

Algorithmic Governance and Legal Protection of Citizens in AI-Based Administrative Decisions

Khalisa Nabila Winanti

Faculty of Law, Universitas Sebelas Maret

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ABSTRACT

This study examines the vagueness of norms in the legal protection of citizens against AI-based administrative decisions within the Indonesian administrative law system. The increasing use of Artificial Intelligence in public administration, particularly in decision-making processes such as social assistance distribution, licensing, and digital public services, raises significant juridical challenges related to legality, transparency, accountability, and access to justice. The central legal issue concerns whether algorithmic outputs can be classified as State Administrative Decisions, the absence of clear standards for explainability and accountability in algorithmic processes, and the lack of effective legal remedies for citizens affected by automated decisions. This research employs a normative juridical method using statute, conceptual, and case approaches, analyzing relevant legal frameworks including the 1945 Constitution, the Government Administration Law, the Public Service Law, the Personal Data Protection Law, and the Public Information Disclosure Law. The findings indicate that Indonesian positive law has not adequately accommodated the characteristics of AI-based administrative decision-making, resulting in legal uncertainty and potential violations of fundamental legal principles such as due process of law and equality before the law. This study proposes a prescriptive legal framework by recognizing AI-based decisions as reviewable administrative acts, strengthening transparency through explainable and auditable AI systems, and reformulating procedural mechanisms to ensure effective legal remedies and protection of citizens' rights.

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Corresponding Author:

Khalisa Nabila Winanti

Faculty of Law

Universitas Sebelas Maret

Jalan Ir. Sutami 36A, Kentingan, Jebres, Kota Surakarta, Jawa Tengah, 57126

Email: khalisaanw@gmail.com

1. INTRODUCTION

The development of algorithmic governance has significantly transformed administrative decision-making processes within modern governmental systems, particularly through the integration of Artificial Intelligence (AI) in public administration. AI technologies are increasingly utilized to enhance bureaucratic efficiency in areas such as social assistance distribution, licensing systems, and digital public services. While these advancements promise efficiency and objectivity, they simultaneously introduce complex juridical challenges, especially concerning the legal protection of citizens affected by automated administrative decisions.¹

Within the Indonesian legal framework, administrative actions must adhere to the principles of the rule of law as enshrined in the 1945 Constitution, including legality, legal certainty, and the protection of citizens' rights. However, the use of AI in administrative decision-making raises fundamental questions regarding whether such decisions can be classified as state administrative decisions (*Keputusan Tata Usaha Negara*) and whether they fulfill the procedural and substantive requirements established under Law Number 30 of 2014 on Government Administration. The absence of explicit legal regulation concerning AI-based decisions creates a normative ambiguity that undermines the clarity of administrative law.²

The central legal issue in this study is the vagueness of norms concerning the legal protection of citizens against AI-based administrative decisions. This vagueness manifests in several aspects. First, there is uncertainty regarding the legal status of algorithmic outputs as administrative decisions subject to judicial review. Second, the lack of transparency and explainability in AI systems creates difficulties for citizens in understanding the basis of decisions affecting their rights. Third, there is no clear mechanism for filing objections or legal remedies against decisions generated by automated systems. These conditions potentially conflict with fundamental principles of administrative law, including due process of law and the general principles of good governance.³

The implications of such normative ambiguity are substantial. Citizens may be subjected to decisions that lack transparency, accountability, and legal justification, thereby weakening their ability to challenge administrative actions. Moreover, the absence of clear legal standards may result in the misuse of algorithmic systems, leading to arbitrary or discriminatory outcomes. This situation poses a serious threat to the principle of equality before the law and the constitutional guarantee of fair administrative processes.⁴

Previous studies have explored the relationship between artificial intelligence and governance; however, significant research gaps remain. Fernández (2023), in "Artificial Intelligence in Government: Risks and Challenges of Algorithmic Governance in the Administrative State," analyzes the risks of algorithmic governance but does not specifically address the normative ambiguity in administrative law frameworks. Nasution and Khasanah (2024), in "Considering State Administrative Decrees by Artificial Intelligence from the Transparency Principle in Indonesia," focus on transparency but do not examine the broader implications for legal remedies and citizens' protection. He and Zhang (2025), in "Algorithm Power and Legal Boundaries: Rights Conflicts and Governance Responses in the Era of Artificial Intelligence," discuss rights conflicts but do not provide a prescriptive framework for administrative law reform. These gaps indicate the need for a comprehensive normative analysis addressing the vagueness of norms in AI-based administrative decisions within the Indonesian legal system.

Based on these considerations, this study aims to analyze the legal position of AI-based administrative decisions and to formulate a prescriptive framework that ensures the protection of

¹ José Vida Fernández, "Artificial Intelligence in Government: Risks and Challenges of Algorithmic Governance in the Administrative State," *Indiana Journal of Global Legal Studies* (2023).

² M. A. Fauzani, "The Shifting in the Legal Politics of Regulating the General Principles of Good Governance in Indonesian Legislation," *As-Siyasi: Journal of Constitutional Law* (2023).

³ Daud Juristo Chiang and Zainal Arifin Hoesin, "Ensuring Equality Before the Law and Personal Data Protection through Implementation of AI Integration," *Devotion: Journal of Research and Community Service* (2024).

⁴ Enrico Moch, "Algorithms as Judges: Constitutional Limits to Automated Decision-Making in Public Administration," *East African Journal of Law and Ethics* (2025).

citizens' rights within the context of algorithmic governance. This includes clarifying the status of AI-generated decisions, strengthening transparency and accountability mechanisms, and developing effective legal remedies to uphold the principles of the rule of law.

2. METHOD

This research employs a normative juridical method, focusing on the analysis of legal norms, principles, and doctrines governing AI-based administrative decision-making within the Indonesian legal system. The research is prescriptive-analytical, aiming to identify normative ambiguities and to formulate legal solutions that ensure the protection of citizens' rights in the context of algorithmic governance. This method is particularly relevant in addressing emerging legal issues where technological developments outpace regulatory frameworks.

The statute approach is used to examine relevant legal instruments, including the 1945 Constitution, Law Number 30 of 2014 on Government Administration, Law Number 25 of 2009 on Public Services, Law Number 27 of 2022 on Personal Data Protection, and Law Number 14 of 2008 on Public Information Disclosure. These regulations are analyzed to assess their adequacy in regulating AI-based administrative decisions and to identify normative gaps within the existing legal framework.

The conceptual approach is applied to analyze key legal doctrines, including the theory of the rule of law (*rechtstaat*), the general principles of good governance (AUPB), due process of law, and the concepts of algorithmic accountability and explainable AI. This approach enables a critical evaluation of whether traditional administrative law principles can accommodate the characteristics of AI-driven decision-making or require reinterpretation.

The case approach is utilized to examine the implementation of AI in public administration across various jurisdictions and to evaluate its relevance to the Indonesian legal context. Although Indonesia has limited jurisprudence specifically addressing AI-based administrative decisions, comparative analysis provides valuable insights into potential legal challenges and regulatory solutions.

The legal materials used in this research consist of primary and secondary sources. Primary legal materials include statutory regulations governing administrative law and public services, while secondary legal materials consist of scholarly articles and legal doctrines related to artificial intelligence and governance. These materials are systematically analyzed to construct coherent legal arguments and to support the prescriptive recommendations proposed in this study.

3. RESULTS AND DISCUSSION

Vagueness of Norms on the Legal Status of AI-Based Administrative Decisions in Indonesian Administrative Law

The Indonesian administrative law framework, particularly under Law Number 30 of 2014 on Government Administration, defines an administrative decision as a written determination issued by a government official in the exercise of governmental authority. This definition reflects a classical administrative law paradigm in which decision-making authority is inherently human-centered and institutionally anchored. However, the emergence of algorithmic governance, where administrative decisions may be generated automatically by Artificial Intelligence systems, introduces a fundamental vagueness of norms regarding whether such outputs can be classified as State Administrative Decisions (*Keputusan Tata Usaha Negara*).⁵

In practice, AI systems are increasingly used to support or even execute administrative decisions, such as determining eligibility for social assistance, processing licensing applications, and managing public service delivery. These systems operate based on predefined algorithms and

⁵ Rossa Ilma Silfia, "Role of Administrative Law in Regulating Advanced Algorithms: A Legal Framework for Emerging Technologies," *Best Journal of Administration and Management* (2025).

data inputs, often without direct human intervention at the decision-making stage. This raises a critical legal question: whether an AI-generated output can be considered a “written determination” issued by a competent authority, as required under existing administrative law. The absence of explicit regulation on this matter creates normative ambiguity in defining the legal status of such decisions.⁶

If AI-based outputs are not recognized as administrative decisions, they fall outside the scope of judicial review before the Administrative Court (Pengadilan Tata Usaha Negara). This would effectively deny citizens access to legal remedies against decisions that directly affect their rights and obligations. Conversely, if such outputs are recognized as administrative decisions, further questions arise regarding the legitimacy of AI as a decision-making authority, given that AI lacks legal personality and accountability. This dilemma illustrates a clear gap between technological developments and existing legal norms.⁷

From a constitutional perspective, every administrative action must be based on lawful authority and must adhere to the principle of legality. The delegation of decision-making functions to AI systems, without clear legal authorization, risks violating this principle. Moreover, it may lead to the erosion of accountability, as decisions are no longer directly attributable to identifiable public officials. This situation creates the potential for arbitrary administrative actions, undermining the rule of law and the protection of citizens’ rights.⁸

The implications of this normative vagueness are significant. First, it creates legal uncertainty regarding the enforceability and reviewability of AI-based administrative decisions. Second, it opens the possibility of administrative abuse through opaque algorithmic processes. Third, it weakens judicial control over administrative actions, as courts may lack jurisdiction to review decisions that are not formally recognized as administrative acts.⁹

To address this issue, a prescriptive legal approach is required. It is necessary to explicitly define the legal status of AI-based outputs within administrative law, ensuring that they are subject to judicial review and legal accountability. At the same time, the role of AI should be clearly limited to that of a decision-support system, with final authority remaining in the hands of human officials. Such an approach preserves the integrity of administrative law while accommodating technological innovation.

Furthermore, legislative reform should clarify that any decision affecting citizens’ rights, regardless of whether it is generated by AI, constitutes an administrative decision subject to legal scrutiny. This ensures that the principles of legality, accountability, and access to justice remain upheld in the era of algorithmic governance.

Vagueness of Norms on Transparency and Accountability in Algorithm-Based Decisions

Transparency and accountability are fundamental principles of administrative law, embodied in the General Principles of Good Governance and reinforced by Law Number 14 of 2008 on Public Information Disclosure. These principles require that every administrative decision be based on clear reasoning and that citizens have access to information regarding the basis of such decisions. However, the use of AI in administrative decision-making introduces a significant challenge to these principles, particularly due to the opaque nature of algorithmic systems.¹⁰

AI systems, especially those based on machine learning, often operate as “black boxes,” where the internal logic of decision-making is not easily accessible or understandable. This lack of transparency creates a normative ambiguity regarding the extent to which public authorities are

⁶ José Vida Fernández, "Artificial Intelligence in Government: Risks and Challenges of Algorithmic Governance in the Administrative State," *Indiana Journal of Global Legal Studies* (2023).

⁷ Muhammad Guntur Hamonangan Nasution and Nia Faridatul Khasanah, "Considering State Administrative Decrees by Artificial Intelligence," *Journal of Policy and Society* (2024).

⁸ Enrico Moch, "Algorithms as Judges: Constitutional Limits to Automated Decision-Making in Public Administration," *East African Journal of Law and Ethics* (2025).

⁹ Virendra Kumar, "Democracy and Artificial Intelligence: Theoretical Challenges of Decision-Making," *International Journal of Multidisciplinary Research in Arts, Science and Technology* (2025).

¹⁰ M. A. Fauzani, "The Shifting in the Legal Politics of Regulating the General Principles of Good Governance in Indonesian Legislation," *As-Siyasi: Journal of Constitutional Law* (2023).

required to disclose the reasoning behind AI-based decisions. Existing legal frameworks do not explicitly impose obligations on government agencies to provide explanations of algorithmic processes, resulting in a gap between the principle of transparency and its practical implementation in the context of AI.¹¹

The requirement for reasoned decisions is a cornerstone of administrative law, ensuring that decisions are not arbitrary and can be scrutinized by affected parties. In AI-based systems, however, providing a clear and understandable explanation of the decision-making process may be technically challenging. This raises the question of whether traditional standards of reasoning can be applied to algorithmic decisions, or whether new standards must be developed to accommodate the complexity of AI systems.¹²

In addition to transparency, accountability becomes a critical issue in AI-based decision-making. When decisions are generated by algorithms, it is often unclear who should be held responsible for the outcomes. Public officials may rely on AI systems as tools, but the complexity of these systems may limit their ability to fully understand or control the decision-making process. This creates a risk of “accountability gaps,” where no actor can be clearly identified as responsible for erroneous or harmful decisions.¹³

The implications of this normative vagueness are profound. First, it undermines citizens’ right to access information, as they may be unable to obtain meaningful explanations of decisions affecting their rights. Second, it weakens administrative accountability, as responsibility becomes diffused between human actors and technological systems. Third, it creates barriers to legal remedies, as citizens may lack sufficient information to challenge decisions effectively.¹⁴

To address these challenges, it is necessary to strengthen the legal framework governing transparency and accountability in AI-based administrative decisions. This includes the adoption of principles such as explainability, which requires that AI systems provide understandable explanations of their outputs; traceability, which ensures that decision-making processes can be audited and reviewed; and auditability, which allows independent verification of algorithmic systems.

Moreover, legal obligations should be imposed on public authorities to disclose the use of AI in decision-making processes and to provide accessible explanations to affected individuals. This may involve simplifying technical information into forms that can be understood by non-experts. Additionally, clear lines of accountability must be established, ensuring that public officials remain responsible for decisions made with the assistance of AI systems.

Ultimately, the integration of AI into administrative decision-making must be accompanied by robust legal safeguards that uphold transparency and accountability, thereby ensuring that technological innovation does not compromise the fundamental rights of citizens.

The comparison between conventional administrative decisions and AI-based administrative decisions demonstrates fundamental differences in legal structure, authority, and accountability, which further illustrate the existence of normative vagueness within the current administrative law framework. These differences highlight the urgent need for regulatory clarification and doctrinal adjustment to ensure legal certainty and the protection of citizens’ rights. As seen in Table 1, the shift from human-based decision-making to algorithmic processes significantly affects key legal aspects such as authority, transparency, and judicial review.

Table 1. Comparative Framework of Administrative Decisions in Conventional and AI-Based Governance

¹¹ Jinghui He and Zhen-Yi Zhang, "Algorithm Power and Legal Boundaries: Rights Conflicts and Governance Responses in the Era of Artificial Intelligence," *Laws* (2025).

¹² Karmila and Setiawati, "Implikasi Hukum Terhadap Artificial Intelligence dalam Sistem Peradilan di Indonesia," *Kajian Ilmiah Hukum dan Kenegaraan* (2025).

¹³ Hesti Armiwulan et al., "Artificial Intelligence and Its Challenges to Elections in Indonesia: A Legal Analysis," *Jambura Law Review* (2024).

¹⁴ Harlina Kurniaty, "Pengaruh Transparansi dan Akuntabilitas dalam Pengelolaan Dana Desa," *Pencerah Publik* (2023).

Aspect	Conventional Administrative Decision	AI-Based Administrative Decision	Normative Problem	Proposed Legal Solution
Decision-maker	Human public official	Algorithm/AI system	Unclear legal authority	AI as decision-support only
Legal status	Clearly recognized as KTUN	Uncertain classification	Not explicitly regulated	Explicit legal recognition
Transparency	Reasoned decision required	Algorithm often opaque	Lack of explainability	Mandatory explainable AI
Accountability	Attributable to official	Diffused responsibility	Accountability gap	Role-based accountability
Judicial review	Accessible via PTUN	Potentially excluded	Limited access to justice	Ensure reviewability of AI decisions
Information access	Guaranteed by law	Limited in practice	Violation of information rights	Strengthened disclosure obligations

Vagueness of Norms on Legal Remedies for Citizens against AI-Based Administrative Decisions

The Indonesian legal system guarantees citizens the right to challenge administrative decisions through administrative objections and judicial review before the Administrative Court (Pengadilan Tata Usaha Negara). This mechanism is a fundamental manifestation of the rule of law, ensuring that governmental actions remain subject to legal control and that citizens have access to justice. However, the emergence of AI-based administrative decisions introduces a significant vagueness of norms regarding the availability and effectiveness of legal remedies for citizens affected by such decisions.¹⁵

In conventional administrative law, the object of dispute is clearly defined as a State Administrative Decision issued by a public official. Similarly, the subject of the lawsuit is identifiable as a government agency or official responsible for issuing the decision. In the context of AI-based decision-making, these fundamental elements become unclear. When a decision is generated by an algorithm, it is uncertain whether the decision can be attributed to a specific official or institution, thereby complicating the identification of the defendant in administrative litigation.¹⁶

This normative ambiguity extends to the object of dispute. If an AI-generated output is not explicitly recognized as a State Administrative Decision, it may fall outside the jurisdiction of administrative courts. Consequently, citizens may be deprived of the opportunity to challenge decisions that directly affect their rights and interests. This situation creates a potential denial of justice, as individuals are left without effective legal remedies against automated administrative actions.¹⁷

Another critical issue concerns procedural aspects of proof in disputes involving AI-based decisions. Traditional administrative adjudication relies on written documents and clear reasoning provided by public officials. In contrast, AI-based decisions are often derived from complex algorithms and data processing mechanisms that are not easily interpretable. This creates difficulties in presenting and evaluating evidence in court, particularly when judges lack the

¹⁵ Kunal Nathwani, "Artificial Intelligence in Automated Decision-Making in Tax Administration: The Case for Legal, Justiciable and Enforceable Safeguards" (2024).

¹⁶ Rossa Ilma Silfia, "Role of Administrative Law in Regulating Advanced Algorithms," *Best Journal of Administration and Management* (2025).

¹⁷ Enrico Moch, "Algorithms as Judges: Constitutional Limits to Automated Decision-Making in Public Administration," *East African Journal of Law and Ethics* (2025).

technical expertise required to understand algorithmic systems. As a result, the principle of fair trial may be compromised.¹⁸

From a constitutional perspective, the absence of clear legal remedies for AI-based administrative decisions is inconsistent with the principles of equality before the law and due process of law. Citizens must have equal access to legal protection regardless of the technological nature of the decision affecting them. The inability to challenge AI-based decisions effectively creates an imbalance between state power and individual rights, undermining the legitimacy of administrative governance.¹⁹

The implications of this normative vagueness are substantial. First, it restricts access to justice, as citizens may be unable to identify the appropriate legal mechanism to challenge decisions. Second, it weakens the system of administrative accountability, as decisions generated by AI may escape judicial scrutiny. Third, it creates uncertainty in the enforcement of rights, particularly in cases involving automated public services.²⁰

To address these challenges, a prescriptive legal framework is required. It is necessary to explicitly recognize AI-based administrative decisions as objects of administrative disputes, ensuring that they fall within the jurisdiction of administrative courts. Additionally, the subject of liability must be clearly defined, with responsibility attributed to the relevant government agency or official overseeing the use of AI systems.

Furthermore, procedural law must be adapted to accommodate the complexities of AI-based evidence. This includes the recognition of algorithmic outputs as valid evidence, the use of expert testimony to interpret technical aspects, and the development of guidelines for assessing the reliability and fairness of AI systems. Finally, specific mechanisms for administrative objections and appeals should be established to ensure that citizens can effectively challenge automated decisions.

By reformulating legal remedies in this manner, it is possible to uphold the principles of access to justice, equality before the law, and due process, thereby ensuring that the integration of AI into public administration does not undermine the protection of citizens' rights.

4. CONCLUSION

The integration of Artificial Intelligence into administrative decision-making within the framework of algorithmic governance has introduced significant vagueness of norms in the protection of citizens' legal rights in Indonesia. This study demonstrates that such vagueness arises in three fundamental aspects: the legal status of AI-based administrative decisions, the principles of transparency and accountability in algorithmic processes, and the availability of legal remedies for affected citizens.

The absence of explicit legal regulation concerning AI-based decisions creates uncertainty regarding their classification as State Administrative Decisions, thereby affecting their reviewability before administrative courts. Additionally, the opaque nature of algorithmic systems undermines the principles of transparency and accountability, which are essential components of good governance. Furthermore, the lack of clear procedural mechanisms for challenging AI-based decisions restricts access to justice and weakens the protection of citizens' rights.

These normative ambiguities pose a serious challenge to the principle of the rule of law as enshrined in the 1945 Constitution, particularly in relation to legality, legal certainty, and the protection of fundamental rights. Without adequate legal safeguards, citizens are placed in a vulnerable position when confronted with automated administrative decisions that are difficult to understand, challenge, or review.

¹⁸ Karmila and Setiawati, "Implikasi Hukum terhadap Artificial Intelligence dalam Sistem Peradilan di Indonesia," *Kajian Ilmiah Hukum dan Kenegaraan* (2025).

¹⁹ Daud Juristo Chiang and Zainal Arifin Hoesin, "Ensuring Equality Before the Law and Personal Data Protection through Implementation of AI Integration," *Devotion: Journal of Research and Community Service* (2024).

²⁰ Elfrida Tipe Obe, Aksi Sinurat, and R. A. Fanggi, "Analisis Yuridis Perlindungan Hukum terhadap Korban Kejahatan Berbasis Teknologi AI," *AKADEMIK: Jurnal Mahasiswa Humanis* (2025).

Therefore, this study emphasizes the necessity of reforming Indonesian administrative law to address these challenges. Such reform should include the explicit recognition of AI-based administrative decisions within the legal framework, the establishment of mandatory standards for transparency and algorithmic accountability, and the development of procedural rules that ensure effective legal remedies for citizens.

In conclusion, the advancement of algorithmic governance must be accompanied by a responsive legal system that upholds the principles of justice, accountability, and legal certainty. Only through such reform can the use of AI in public administration contribute to efficient governance without compromising the fundamental rights of citizens.

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