopus-indexed journals, legal books, and treatises that discuss algorithmic accountability and electronic governance. All materials are studied in a planned way to clearly figure out the specific changes needed in laws to fix the current lack of clear regulations in Indonesia.

3. Discussion

3.1. Algorithmic Governance and Due Process Problems in Administrative Decisions

Digital transformation is a big change that involves adding technology to all areas of government work in a planned and thorough way. Improvements in Information and Communication Technology (ICT) have greatly changed how governments manage public services in many countries, including Indonesia. In the country's overall plan, digital projects in the public sector are a key part of the effort to reform the government system. These projects aim to make government work faster, more transparent, and better at using data to make decisions. Public authorities are supposed to use these digital tools to make public services work better and create better policies that can quickly adapt to changes in society and the economy. When it comes to using Automated Decision Making (ADM) in the public sector, this means looking at how society's way of producing and managing things has changed over time.In the past, it was based on agriculture, then moved to industrial law, and now it's moving towards a system where algorithms play a big role in the digital age.[6]

Algorithms are used as tools to carry out new policies that make rapid automated decision-making possible, which happens in large amounts, is based on data, and involves very little human involvement. This kind of efficiency, however, creates a big challenge for how public administration is regulated, because it's based on the rise of "algorithmic black boxes" and changes in how systems work. Williams points out that a key problem in using AI for administrative tasks is understanding the difference between correlation and causation.He explains that machine learning works by finding patterns in data, not by truly understanding reasons.So, when an AI system uses certain factors, it doesn't see those factors as important reasons for making decisions like humans do.Instead, it just notices that those factors are often connected to the results in a statistical way. Therefore, instead of being based on clear and fair reasons for causes and effects, government decisions may end up relying only on hidden patterns in data, making it hard to be sure they are correct.[7] As a result, the application of technology without an adaptive regulatory foundation risks giving birth to new forms of digital discretion that threaten the values of justice and procedural rights of citizens.

Even though using technology speeds up government work, depending too much on automated systems without proper rules raises serious worries.These worries come from the possibility that real power in making decisions could move from government workers to artificial intelligence.This is a problem because, in Indonesian law, AI is not yet recognized as a separate legal entity. [8] As Williams pointed out, administrative AI systems depend a lot on statistical inference, where

---

[6] Markku Suksi, "Administrative Due Process When Using Automated Decision-Making in Public Administration: Some Notes from a Finnish Perspective," *Artificial Intelligence and Law* 29, no. 1 (March 2021): 87–110, https://doi.org/10.1007/s10506-020-09269-x.

[7] Rebecca Williams, "Rethinking Administrative Law for Algorithmic Decision Making," *Oxford Journal of Legal Studies* 42, no. 2 (June 2022): 468–94, https://doi.org/10.1093/ojls/gqab032.

[8] Febri Heriansyah, "Artificial Intelligence Becomes a Substitute for Government Officials in Decision Making," *Journal of Rechts Vinding Media for National Legal Development* 13, no. 2 (2024), https://rechtsvinding.bphn.go.id/ejournal/index.php/jrv/article/view/1801.

data features are considered based on how often they appear, not because of any direct cause-and-effect relationship. For example, an algorithm might find a strong connection between a certain group of people's socio-economic background and their likelihood of not following rules about social assistance.This can result in denying benefits or support simply because of the statistical trend, not looking at each case individually. In the field of administrative law, this leads to a big problem with fair treatment: people are not being judged based on the real facts of their own situations, but instead on past data that can keep hidden social biases alive. The way algorithms are used without being clear makes it hard for public officials to make decisions on their own, because now officials rely on personal judgment and human thinking, which often disagree with the logic of algorithms that aren't easy to understand.[9]

Having a human official involved in an automated decision-making process doesn't mean they are actually providing real administrative supervision. Busuioc says that algorithmic systems bring unique accountability issues for public institutions because responsibility can spread across different people like public officials and system designers who are involved in making and using AI. [10] This worry is supported by studies looking at policies that ask people to review government algorithms, which show that having humans involved doesn't always work well if officials don't have the knowledge, information, or power to challenge the algorithm's suggestions.[11] Decker, Wegner, and Leicht-Scholten also show how involving the public is important for fair processes, especially when people who are affected have little chance to change or challenge systems that might keep unfair situations going. So, human supervision in making decisions by Indonesian government agencies should be seen as an important part of the process to ensure things are done right, not just as a simple step where someone signs or approves something. This oversight should allow the responsible person to look at each case carefully, find any unfair results, give proper legal reasons, and change or refuse an algorithm's suggestion if it goes against the law or good governance principles. This method keeps the legal duty of the proper public authority in place and does not see algorithmic results as replacements for official decisions.

Using algorithmic governance in the public sector causes a big change in how legal decisions are made. The space for considering human and humanitarian factors that used to be part of a public official's job is now limited to simple yes-or-no decisions based on computer codes that follow if-then rules.[12] The Good Governance framework, which relies on fair processes and openness, is at risk of becoming just a system focused on efficiency that could harm civil rights.This needs to be stopped

---

[9] "View of Transformasi Keadilan Administratif: Legalitas Penggunaan Kecerdasan Buatan Dalam Diskresi Pejabat Pemerintahan," accessed October 14, 2026, https://research.e-siber.org/JSMD/article/view/678/392.

[10] Madalina Busuioc, "Accountable Artificial Intelligence: Holding Algorithms to Account," *Public Administration Review* 81, no. 5 (2021): 825–36, https://doi.org/10.1111/puar.13293.

[11] Ben Green, "The Flaws of Policies Requiring Human Oversight of Government Algorithms," *Computer Law & Security Review* 45 (July 2022): 105681, https://doi.org/10.1016/j.clsr.2022.105681.

[12] admin, "Prof. Abdul Latif: Government Algorithms Don't Become a 'Digital Iron Cage,'" National, *Metropolitan Post*, October 7, 2026, https://metropolitanpost.id/prof-abdul-latif-algoritma-pemerintahan-jangan-jadi-sangkar-besi-digital/.

by using Explainable Artificial Intelligence (XAI) to make sure machine decision-making is clear and transparent.[13] Because there is no good way to warn people and no real way to challenge automatic decisions, serious problems happen in how things are handled.These problems affect both Western and Eastern legal systems that deal with government actions.

From an administrative law point of view, the main issue with using algorithms for governance isn't just that these systems might give wrong results.It's also that they can make it harder to figure out who is responsible for decisions and to check those decisions properly. Cobbe shows that when courts review decisions made by automated systems in government, administrative law needs to understand the technical aspects of these algorithms, especially when it's hard to figure out how the decision was made.[14] Rizk and Lindgren also point out the conflicts between running government smoothly, being open with the public, protecting personal privacy, and the freedom that public officials have in making decisions.

They show that ADM changes how decisions are made between government leaders and the people they serve.[15] König and Wenzelburger also say that using algorithms to make decisions can create a gap in legitimacy if the usual rules for how decisions are made aren't enough to deal with the changing ways we gain knowledge about public matters.[16] These results show that when looking at whether decisions made with the help of algorithms are legal, we need to check more than just if the organization making the decision has the right to do so.We also need to make sure the decision is based on good facts, that the reasoning behind it can be followed and understood, and that there are proper ways for people to challenge any unfair results. In Indonesia, this method helps look more closely at how the ideas of legality, accuracy, and transparency in administrative law should work when algorithm results have a big effect on decisions that impact people's rights.

3.2. Comparative Approach to Algorithmic Governance Regulations and Their Relevance to Indonesia

A meaningful comparison of how algorithms are used in governance needs to look at how different legal systems control the use of administrative power through automated decisions. Instead of grouping countries based on general approaches to regulation, this study looks at the European Union (EU), South Korea, and Indonesia by examining four areas: the legal coverage of ADM rules, how clear and justified the regulations are, the role of humans and how accountable the institutions are, and

---

[13] "Explainable AI-Based Algorithm Engineering (XAI) in Public Decision Support Systems | Impression: Journal of Technology and Information," accessed October 14, 2026, https://jurnal.risetilmiah.ac.id/index.php/jti/article/view/1497.

[14] Jennifer Cobbe, "Administrative Law and the Machines of Government: Judicial Review of Automated Public-Sector Decision-Making," *Legal Studies* 39, no. 4 (December 2019): 636–55, https://doi.org/10.1017/lst.2019.9.

[15] Aya Rizk and Ida Lindgren, "Automated Decision-Making in Public Administration: Changing the Decision Space between Public Officials and Citizens," *Government Information Quarterly* 42, no. 3 (September 2025): 102061, https://doi.org/10.1016/j.giq.2025.102061.

[16] Pascal D. König and Georg Wenzelburger, "The Legitimacy Gap of Algorithmic Decision-Making in the Public Sector: Why It Arises and How to Address It," *Technology in Society* 67 (November 2021): 101688, https://doi.org/10.1016/j.techsoc.2021.101688.

the options available for challenging or appealing decisions. These dimensions matter because using automated systems in government work brings up important questions about how reliable the technology is, whether the decisions made are legal, fair, and if there's a way to check or review those decisions.[17]

The EU is looked at as a system that brings together rules for protecting personal data and regulations for AI that depend on the level of risk. The GDPR, also known as Regulation (EU) 2016/679, sets rules to protect people when decisions are made entirely by computers, especially under Article 22, which talks about decisions that have legal consequences or are very important for individuals. Articles 13(2)(f), 14(2)(g), and 15(1)(h) also cover information about automated decision-making. This includes important details about the logic used in the decisions, as well as the importance and possible effects of such processing, as allowed by the relevant rules.[18] These rules should not be understood as giving someone the right to get a full explanation for every decision made by an algorithm. This difference matters because the rules about being open must come from the exact rules that apply to a specific decision, not from a general description of the European regulations.

In addition to the GDPR, Regulation (EU) 2024/1689, referred to as the AI Act, outlines a risk-oriented approach for artificial intelligence technologies. The stipulations for AI systems deemed high-risk encompass managing risks, keeping records, ensuring clarity, and maintaining human supervision, with Article 14 particularly focusing on the aspect of human supervision.[19] Nonetheless, these responsibilities are relevant in line with the Act's limitations, the categorization of the system, and the duties of the associated parties.

Consequently, the AI Act must not be seen as enforcing the same procedural obligations on all public-sector usages of AI. In the context of this research, the EU framework serves as a benchmark for evaluating how the classification of risk can influence the level of regulatory protections and how human monitoring can be integrated into the management of specific AI systems. Its potential importance for Indonesia centers on the opportunity to create varied procedural protections based on the degree of impact of an administrative choice and the associated risks it poses to those affected.

South Korea offers an additional national viewpoint via its Framework Act on the Advancement of Artificial Intelligence and the Establishment of a Trust Foundation (AI Basic Act). This law merges the progress of AI with the creation of a

[17] Ulrik B. U. Roehl and Morten Balle Hansen, "Automated, Administrative Decision-Making and Good Governance: Synergies, Trade-Offs, and Limits," *Public Administration Review* 84, no. 6 (2024): 1184–99, https://doi.org/10.1111/puar.13799.
[18] Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the Protection of Natural Persons with Regard to the Processing of Personal Data and on the Free Movement of Such Data, and Repealing Directive 95/46/EC (General Data Protection Regulation) (Text with EEA Relevance), 119 OJ L (2016), http://data.europa.eu/eli/reg/2016/679/oj.
[19] Regulation (EU) 2024/1689 of the European Parliament and of the Council of 13 June 2024 Laying down Harmonised Rules on Artificial Intelligence and Amending Regulations (EC) No 300/2008, (EU) No 167/2013, (EU) No 168/2013, (EU) 2018/858, (EU) 2018/1139 and (EU) 2019/2144 and Directives 2014/90/EU, (EU) 2016/797 and (EU) 2020/1828 (Artificial Intelligence Act) (Text with EEA Relevance) (2024), http://data.europa.eu/eli/reg/2024/1689/oj.

system designed to safeguard rights and enhance confidence in AI.[20] Its significance in this research does not hinge on the belief that South Korea adheres solely to an innovation-based regulatory approach.

Rather, it lays the groundwork for exploring how a national legislative structure outlines the connection between the advancement of AI, the duties of institutions, and safeguards related to trust. The analysis needs to be aware of the actual range, definitions, and responsibilities set by the Act. Specifically, the mere presence of a national AI framework does not inherently imply that every automated administrative decision necessitates regular audits or similar human evaluation processes. Such interpretations must be backed by explicit legal requirements. Therefore, the South Korean framework is utilized to pinpoint potentially relevant legislative and institutional setups, rather than serving as a template that can be directly applied to Indonesian administrative laws.

In the situation of Indonesia, the shift to digital practices in public administration encounters considerable legal obstacles stemming from a lack of regulatory frameworks. The existing legal structure fails to establish a unified legal foundation to manage and constrain the application of automated systems in governmental decisions. This aims to outline data protection or improve digital bureaucratic effectiveness by proposing a rethinking of the implementation of the General Principles of Good Governance (AUPB) in Indonesia. By integrating the rights-based framework of the European Union and the governance structures of South Korea, it is proposed that the AUPB be restructured in a way that allows it to adapt to the electronic government environment. [21] This process is meant to change the AUPB into a tool that can be used effectively, which means it needs to be clear about how the algorithms work (so people can understand the reasoning) and make sure that a person is involved in making the final decision (with a human checking in). By using the ideas of digital caution, this legal system is made to stop unfair use of old data and misuse of power hidden inside the algorithmic black box of public administration.

To check if this idea works, we look at how risk is handled in the European Union, how audits are done in South Korea, and what's happening with rules being missing in Indonesia.We compare these in detail using the four main areas shown in the table below.

Table 1. *Comparative Matrix of Algorithmic Governance Legal Frameworks*

Comparative Attributes	**European Union (EU)**	**South Korea**	**Indonesia (Current Status)**
Legal Scope of ADM Regulation	The EU AI Act 2024 combines data governance rules like GDPR	Employs a hybrid approach through the *AI Basic Act*.	Fragmented across Law No. 27/2022 (UU PDP) and Law No. 1/2024 (ITE Law). Suffers from

[20] "영문법령 > 본문 > FRAMEWORK ACT ON THE DEVELOPMENT OF ARTIFICIAL INTELLIGENCE AND THE CREATION OF A FOUNDATION FOR TRUST | 국가법령정보센터," accessed October 12, 2026, https://www.law.go.kr/lsInfoP.do?lsId=014820&urlMode=engLsInfoR#0000.

[21] Tedi Supardi Muslih and Suparmo, "Algorithmic Governance and the Rule of Law: Statutory Foundations of Indonesia's National Single Social and Economic Data (DTSEN)," *Jurnal Sosial Teknologi* 6, no. 5 (July 2026): 2036–47, https://doi.org/10.59188/jurnalsostech.v6i5.32836.

	with a risk-based approach that classifies risks before taking action. The main goal is to stop harmful systems that trick people and to set strong, different levels of rules for sectors that are most likely to cause problems.	Focuses on designating high-impact AI zones to balance domestic market acceleration with post-event legal interventions (*ex-post self-regulatory model*).	an *operative regulatory vacuum*, lacking statutory definitions for jurisdictional limits, risk categories, or the legality of algorithmic utilization in administrative acts.
Transparency & Reason-Giving Obligations	Guarantees meaningful information about the system's logic (*meaningful information about the logic involved*) under Articles 13–15 of the GDPR. Strictly confined by case-proportionality clauses rather than serving as an absolute right to absolute explanations for all decisions.	Relies on standardized disclosures of system reliability to public users. Focuses on fulfilling trust indicators (*foundation for trust*) without sharply demarcating distinct reason-giving duties between technology vendors and user agencies.	data subject's right to object to automated decisions carrying significant legal consequences (Article 10 UU PDP). However, there is no legal obligation for government agencies to demystify decision logic (*black-box decision-making*) for the public.
Human Oversight Mechanics	Mandates strict human intervention in final determinations (*human-in-the-loop* / HITL) under Article 14 of the *EU AI Act* to disrupt purely automated machine reasoning within public-sector applications.	Centers responsibility on periodic system performance audits conducted by state institutions to measure the functional reliability and safety of the deployed technology..	Relies solely on generalized risk evaluations through standard commercial Data Protection Impact Assessments (DPIA). Completely lacks statutory mandates requiring public officials to serve as final adjudicators (HITL) before a public act is issued

Access to Review & Remedies	Provides structured channels for formal complaints and independent administrative reviews when automated decisions breach the boundary of citizens' fundamental rights.	Opens avenues for public reporting regarding system malfunctions, but tends to dilute strict legal liability through flexible exemption clauses designed to preserve the broader innovation ecosystem.	Faces a doctrinal deadlock because conventional administrative court (PTUN) procedural laws cannot judicially review or test the legality of statistical correlations generated by an opaque algorithmic black box.
Strategic Pathways & Future Frameworks	Serves as a global benchmark for converting fundamental human rights into hard-coded programming limits within public systems.	Offers a legislative blueprint for structuring institutional performance audits without stifling the developmental speed of electronic government infrastructure.	Reconstructs the core structure of the Principles of Openness and Thoroughness within the AUPB. Moving forward, AUPB must transform from a static moral guide into an operational legal safeguard that mandates the deconstruction of algorithmic logic and prevents historical data bias.

Based on the multi-dimensional comparative matrix presented in Table 1, the divergence between the European Union's rights-centric framework, South Korea's innovation-driven mechanism, and Indonesia's current legislative posture underscores a critical normative gap. The systemic friction identified within the Indonesian landscape is not merely a technical limitation of electronic governance; rather, it constitutes a profound constitutional risk where algorithmic discretion operates under a state of administrative law vacuum that fundamentally destabilizes classic due process guarantees.[22] While the EU relies on *ex-ante* risk classification under the EU AI Act 2024 to codify human-rights protections, Indonesia's administrative apparatus continues to enforce automated systems without statutory boundaries.

To resolve this doctrinal deadlock, Indonesia must execute a targeted, structural

[22] Sabine Jacques, "A. E. L. Brown and Charlotte Waelde (Eds), Research Handbook on Intellectual Property and Creative Industries, Cheltenham: Edward Elgar, 2018, 416 Pp, Hb £170.00.," *The Modern Law Review* 82, no. 3 (2019): 580–85, https://doi.org/10.1111/1468-2230.12411.

reconstruction of its *good Governance* to transform the traditional Principle of Openness and the Principle of Thoroughness into a mandatory "*human-in-the-loop*" (HITL) protocol that prevents unchecked algorithmic bias and ensures complete judicial reviewability.[23] Therefore, this paradigm shift ensures that technological integration does not replace the rule of law, but instead reinforces the democratic guarantees owed to every citizen in an increasingly automated state.

4. Conclusion

This research showed that using Automated Decision-Making in Indonesia's electronic government system caused a constitutional problem because there were no clear rules in administrative law. Important legal discoveries reveal that the lack of transparency in computerized systems, known as algorithmic black-box systems, causes serious problems with the right to a fair legal process.These systems replace human judgment with simple statistical calculations, which can lead to unfair outcomes. Because of this, the requirement to explain reasons disappears, the right of citizens to be heard is ignored, and this automatic legal action isn't checked by the State Administrative Court (PTUN). This article contributes by rebuilding the General Principles of Good Governance (AUPB), focusing on the principles of Openness and Prudence, to create a strict set of rules involving human oversight (HITL) that helps reduce biases from past data and ensures people have the right to understand decisions made by automated systems.

The clear legal effects of these findings call for immediate changes in the law through updating Law Number 30 of 2014 about government operations. This update should clearly define the limits of government use of computing, include tools for explaining artificial intelligence decisions, and create a separate group to monitor algorithms. By using the European Union's risk-based approach to regulating rights and regular checks from South Korea, these changes will help keep digital government processes efficient while making sure they follow the rule of law.

References

admin. "Prof. Abdul Latif: Algoritma Pemerintahan Jangan Jadi 'Sangkar Besi Digital.'" Nasional. *Metropolitan Post*, October 7, 2026. https://metropolitanpost.id/prof-abdul-latif-algoritma-pemerintahan-jangan-jadi-sangkar-besi-digital/.

Busuioc, Madalina. "Accountable Artificial Intelligence: Holding Algorithms to Account." *Public Administration Review* 81, no. 5 (2021): 825–36. https://doi.org/10.1111/puar.13293.

[23] M. Kerem Coban, "Rethinking de Facto Autonomy? A Multi-Policy Area Approach and the Regulatory Policy Process," *Review of Policy Research* 41, no. 3 (2024): 508–30, https://doi.org/10.1111/ropr.12526.

Coban, M. Kerem. "Rethinking de Facto Autonomy? A Multi-Policy Area Approach and the Regulatory Policy Process." *Review of Policy Research* 41, no. 3 (2024): 508–30. https://doi.org/10.1111/ropr.12526.

Cobbe, Jennifer. "Administrative Law and the Machines of Government: Judicial Review of Automated Public-Sector Decision-Making." *Legal Studies* 39, no. 4 (December 2019): 636–55. https://doi.org/10.1017/lst.2019.9.

Decker, Marie Christin, Laila Wegner, and Carmen Leicht-Scholten. "Procedural Fairness in Algorithmic Decision-Making: The Role of Public Engagement." *Ethics and Information Technology* 27, no. 1 (November 2024): 1. https://doi.org/10.1007/s10676-024-09811-4.

Green, Ben. "The Flaws of Policies Requiring Human Oversight of Government Algorithms." *Computer Law & Security Review* 45 (July 2022): 105681. https://doi.org/10.1016/j.clsr.2022.105681.

Heriansyah, Febri. "Kecerdasan Buatan Menjadi Pemeran Pengganti Pejabat Pemerintahan Dalam Pengambilan Keputusan." *Jurnal Rechts Vinding Media Pembinaan Hukum Nasional* 13, no. 2 (2024). https://rechtsvinding.bphn.go.id/ejournal/index.php/jrv/article/view/1801.

Jacques, Sabine. "A. E. L. Brown and Charlotte Waelde (Eds), Research Handbook on Intellectual Property and Creative Industries, Cheltenham: Edward Elgar, 2018, 416 Pp, Hb £170.00." *The Modern Law Review* 82, no. 3 (2019): 580–85. https://doi.org/10.1111/1468-2230.12411.

König, Pascal D., and Georg Wenzelburger. "The Legitimacy Gap of Algorithmic Decision-Making in the Public Sector: Why It Arises and How to Address It." *Technology in Society* 67 (November 2021): 101688. https://doi.org/10.1016/j.techsoc.2021.101688.

Leandro, Avrilo Kynan. *Penerapan Automated Administrative Decisions Di Indonesia: Tantangan Hukum Dan Implikasinya Terhadap Hak Warga Negara*. n.d. Accessed May 9, 2026. https://www.researchgate.net/profile/Avrilo-Leandro/publication/387655202_Penerapan_Automated_Administrative_Decisions_Di_Indonesia_Tantangan_Hukum_Dan_Implikasinya_Terhadap_Hak_Warga_Negara/links/67763551117f340ec3ed6eae/Penerapan-Automated-Administrative-Decisions-Di-Indonesia-Tantangan-Hukum-Dan-Implikasinya-Terhadap-Hak-Warga-Negara.pdf.

Ma'sum, Aziz, Heri Purwanto, and Rikky Wisnu Nugraha. *Tinjauan Literatur: Dampak Transformasi Digital terhadap Pengambilan Keputusan di Lembaga Pemerintahan | Jurnal Algoritma*. December 4, 2025. https://jurnal.itg.ac.id/index.php/algoritma/article/view/3091.

Muslih, Tedi Supardi, and Suparmo. "Algorithmic Governance and the Rule of Law: Statutory Foundations of Indonesia's National Single Social and Economic Data (DTSEN)." *Jurnal Sosial Teknologi* 6, no. 5 (July 2026): 2036–47. https://doi.org/10.59188/jurnalsostech.v6i5.32836.

Nugroho, Kurnia Arik. "Reconstructing Administrative Due Process in Algorithm-Based Government Decision-Making." *Adagium: Jurnal Ilmiah Hukum* 4, no. 2 (September 2026): 1249–69. https://doi.org/10.70308/bqe6ee88.

Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the Protection of Natural Persons with Regard to the Processing of Personal Data and on the Free Movement of Such Data, and Repealing Directive 95/46/EC (General Data Protection Regulation) (Text with EEA Relevance), 119 OJ L (2016). http://data.europa.eu/eli/reg/2016/679/oj.

Regulation (EU) 2024/1689 of the European Parliament and of the Council of 13 June 2024 Laying down Harmonised Rules on Artificial Intelligence and Amending Regulations (EC) No 300/2008, (EU) No 167/2013, (EU) No 168/2013, (EU) 2018/858, (EU) 2018/1139 and (EU) 2019/2144 and Directives 2014/90/EU, (EU) 2016/797 and (EU) 2020/1828 (Artificial Intelligence Act) (Text with EEA Relevance) (2024). http://data.europa.eu/eli/reg/2024/1689/oj.

"Rekayasa Algoritma Berbasis Explainable AI (XAI) Dalam Sistem Pendukung Keputusan Publik | Impression : Jurnal Teknologi Dan Informasi." Accessed October 14, 2026. https://jurnal.risetilmiah.ac.id/index.php/jti/article/view/1497.

Rizk, Aya, and Ida Lindgren. "Automated Decision-Making in Public Administration: Changing the Decision Space between Public Officials and Citizens." *Government Information Quarterly* 42, no. 3 (September 2025): 102061. https://doi.org/10.1016/j.giq.2025.102061.

Roehl, Ulrik B. U., and Morten Balle Hansen. "Automated, Administrative Decision-Making and Good Governance: Synergies, Trade-Offs, and Limits." *Public Administration Review* 84, no. 6 (2024): 1184–99. https://doi.org/10.1111/puar.13799.

Salsabila, Talitha Hurin, Tri Mei Indrawati, and Revienda Anita Fitrie. "Meningkatkan Efisiensi Pengambilan Keputusan Publik melalui Kecerdasan Buatan." *Journal of Internet and Software Engineering* 1, no. 2 (April 2024): 21. https://doi.org/10.47134/pjise.v1i2.2401.

Saragih, Geofani Milthree, and Mirza Nasution. "Kecerdasan Buatan, Big Data Dan Konstitusionalisme Digital: Perbandingan Uni Eropa, Korea Selatan Dan Indonesia." *Konferensi Nasional Asosiasi Pengajar Hukum Tata Negara Dan Hukum Administrasi Negara* 3, no. 1 (2025): 147–64. https://doi.org/10.55292/7vb8n428.

Suksi, Markku. "Administrative Due Process When Using Automated Decision-Making in Public Administration: Some Notes from a Finnish Perspective." *Artificial Intelligence and Law* 29, no. 1 (March 2021): 87–110. https://doi.org/10.1007/s10506-020-09269-x.

"View of Transformasi Keadilan Administratif: Legalitas Penggunaan Kecerdasan Buatan Dalam Diskresi Pejabat Pemerintahan." Accessed October 14, 2026. https://research.e-siber.org/JSMD/article/view/678/392.

Williams, Rebecca. "Rethinking Administrative Law for Algorithmic Decision Making." *Oxford Journal of Legal Studies* 42, no. 2 (June 2022): 468–94. https://doi.org/10.1093/ojls/gqab032.

"영문법령 > 본문 > FRAMEWORK ACT ON THE DEVELOPMENT OF ARTIFICIAL INTELLIGENCE AND THE CREATION OF A FOUNDATION FOR TRUST | 국가법령정보센터." Accessed October 12, 2026. https://www.law.go.kr/lsInfoP.do?lsId=014820&urlMode=engLsInfoR#0000.

Conflict of Interest Statement: The author(s) declares that the research was conducted in the absence of any commercial or financial relationship that could be construed as a potential conflict of interest.

Copyright: ©JELTA UNG. This is an open access article distributed under the terms of the Creative Commons Attribution-Non Commercial 4.0 International License, which permits copy and redistribute the material in any medium or format, remix, transform, and build upon the material, provided you must give appropriate credit, provide a link to the license, and indicate if changes were made. You may do so in any reasonable manner, but not in any way that suggests the licensor endorses you or your use and you may not use the material for commercial purposes.

Jurnal Legalitas (J.Legalitas – JELTA) is an open access and peer-reviewed journal published by Faculty of Law, Universitas Negeri Gorontalo. The contents of the articles and advertisements published in the Jurnal Legalitas (JELTA) are sole and exclusive responsibility of their respective authors and advertisers.

Open Access