

Digital Constitutionalism and the Algorithmic Apex: A Neo-Siyasah Reconstruction of Judicial Independence

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ABSTRACT

The integration of artificial intelligence into the Constitutional Court of Indonesia precipitates an acute ontological crisis, exposing a severe regulatory vacuum where algorithmic "black box" heuristics directly threaten the doctrine of judicial independence and the constitutional guarantee of due process of law. Prior digital constitutionalism literature predominantly remains trapped in a dichotomy of technocratic capitulation or secular rejection, neglecting the intersection of algorithmic governance with Islamic constitutional epistemology (Siyasah Dusturiyah). This doctrinal research reconstructed the parameters of judicial autonomy by synthesizing digital constitutionalism with the Neo-Siyasah framework. Utilizing conceptual, statutory, and comparative approaches, the study systematically analyzed domestic jurisprudence and global AI regulatory architectures. The findings conclusively establish that delegating adjudicative reasoning to predictive algorithms introduces untraceable normative asymmetry, constituting manipulative uncertainty (Gharar) that fatally undermines substantive justice (Adalah). To preserve cognitive sovereignty, this article introduces the doctrine of Siyasah Digital Constitutionalism, asserting that judicial independence must necessarily transcend traditional executive separation to explicitly include technological autonomy. Consequently, the research mandates the strict operationalization of a hierarchical "Centaur Model," relegating AI exclusively to auxiliary administrative functions while preserving moral constitutional interpretation (Hikmah and Rahmah) as the absolute, non-delegable prerogative of the human justices. Furthermore, the study demands the institutionalization of a "Digital Hisbah," an independent algorithmic audit apparatus, to continuously enforce transparent computational accountability against corporate tech monopolies. Ultimately, this novel theoretical synthesis provides a universally adaptable structural blueprint for apex courts globally, ensuring that technological modernization never subjugates the fundamental human dignity and moral accountability inherent in constitutional adjudication.

1. Introduction

The transformation of the global technological architecture in the twenty-first century has triggered a profound ontological disruption—an exogenous shock to the classical foundations of statecraft that has birthed a new, inevitable paradigm in public law discourse recognized as digital constitutionalism.¹ Macroscopically, the digital revolution no longer merely redefines the contours of privacy and freedom of expression within cyberspace; rather, it has deeply penetrated the very

¹ Nanang Subekti, I Gusti Ayu Ketut Rahmi Handayani, and Arief Hidayat, "Konstitusionalisme Digital Di Indonesia," *Peradaban Journal of Law and Society* 2, no. 1 (June 16, 2023): 1–22, <https://doi.org/10.59001/pjls.v2i1.74>.

heartbeat of sovereign state power: the judicial system and the mechanics of law enforcement.² The orthodox conception of the separation of powers, rigidly delineated by classical theorists, now confronts a structural crisis. Private entities, operating through artificial intelligence (AI), implicitly transmute into quasi-political actors that mediate, direct, or even deterministically shape the rationalities of public authorities under the aegis of algorithmic governance.³ This transformation engenders a massive displacement in the constellation of power. Decisional authority—once exclusively public and subject to rigorous constitutional scrutiny—is now increasingly distributed into invisible, publicly inexplicable algorithmic architectures characterized by distributed accountability and predominantly controlled by multinational tech hegemony. At the meso level, this phenomenon precipitates an acute clash of norms between the administrative imperative to modernize the judiciary for bureaucratic efficiency and the non-derogable mandate to preserve due process of law and the constitutional guarantee of a fair trial.⁴

Zooming into the micro-context of Indonesia, the Constitutional Court of the Republic of Indonesia—acting as the guardian of the constitution—stands exactly at the epicenter of this crossroads between technological innovation and the imperative of judicial integrity. The Court's initial strategic blueprints and early practices regarding AI implementation within the judiciary—including the proposed utilization of generative AI instruments for case mapping, precedent analysis, and the expedited drafting of jurisprudence—are ostensibly expected to resolve the chronic inefficiencies of docket management and enhance the consistency of legal reasoning.⁵ In early 2024, the leadership of the Constitutional Court even publicly affirmed that AI adoption in judicial institutions is directed toward elevating transparency and procedural fairness, while concurrently issuing a philosophical caveat urging constitutional justices to meticulously avoid becoming "slaves to the machine" who sacrifice substantive justice on the altar of speed.⁶

Nevertheless, the prevailing legal reality exposes a profound normative vacuum and the absence of comprehensive ethical guidelines delineating the permissible boundaries of AI intervention in shaping the adjudicative rationality of the Indonesian judicial system.⁷ The Constitutional Court's Decision No. 166/PUU-XXI/2023, which progressively prohibited the excessive manipulation of AI in political campaign materials, demonstrates the Court's acute institutional awareness of the dangers of technological manipulation against the principle of electoral fairness. Paradoxically, internal regulations governing the extent to which AI algorithms may intervene in the epistemic formation of a judge's conviction (adjudication) within the Court's own chambers remain stranded in a normative void. This crisis point unleashes a latent peril in the form of the "black box" phenomenon, introducing a severe normative asymmetry wherein the deliberative process of a deep learning model cannot be audited, traced, or rationally deciphered by human intellect. This characteristic frontally collides with the doctrine of judicial independence, which mandates that

² Zico Junius Fernando and Ariesta Wibisono Anditya, "AI on The Bench: The Future of Judicial Systems in The Age of Artificial Intelligence," *Jurnal Hukum Dan Peradilan* 13, no. 3 (November 30, 2024): 523–50, <https://doi.org/10.25216/jhp.13.3.2024.523-550>.

³ Vladimir Nizov, "The Artificial Intelligence Influence on Structure of Power: Long-Term Transformation," *Legal Issues in the Digital Age* 6, no. 2 (July 2, 2025): 183–212, <https://doi.org/10.17323/2713-2749.2025.2.183.212>.

⁴ Gillan Teravosa and Sulthon Bangun Nagari, "Digital Constitutionalism and the Future of Human Rights: A Comparative Review," *Legalis: Journal of Law Review* 3, no. 1 (January 31, 2025): 255–67, <https://doi.org/10.61978/legalis.v3i1.791>.

⁵ Karmila Karmila and Setiawati Setiawati, "Implikasi Hukum Terhadap Artificial Dalam Sistem Peradilan Di Indonesia," *Kajian Ilmiah Hukum Dan Kenegaraan* 3, no. 1 (June 20, 2025): 57–67, <https://doi.org/10.35912/kihan.v3i1.4683>.

⁶ Constitutional Court, "Suhartoyo Presents AI Implementation in Judiciary at Semar Law Competition 2024," Constitutional Court, 2020, https://en.mkri.id/news/details/2024-05-11/Suhartoyo_Presents_AI_Implementation_in_Judiciary_at_Semar_Law_Competition_2024.

⁷ Ekinia Karolin Sebayang, Mahmud Mulyadi, and Mohammad Ekaputra, "Potensi Pemanfaatan Teknologi Artificial Intelligence Sebagai Produk Lembaga Peradilan Pidana Di Indonesia," *Locus Journal of Academic Literature Review* 3, no. 4 (April 29, 2024): 317–28, <https://doi.org/10.56128/ljoalr.v3i4.311>.

any judicial decree restricting human rights must be anchored in legal reasoning that is entirely autonomous, objective, publicly accountable, and transparent.

To fortify the substantive depth and scientific credibility of this premise, a state-of-the-art literature review reveals an intense polarization in academic debates over the past five years regarding the intersection of artificial intelligence and the judiciary. The first cluster of literature, represented by Kouroutakis (2024) and Wang (2020), focuses exclusively on the black box problem as a terminal threat to the rule of law, identifying that the lack of transparency in automated decision-making mechanisms obliterates the capacity of litigants to contest the foundational logic of a ruling.^{8,9} The second cluster presents an ontological collision regarding the adoption of judicial principles; on one hand, Drozd (2024) radically proposes the adaptation of classical judicial principles to accommodate the existence of AI as an autonomous adjudicator, a thesis fiercely dismantled by procedural law scholars who argue that the principles of justice and human rights absolutely require a human capacity that cannot be mathematically substituted.¹⁰ The third cluster examines this issue through the lens of supranational digital constitutionalism and human rights; scholars highlight developments in Europe through regulatory frameworks such as the EU AI Act, which mandate strict human oversight mechanisms for high-risk AI systems in the public sector to preserve legal autonomy.¹¹ Meanwhile, the fourth cluster dissects AI implementation from the perspective of Islamic Constitutional Law (*Siyasah Dusturiyah*). Recent empirical and normative analyses warn that algorithmic justice in religious courts often merely digitizes and bequeaths historical patriarchal biases, thereby entrenching systemic disparity. This, in turn, reduces the essence of adjudication from a rational duty imbued with wisdom (*hikmah*) and compassion (*rahmah*) into a purely mechanical calculation of data probability.¹² Finally, the fifth literature cluster posited by Teravosa and Nagari (2024) assesses human rights implementation in the era of digital constitutionalism, concluding that a perilous chasm exists between the textual norms enshrined in constitutions and actual protection against technological intervention, demanding the integration of more robust legal standards.¹³

Through a thematic synthesis that dialogues and juxtaposes the perspectives of these scholars, a highly compelling blind spot (gap analysis) emerges: the vast majority of prior studies remain trapped in a simplistic dichotomy between total technocratic capitulation and secular human rights-based rejection. There is a conspicuous absence of any systematic epistemological effort to reconstruct the institutional architecture of the judiciary—specifically the Constitutional Court—by cohesively synthesizing the principles of modern judicial constitutionalism with the fundamental philosophy and axiology of *Siyasah Dusturiyah*. Prior studies have failed to position AI not merely as a biased "tool," but as a profound exogenous shock testing the sovereignty of human reasoning that must be subjugated through the rigorous modification of the judicial independence doctrine.

Rooted in these theoretical gaps and the discovered normative vacuum, this research unequivocally offers essential value addition and novelty. Diverging from previous studies that predominantly

⁸ Antonios Kouroutakis, "Rule of Law in the AI Era: Addressing Accountability, and the Digital Divide," *Discover Artificial Intelligence* 4, no. 1 (December 27, 2024): 115, <https://doi.org/10.1007/s44163-024-00191-8>.

⁹ Nu Wang, "Black Box Justice: Robot Judges and AI-Based Judgment Processes in China's Court System," in *2020 IEEE International Symposium on Technology and Society (ISTAS)* (IEEE, 2020), 58–65, <https://doi.org/10.1109/ISTAS50296.2020.9462216>.

¹⁰ D. A. Tumanov, "Can Artificial Intelligence Replace Human Judges?," *Digital Law Journal* 5, no. 4 (July 28, 2025): 10–27, <https://doi.org/10.38044/2686-9136-2024-5-1>.

¹¹ Lena Enqvist, "Human Oversight' in the EU Artificial Intelligence Act: What, When and by Whom?," *Law, Innovation and Technology* 15, no. 2 (July 3, 2023): 508–35, <https://doi.org/10.1080/17579961.2023.2245683>.

¹² Sidi Ahyar Wiraguna, "Metode Normatif Dan Empiris Dalam Penelitian Hukum: Studi Eksploratif Di Indonesia," *Public Sphere: Jurnal Sosial Politik, Pemerintahan Dan Hukum* 3, no. 3 (November 30, 2024): 58–65, <https://doi.org/10.59818/jps.v3i3.1390>.

¹³ Teravosa and Nagari, "Digital Constitutionalism and the Future of Human Rights: A Comparative Review."

focus on technical data privacy regulations based on European legal frameworks or analyze AI's impact on lower-tier trial courts, this research introduces a novel conceptual approach by deconstructing and reformulating the doctrine of judicial independence at the Constitutional Court of the Republic of Indonesia through a dual synthesis of pure Constitutional Law and the epistemology of *Siyasah Dusturiyah* (*Neo-Siyasah*). The novelty of this approach lies in the formulation of the "Siyasah Digital Constitutionalism" doctrine, an academic paradigm that boldly cross-pollinates the due process of law doctrine in contemporary constitutionalism with the prerequisites of *Bayan* (mandated transparent disclosure) and the strict prohibition of *Gharar* (manipulative uncertainty) within Islamic legal structures. This conceptual scaffolding is explicitly deployed to construct absolute jurisdictional boundaries against the use of artificial intelligence within the adjudicative chambers at the apex constitutional level. This research does not merely parrot the narrative of algorithmic discrimination; rather, it actively elevates the context of algorithmic technology implementation to a macro-level debate concerning the philosophy of state sovereignty, institutional morality, and the absolute preservation of the cognitive autonomy of the constitutional guardians.

Ultimately, the primary thesis statement that will be defended in its entirety within this manuscript is that the implementation of artificial intelligence tools within the adjudicative mechanisms of the Constitutional Court must never reduce the exalted status of constitutional justices to mere validators of machine outputs (*machine-tenders*). The omnipresence of digital technology demands a foundational reconstruction of the doctrine of judicial independence. A jurist's freedom must no longer be conceptualized solely on a vertical axis—defending against executive and legislative branch interventions—but also technologically against the potential dictatorship of algorithms and third-party corporate hegemony.¹⁴ The legal academy, legislative drafters, and judicial practitioners must accord profound attention to these findings. The absence of an established legal epistemology rooted in divine and moral values to regulate artificial intelligence carries the fatal risk of fundamentally mutating the character of the Constitutional Court; it threatens to regress the institution from a *court of law* that grounds substantive justice into a mere *court of data* that is highly technocratic, probabilistic, and completely devoid of human empathy. As a comprehensive structural remedy, this research proposes a novel institutional architectural design through the operationalization of the "Centaur Model," which strictly positions AI devices purely as ontological servants. Crucially, the execution of this model must be fiercely guarded by the establishment of a "Digital Hisbah" mechanism—an institutional algorithmic audit body—to ensure that the rationality, cognitive independence, substantive justice, and legitimacy of the Constitutional Court remain wholly inviolate amidst the unforgiving jungle of digital-era disruption.¹⁵

2. Research Methods

To analytically dissect and provide a robust argumentative resolution to the formulated legal issues, this research is operationally designed as a normative or doctrinal legal study. The selection of this methodological instrument is grounded in the justification that algorithmic penetration into the judicial function transcends mere socio-legal statistical observation; rather, it necessitates novel legal discovery (*rechtsvinding*), the assertion of doctrinal coherence among legal principles, and profound philosophical synchronization within the constitutional architecture.¹⁶

¹⁴ Jusafri; Alimuddin Jusafri Nur Hidayani; Chairunnas, Arnadi, "Disrupsi Teknologi Digital Dalam Pelaksanaan Sistem Peradilan Pidana Dan Pemenuhan Keadilan Di Indonesia: Disruption of Digital Technology in the Implementation of the Criminal Justice System and Fulfillment of Justice in Indonesia," *Jurnal Kolaboratif Sains* 7, no. 9 (2024): 3551–60, <https://jurnal.unismuhpalu.ac.id/index.php/JKS/article/view/6212/4469>.

¹⁵ Soroush Saghafian and Lihi Idan, "Effective Generative AI: The Human-Algorithm Centaur," *Harvard Data Science Review*, no. 5 (December 19, 2024), <https://doi.org/10.1162/99608f92.19d78478>.

¹⁶ Rasamala Aritonang, "Algoritma Dalam Praktik Penemuan Hukum Modern," *Veritas et Justitia* 10, no. 2 (December 29, 2024): 364–87, <https://doi.org/10.25123/vej.v10i2.8662>.

The research methodology executes a tripartite framework: a conceptual approach, a statutory approach, and a comparative approach. The conceptual approach is deployed to deconstruct the meaning, essential values, and theoretical frontiers of judicial independence amidst its collision with information technology. Concurrently, the statutory approach specifically interrogates the normative gaps within national positive law, while the comparative approach juxtaposes the dynamics of artificial intelligence regulation in global institutional architectures against the philosophy of local wisdom enshrined in the national constitution.

Substantive excavation relies on authoritative primary and secondary legal materials. The primary sources relevant to this inquiry encompass the 1945 Constitution of the Republic of Indonesia, pivotal statutes governing Judicial Power, the Personal Data Protection Act (PDP Law), and landmark jurisprudence from the Constitutional Court—most notably Decision No. 166/PUU-XXI/2023, which pioneered the discourse on limiting AI utilization concerning electoral ethics and constitutional principles.¹⁷ Meanwhile, secondary legal materials are rigorously extracted from a corpus of cutting-edge, globally indexed scientific literature drawn from the Scopus database, constrained to publications up to the year 2024. These sources include reputable international journals, proceedings, and treatises exploring the realms of digital constitutionalism, constitutional law, and both classical and contemporary *fiqh* of state governance, which explicitly dissect the ramifications of *Siyasah Dusturiyah* in relation to modern bureaucratic administrative machinery.¹⁸

Legal material collection is executed deterministically through a systematic documentary literature review, leveraging digital search syntax algorithms within the Scopus database. The queries utilized highly specific keywords, including "Digital Constitutionalism," "Judicial Independence AI," "Constitutional Court AI adjudication," and "Siyasah Dusturiyah AI." Upon aggregating and reducing a comprehensive corpus of materials based on thematic relevance to the research problem, the legal analysis is subsequently structured using deductive syllogistic reasoning and thematic synthesis.¹⁹

The analytical scalpel deployed in this manuscript rests on the pillar of digital constitutionalism theory—serving to deconstruct the anatomy of power shifting toward corporate algorithmic entities. This is then harmonized with the operationalization of *Maqasid al-Shariah* (the ultimate objectives of Islamic law) drawn from the discipline of *Siyasah Dusturiyah*. This dual theoretical framework actively filters, stress-tests, and upholds the standards of objectivity and moral utility (*maslahah*) within judicial outputs. Ultimately, the dynamic academic dialogue forged between these approaches is systematically designed to generate legal postulates and prescriptions that are not merely logically robust and administratively efficient, but which fiercely safeguard human dignity within the Indonesian constitutional justice system.

3. Result and Discussion

3.1. The Phenomenology of Algorithmic Disruption and the Law of Conservation of Judgment in Constitutional Adjudication

The grand narrative dominating the introduction of artificial intelligence into judiciaries worldwide is almost invariably packaged in euphemistic promises of bureaucratic efficiency, the enhancement of absolute mathematical rationality, and the capacity to eradicate human bias and subjective vulnerabilities—factors frequently scapegoated as the root of jurisprudential inconsistency. Within

¹⁷ Eka NAM Sihombing and Muhammad Yusrizal Adi Syaputra, "Implementasi Penggunaan Kecerdasan Buatan Dalam Pembentukan Peraturan Daerah," *Jurnal Ilmiah Kebijakan Hukum* 14, no. 3 (November 2, 2020): 419–34, <https://doi.org/10.30641/kebijakan.2020.V14.419-434>.

¹⁸ Denny Yushmanendra and Dani Amran Hakim, "Perlindungan Data Pribadi Di Indonesia: Analisis Undang-Undang Dan Fiqh Siyasah Dusturiyah," *Siyasah* 5, no. 1 (June 25, 2025): 134–50, <https://doi.org/10.32332/01g65462>.

¹⁹ Suyanto, *Metode Penelitian Hukum (Pengantar Penelitian Normatif, Empiris Dan Gabungan)*, ed. Suyanto (Gresik: UNIGRES PRESS, 2022), <https://share.google/0oVUACiky6SKMUep>. Hal, 120.

the institutional locus of the Constitutional Court of the Republic of Indonesia, the discourse surrounding early-stage AI adoption is explicitly oriented toward deploying supportive analytical instruments to bolster adjudicative performance. This paradigm envisions constitutional justices accelerating issue mapping, deploying pattern recognition to decipher legal reasoning, and instantly synthesizing the doctrinal threads of hundreds of precedents with comprehensive precision.²⁰ At first glance, this operational shift appears to proffer an elegant, technocratic, and highly rational antidote to the intractable maladies of judicial politicization and enforcement disparity—namely, by introducing an "interpretation machine" ostensibly immune to the temptations of corruption, physical fatigue, and factional allegiances.²¹ Nevertheless, a rigorous theoretical inquiry into the operational anatomy and ontology of AI systematically dismantles these positivistic claims of algorithmic neutrality.

Within cutting-edge literature intersecting algorithms and constitutional law, a profound doctrinal pivot has been catalyzed by the *Law of Conservation of Judgment*. This postulate asserts that the implementation of artificial intelligence—irrespective of the sophistication of its underlying neural networks or the computational brute force of the Large Language Models (LLMs) upon which it rests—can never exclude or delegitimize the inescapable necessity of normative judgment, moral deliberation, and human preference in the jurisprudential enterprise.²² This theory argues that AI devices do not magically obliterate the arduous, value-laden discretionary decisions inextricably tied to the judicial function; rather, they merely relocate the locus of these judgments. They sequester conflictual normative assessments away from the courtroom—a space subject to constitutional scrutiny and public transparency—burying them instead within the opaque, closed-door phases of early computational design. When an algorithm is programmed to triage, evaluate "relevance," or discard corpuses of jurisprudence to synthesize an argument, it is fundamentally executing a series of human cognitive interventions engineered behind the scenes. Data scientists and corporate policymakers, whether consciously or inadvertently, dictate variable weighting, calibrate the taxonomic filtering of legal vernacular, and encode the significance thresholds within the machine.²³ Consequently, value preferences and ideological biases never truly vanish; they continue to operate and circulate, having metastasized into obfuscated strands of probabilistic mathematical language. This architectural opacity effectively renders these biases unassailable, immunizing them against confrontation or cross-examination by litigants seeking justice before the bench.

Furthermore, this shifting *locus of interpretation* precipitates an existential tension with the core doctrine of judicial independence. The autonomy of a constitutional jurist within a democratic rule-of-law regime must not be reductively defined solely by external independence—namely, freedom from executive coercion or parliamentary interference. It absolutely demands the realization of internal independence: the cognitive autonomy, analytical sovereignty, and uncorrupted conscience of the adjudicator in the pursuit of substantive truth and justice.²⁴ The moment the Constitutional Court begins to rely upon legal compilations filtered and engineered

²⁰ Alexandro Wiranto Tambe, Amiradiaty Nasution, and Nabila Fitria Almada, "Keterlibatan Artificial Intelligence Sebagai Katalisator Perancangan Putusan Perkara Perdata Di Indonesia," *Federalisme: Jurnal Kajian Hukum Dan Ilmu Komunikasi* 2, no. 2 (April 22, 2025): 01–14, <https://doi.org/10.62383/federalisme.v2i2.568>.

²¹ I Nengah Gardhita Arsa Putra and Jeremy Kevin Parlindungan Silaban, "Penerapan Kecerdasan Artifisial Dalam Pengawasan Kekuasaan Kehakiman Sebagai Upaya Mereduksi Disparitas Putusan Pidana Di Indonesia," *Ma'mal: Jurnal Laboratorium Syariah Dan Hukum* 5, no. 4 (August 30, 2024): 297–320, <https://doi.org/10.15642/mal.v5i4.382>.

²² Sihombing and Adi Syaputra, "Implementasi Penggunaan Kecerdasan Buatan Dalam Pembentukan Peraturan Daerah."

²³ Francesco Borgesano et al., "Artificial Intelligence and Justice: A Systematic Literature Review and Future Research Perspectives on Justice 5.0," *European Journal of Innovation Management* 28, no. 11 (December 15, 2025): 349–85, <https://doi.org/10.1108/EJIM-01-2025-0117>.

²⁴ Priandita Koswara and Megawati Megawati, "Analisis Prinsip Independensi Hakim Konstitusi Di Indonesia," *Ahmad Dahlan Legal Perspective* 3, no. 1 (August 11, 2023): 47–62, <https://doi.org/10.12928/adlp.v3i1.7902>.

by predictive AI models to formulate its *ratio decidendi*—absent excruciating institutional scrutiny—it engages in a stealth delegation of interpretive authority to non-state third parties. The logical terminus of this delegation severely imperils constitutional coherence, as artificial intelligence algorithms have evolved from passive administrative tools into quasi-political entities. They possess the insidious capacity to dictate logical pathways, truncate interpretive landscapes, and lock down the boundaries of a jurist's constitutional imagination.²⁵ Consequently, the legal autonomy vigorously defended within Niklas Luhmann's framework of social systems theory suffers acute structural corrosion. The communicative production of justice is no longer the pure offspring of constitutional reasoning; rather, it is mediated, bounded, and commodified by the probabilistic logic of the corporate entities supplying the artificial intelligence.²⁶

3.2. The Anatomy of the "Black Box" as a Repudiation of Due Process of Law and a Manifestation of *Gharar* in the Paradigm of *Siyasah Dusturiyah*

The penetration of algorithms into the adjudicative space precipitates a fundamental peril universally recognized in global legal literature as the "black box" problem. This ontological phenomenon describes an acute epistemological impasse: the architectural layers of deep learning, processing trillions of parameters, have reached an extreme of complexity where even their original developers lose the capacity to rationally and chronologically reconstruct how and why the algorithmic system arrived at a specific judicial conclusion.²⁷ This inherent computational inability to provide logical explication (the explainability crisis) strikes directly at the heart of modern constitutionalism. It destabilizes a jurisprudential paradigm that fiercely venerates accountability, the sanctity of due process of law, and the strict moral-legal obligation of the judiciary to render judgments anchored in verifiable, reasoned decision-making.²⁸

When this discourse is elevated to a universal plane through a cross-comparative lens with the philosophy of Islamic Constitutional Law (*Siyasah Dusturiyah*), the critique of the "black box" machine finds an extraordinarily potent ethical resonance. In the architectural framework of Islamic constitutional justice, the issuance of any *Qada* (judicial decree) or constitutional *fatwa* that intervenes in or dictates the rights and obligations of the public absolutely necessitates the fulfillment of *Bayan* (the principle of absolute clarity, transparent disclosure of argumentation, and logical certainty).²⁹ The parameter of *Bayan* is not merely a supplementary administrative formality; it constitutes the foundational bedrock of substantive validity, empowering civil society, scholars, and justice-seekers to rigorously verify that the sovereign has authentically upheld justice. As a logical legal consequence, any judicial output grounded in reasoning that is manipulative, opaque, and devoid of a traceable *Illah* (the logical cause, rational efficiency, or underlying *ratio legis*) is categorically classified as *Gharar* (deceptive uncertainty that destroys the essence of an act).³⁰

²⁵ Matej Babšek et al., "Artificial Intelligence Adoption in Public Administration: An Overview of Top-Cited Articles and Practical Applications," *AI* 6, no. 3 (February 21, 2025): 44, <https://doi.org/10.3390/ai6030044>.

²⁶ Stine Püllgaard Porner Nielsen, "Introduction: A Special Issue on Niklas Luhmann's Systems Theory and Law," *Öñati Socio-Legal Series* 14, no. 5 (October 1, 2024): 1206–26, <https://doi.org/10.35295/osls.iisl.1855>.

²⁷ Tehreem Qamar and Narmeen Zakaria Bawany, "Understanding the Black-Box: Towards Interpretable and Reliable Deep Learning Models," *PeerJ Computer Science* 9 (November 29, 2023): e1629, <https://doi.org/10.7717/peerj-cs.1629>.

²⁸ Karen McGregor Richmond et al., "Explainable AI and Law: An Evidential Survey," *Digital Society* 3, no. 1 (May 19, 2024): 1, <https://doi.org/10.1007/s44206-023-00081-z>.

²⁹ Abdullah Jarir et al., "Fatwā in Contemporary Islamic Judiciary: The Accommodation of MUI Fatwā Among Judges of Indonesian Religious Court," *Al-Mawarid Jurnal Syariah Dan Hukum (JSYH)* 7, no. 2 (September 5, 2025): 373–96, <https://doi.org/10.20885/mawarid.vol7.iss2.art9>.

³⁰ Mawardi, "Pemanfaatan Artificial Intelligence Dalam Penyelesaian Sengketa Hukum Islam : Studi Transformasi Sosial Dan Tantangan Regulasi Syariah: Utilization of Artificial Intelligence in Islamic Legal Dispute Resolution: A Study of Social Transformation and Challe," *Jurnal Kolaboratif Sains* 7, no. 10 (2024): 3898–3908, <https://jurnal.unismuhpalu.ac.id/index.php/JKS/article/view/6898/6937>.

A constitutional legal resolution shaped and shadowed by algorithmic *Gharar* fatally contradicts the teleological parameters of Islamic law (*Maqasid al-Shariah*)—specifically the mandates of *Hifẓ al-Aql* (the protection of public rationality and intellect) and *Hifẓ al-Din* (the preservation of the state's moral and institutional integrity).³¹ When a constitutional jurist legitimizes or casually relies upon the probabilistic recommendations of a black-box AI to forge a *ratio decidendi*, the institution is essentially executing a veiled judicial process predicated on mathematical guesswork. Such an act obliterates the structural *Amanah* (public trust), which serves as the existential pillar of judicial legitimacy.

The destructive implications of this phenomenon are corroborated by recent empirical research across various jurisdictions regarding the operationalization of judicial assistance systems, culminating in an epidemic of "algorithmic skepticism." In a multitude of conventional judicial case studies, the passive surrender of legal analysis to artificial intelligence frequently results in the atrophy of legal pluralism (*ikhtilaf*), the isolation of critical dissenting opinions, and the coercive imposition of a pseudo-certainty—manifesting as uniform resolutions heavily laden with the inherent biases accumulated from historical data.³² For an apex Constitutional Court burdened with the mandate to adjudicate high-stakes statecraft disputes of infinite complexity—such as the friction between human rights norms vis-à-vis state security imperatives, existential institutional dilemmas, and the volatile arena of electoral disputes in digital democracies—the rigidity of probabilistic machines severely paralyzes the inherently progressive nature of law.

The Constitutional Court bears a profound historical responsibility to ground its constitutional interpretation sociologically, adapting dynamically to contemporary challenges (progressive constitutional interpretation). Conversely, AI algorithms are inherently engineered to learn exclusively from calcified legal artifacts of the past (historical data lock-in).³³ Forcing the mechanistic logic of the past to engineer future constitutional decrees within the adjudicative chambers, absent rigorous doctrinal intervention, is tantamount to perpetuating historical repression and intellectual subjugation. This act inherently violates the principles of progressive justice and the exaltation of human dignity enshrined within both universal constitutionalism and the Islamic doctrine of *Adalah* (substantive justice).³⁴

³¹ M. Alpi Syahrin et al., "Konsep Negara Dalam Politik Islam Di Era Modern," *Hukum Islam* 20, no. 1 (July 27, 2020): 120–38, <https://doi.org/10.24014/jhi.v20i1.8493>.

³² Rafli Hukom and Martinus, "The Effectiveness of Artificial Intelligence in Judicial Decision-Making in Indonesia," *Hakim: Jurnal Ilmu Hukum Dan Sosial* 3, no. 1 (February 19, 2025): 1032–51, <https://doi.org/10.51903/hakim.v3i1.2298>.

³³ Sarmila Radjak and Ahmad Ahmad, "Menguji Batas Kewenangan: Tafsir Mahkamah Konstitusi Atas UUD 1945 Dalam Dinamika Demokrasi Modern," *Al-Zayn: Jurnal Ilmu Sosial & Hukum* 3, no. 3 (June 26, 2025): 1800–1815, <https://doi.org/10.61104/alz.v3i3.1436>.

³⁴ Ja'far Baehaqi, "Perspektif Penegakan Hukum Progresif Dalam Judicial Review Di Mahkamah Konstitusi," *Jurnal Konstitusi* 10, no. 3 (May 20, 2016): 417–37, <https://doi.org/10.31078/jk1033>.

Table 1. Comparative Matrix of Adjudicative Paradigms and the Synthesis of Siyasa Digital Constitutionalism

Dimensions of Comparative Analysis	Human-Centric Adjudication Paradigm	AI-Driven Adjudication Paradigm	Synthetic Reconstruction of Siyasa Digital Constitutionalism
Foundational Epistemology	<i>Ijtihad</i> (Dynamic cognitive reasoning), Contextual.	Mathematical, probabilistic calculation of historical data.	Hybrid Collaboration (Centaur Model); machine probability remains strictly subordinate to the hierarchical authority of <i>Ijtihad</i> .
Principle of Transparency	<i>Bayan</i> (Lucid exposition of <i>Illah</i> and <i>ratio decidendi</i>).	Black Box (Opaque, untraceable, fraught with <i>Gharar</i>).	The Right to Explainable AI (XAI) is legally mandated; absolute prohibition of the Black Box in substantive reasoning.
Judgment Orientation	Restoration of human equilibrium, deeply imbued with <i>Hikmah</i> (wisdom) & <i>Rahmah</i> (compassion).	Bureaucratic administrative efficiency of the judiciary, mathematical rationality.	Moral Constitutional Adjudication remains the exclusive domain of the jurist. AI is strictly prohibited from encroaching upon the dimensions of equitable consideration and the sense of justice.
Status of Independence	Freedom from the intervention of executive and legislative powers.	Dictated by initial parameter weighting (Developer & Historical bias).	Dual Independence: Freedom from the domination of state political hierarchies simultaneously coupled with liberation from technological intervention.

3.3. Digital Constitutionalism and Neo-Siyasa: Reconstructing the Doctrine of Judicial Independence at the Constitutional Court

Departing from the acute epistemological tension delineated in the preceding sections, the rising wave of Digital Constitutionalism can no longer be marginalized; rather, it demands an offensive and proactive jurisprudential response to subjugate the anarchy of technological evolution beneath the supremacy of constitutional law. Historically, the philosophy of constitutionalism emerged as a social compact engineered to constrain the arbitrary caprice of absolute monarchies and political dictatorships. In the new millennium, this exalted doctrine must be structurally expanded to forge a bulwark against the arbitrary intrusion of digital technological infrastructures (*Neo-Siyasa*) into the sanctum of privacy, the sovereignty of civil rights, and the intimate deliberative processes of the judiciary.³⁵ The analytical realization that artificial intelligence devices can no longer be reductively classified as passive tools—but have rather materialized as subjective entities within the modern architecture of information power-sharing—compels the Indonesian Constitutional Court to rigorously interrogate and reconstruct the foundational parameters of the classic doctrine of an "Independent Judiciary".

Drawing upon a profound synthesis of Digital Constitutionalism and the philosophical wisdom of *Siyasa Dusturiyah*, this article argues that the reconstructed concept of judicial autonomy in the

³⁵ Badruzzaman Nawawi and Roswati Nurdin, "Neo-Siyasa: Reconstructing Constitutional Sovereignty in the Age of Artificial Intelligence," *Jurnal Al-Dustur* 8, no. 2 (December 8, 2025): 195–217, <https://doi.org/10.30863/al dustur.v8i2.10529>.

algorithmic age (*Algorithmic Independence*) must be anchored upon two foundational pillars of reform. The first pillar is the fortification of Ontological Independence. Essentially, this principle dictates that no constitutional justice is permitted to diminish or subordinate the majesty of human cognitive reasoning and the clarity of conscience to the probabilistic calculations of algorithmic logic. In Islamic epistemology, adjudication (*Qada*) is not sterilely described as the mere syllogistic fulfillment of statutory prerequisites. Rather, it is defined as the execution of supreme justice, which absolutely necessitates the synergy of *Hikmah* (profound philosophical and contextual wisdom existing far beyond the formalities of regulatory texts) and *Rahmah* (the human intellectual capacity to weigh depths of compassion, sociological mitigation, and the flexibility of human empathy).³⁶

Artificial intelligence, regardless of the precision of its underlying code, is ontologically alienated from and entirely blind to these elements of spiritual rationality, as it is devoid of a soul (*ruh*). Consequently, elevating considerations extracted from the synthetic recommendations of AI to a level equivalent to—let alone surpassing—the significance of holistic human deliberation in adjudicating the substantive core of constitutional disputes constitutes an empirical desecration of the essence of *Adalah* (the pursuit of authentic substantive justice, rather than mere legal-mathematical correctness).³⁷ Every facet of the obligation to render true justice before society and the Divine demands absolute moral accountability (*Mas'uliyah*), a burden that is intrinsically impossible to delegate *ipso facto* to an architecture of binary code.

The second pillar of reform concerns institutional fortification, manifesting as Technocratic Independence. This principle asserts that the Constitutional Court, as the apex institutional guardian of citizens' fundamental rights, must assert absolute autonomy and sovereign control over the deepest layers of its digital ecosystem. Contemporary reality reveals that the foundations of cloud computing infrastructures, the repositories housing sensitive jurisprudential data, and the architectures of deep learning engines increasingly transplanted into the judiciary are fundamentally developed and operated by multinational Big Tech corporations. These entities are operationally driven by the relentless pursuit of accumulative profit margins, rather than by a sacred mandate to uphold the moral supremacy of the state constitution. If the Constitutional Court anchors its digital modernization upon an acute operational dependence on these commercial private entities—without the backing of absolute computational data sovereignty and the privileged capacity to precisely audit the original source code—the doctrine of institutional independence will gradually distort, collapsing into the unaccountable grip of global corporate capitalist hegemony. The conceptual framework of *Neo-Siyasah* explicitly and forcefully formulates the absolute prerequisite of *Sovereignty-by-Design* (the integration of judicial technological sovereignty from the initial blueprint phase). Through this novel sovereignty framework, the Constitutional Court is administratively mandated to govern its server networks free from external intervention, command full access to the anatomy of the computational algorithms employed, and fiercely defend its pure internal sovereign authority in stress-testing and defining the methodological boundaries of these machine assistants.³⁸

Finally, the progressive concept of the right to be protected amidst the universe of data architecture—such as the Right to Rectification, originally adopted from the overarching policy framework of the General Data Protection Regulation (GDPR) in the European Union, whose implications are now gradually permeating data protection legislation in Indonesia—must be

³⁶ Imron Hadi, *Filsafat Hukum Islam: Teori, Konsepsi Dan Praktik*, ed. Ani Wafiroh, 1st ed. (Mataram: sanabil publishing, 2022), https://fs.uinmataram.ac.id/wp-content/uploads/2023/03/Imron-Hadi_Filsafat-Hukum-Islam_2022.pdf.

³⁷ Andrew Coan and Harry Surden, “AI and Constitutional Interpretation: The Law of Conservation of Judgment,” *Lawfare*, 2024, <https://www.lawfaremedia.org/article/ai-and-constitutional-interpretation--the-law-of-conservation-of-judgment>.

³⁸ Nawawi and Nurdin, “Neo-Siyasah: Reconstructing Constitutional Sovereignty in the Age of Artificial Intelligence.”

paradigmatically extracted and reformulated for the environment of equitable adjudication. It must be transformed into the doctrine of the "Right of Algorithmic Contestation," dedicated entirely to litigants seeking justice.³⁹ This doctrine represents a vital arena for digital defense and the right of reply. As an argumentative illustration: if a petitioner (for instance, a political opposition party or an indigenous cultural alliance embroiled in a high-stakes judicial review) detects and can construct evidence that a precedent analysis report or a factual data summary autonomously produced by the Court's AI assistant is logically defective, fraught with legal misconceptions, or perpetuates the legacy of historical discriminatory biases, the *Siyasah Dusturiyah* principle regarding the mandatory protection of vulnerable parties threatened with the deprivation of rights (*Mudtarr*) provides jurisprudential reinforcement. Through this approach, aggrieved justice-seekers are guaranteed by the constitution and judicial procedural rules the privilege to openly litigate, rebut, and challenge the validity of the algorithm's foundational rationality within a transparent, procedural courtroom debate.⁴⁰ It is precisely this space of contestation that will breathe the life of democratization back into a constitutional courtroom currently besieged by the looming shadow of technological power.

3.4. Institutional Oversight Architecture: Operationalizing the "Centaur" Model and the Transformation of "Digital Hisbah"

Translating theoretical postulations regarding the limitation of human autonomy into an actionable blueprint necessitates rigorous institutional engineering. Without operational alignment, these academic conceptions risk stagnating as mere intellectual utopias. A comparative, cross-jurisdictional review of AI integration within the global judiciary yields decisive lessons. The People's Republic of China, executing an aggressive e-justice revolution, champions a "smart court" architecture that delegates direct adjudicative authority to "Robot Judges" for low-risk disputes.⁴¹ This exposes an extreme manifestation of authoritarian utilitarianism, wherein the mechanical efficiency of algorithmic governance is elevated above the substantive protection of civil rights. Conversely, the European supranational legal regime—anchored by the CEPEJ Ethical Charter and the stringent, rights-based assessments of the AI Act—imposes severe constraints on judicial mechanization to preserve the natural legal rights of citizens.⁴² For the constitutional framework of the Republic of Indonesia—animated by the ideological philosophy of Pancasila and the spiritual mandate of justice—the optimal equilibrium must be achieved through synthesis. This requires the operationalization of a hybrid "Centaur Model," concurrently secured by the establishment of an unprecedented institutional oversight body, conceptually proposed herein as the National *Digital Hisbah*.⁴³

The "Centaur Model"—a modern metaphorical framework denoting the seamless functional fusion between the analytical prowess of computational data processing and the empathetic superiority of human deliberation—mandates a strictly hierarchical, human-in-the-loop architecture. Under this regime, the delegation of tasks to artificial intelligence is dogmatically restricted and exclusively administrative. AI is corralled into operational domains strictly limited

³⁹ Eleni Kosta, "Algorithmic State Surveillance: Challenging the Notion of Agency in Human Rights," *Regulation & Governance* 16, no. 1 (January 7, 2022): 212–24, <https://doi.org/10.1111/rego.12331>.

⁴⁰ Misnah Irvita and Asriani Asriani, "Transparency and Accountability in the Justice System: Building Public Trust and Justice," *Privet Social Sciences Journal* 5, no. 4 (April 30, 2025): 26–40, <https://doi.org/10.55942/pssj.v5i4.367>.

⁴¹ Kurnia Anggraeny, Zico Fernando, and Kasmento Rinaldi, "Robot Prosecutors and the Future of Criminal Justice in Indonesia: Innovation, Ethics, and Legal Implications," *PADJADJARAN Jurnal Ilmu Hukum (Journal of Law)* 12, no. 1 (April 2025): 25–47, <https://doi.org/10.22304/pjih.v12n1.a2>.

⁴² Žaklina Spalević et al., "The Role of Artificial Intelligence in Judicial Systems," *International Journal of Cognitive Research in Science, Engineering and Education* 12, no. 3 (December 30, 2024): 561–69, <https://doi.org/10.23947/2334-8496-2024-12-3-561-569>.

⁴³ Ainun Rochimah, "Eksistensi Lembaga Hisbah Modern Di Indonesia," *Maliki Interdisciplinary Journal* 2, no. 3 SE-Articles (March 31, 2024), <https://urj.uin-malang.ac.id/index.php/mij/article/view/4625>.

to primary data extraction, processing, and the compilation of static textual references.⁴⁴ Deployed at the operational heart of the Constitutional Court, advanced Natural Language Processing (NLP) instruments are ideally suited for expediting technical, accessory tasks. These include real-time transcript automation, jurisprudential mapping to detect historical interpretive trends, and statutory anomaly detection tools designed to flag normative inconsistencies across ministerial regulations during judicial reviews.

However, a definitive red line must be aggressively enforced. When adjudication transitions into the realm of conceptual argumentation—where rationalities collide over constitutional interpretation, ethical justification, and moral accountability—algorithmic intervention is strictly prohibited. For instance, determining whether a statutory limitation violates essential religious freedoms or is an absolute necessity for national security is a profoundly ethical deliberation. This substantive mandate is the exclusive prerogative of the nine Constitutional Justices, positioned as the sovereign embodiment of the nation's wisdom and moral authority. Reaffirming this doctrine serves to systematically dismantle the prescriptions of technocratic positivists, who advocate for modifying judicial norms to accommodate limited machine autonomy. As procedural scholars rightly assert, AI inherently lacks moral agency, jurisprudential competence, and the *Mas'uliyah* (responsibility) necessary to govern human conflict. An algorithm, fundamentally devoid of existential reality, is immune to both earthly juridical liability and eschatological accountability.⁴⁵

To guarantee that this Centaur blueprint operates securely within statutory parameters without triggering an unauthorized expansion of machine autonomy, this research urgently proposes the establishment of an algorithmic oversight institution: the *Digital Hisbah*.⁴⁶ Historically, within the sociology of Islamic law, the *Hisbah* operated under the *Siyasah Syar'iyah* framework as an independent agency dedicated to monitoring market fairness, neutralizing asymmetric information, and prosecuting structural corruption to preserve public order.⁴⁷ Transplanted into the architecture of the modern digital state, the philosophical ethos of the *Hisbah* must be institutionalized as a Permanent, Independent Algorithmic Audit and Expert Advisory Board. Structurally, this entity should operate directly under the jurisdiction of the Constitutional Court's Ethics Council or function as a specialized directorate within the Judicial Commission. Its composition must be inherently interdisciplinary, fusing elite constitutional law scholars with globally reputable cybersecurity architects and AI systems engineers to ensure rigorous, cross-sectoral objectivity.

The portfolio of the *Digital Hisbah* is anchored by three absolute mandates: (1) Algorithmic De-biasing: Conducting routine technical calibrations to strip away the crystallized sediment of historical, discriminatory legal preferences that quietly accumulate within machine-learning parameters, thereby preventing the perpetuation of systemic disparity; (2) Transparent Auditability Control: Executing aggressive penetration testing and verifying accountability logs to neutralize hidden corporate biases or developer source-code manipulation, effectively shattering the "trade secret" shield utilized by Big Tech vendors; and (3) Certification Issuance: Publishing periodic

⁴⁴ Herman; Nofri Zendra, "Inovasi Digital: Pemanfaatan AI Untuk Efisiensi Dan Transparansi Dalam Administrasi Publik," *Journal of Social, Educational and Religious Studies*, no. Vol. 1 No. 2 (2025): September 2025 (2025): 11–19, <https://jurnal.suriaacademicpress.com/index.php/JSERS/article/view/21/20>.

⁴⁵ Tumanov, "Can Artificial Intelligence Replace Human Judges?"

⁴⁶ Rochimah, "Eksistensi Lembaga Hisbah Modern Di Indonesia."

⁴⁷ Haris Santoso, "Perilaku Ekonomi, Monopoli, Dan Korupsi: Kajian Sistem Hisbah Dalam Perspektif Psikologi Ekonomi Islam," *Bulletin of Counseling and Psychotherapy* 6, no. 3 (December 1, 2024): 1–14, <https://doi.org/10.51214/002024061788000>.

"Ethics by Design Integration Safety Compliance Certifications" for public scrutiny, manifesting the highest standards of institutional transparency and constitutional accountability.^{48,49}

The institutionalization of the *Digital Hisbah* is the ultimate logical imperative to counter the distributed accountability inherent in modern cyber-justice architectures. Absent this specialized auditor capable of piercing the proprietary veils of private tech vendors, the Indonesian Constitutional Court risks a fatal descent into an illusion of judicial independence. Without stringent oversight, a constitutional justice might genuinely believe their ruling is the product of autonomous, uncorrupted intellectual contemplation. They would remain entirely oblivious to the stark sociological reality that the very parameters of their reasoning—the legal mapping, the highlighted precedents, the framing of the dispute—were deterministically narrowed, manipulated, and locked-in by an opaque corporate algorithm during the pre-trial discovery phase.⁵⁰

By integrating the *Digital Hisbah* to strictly police the boundaries of the Centaur Model, the state can resurrect the procedural integrity of constitutional disputes. This framework permanently liberates the cognitive sovereignty of the Constitutional Justices from the asymmetric hegemony of algorithmic lock-in and global tech monopolies. Ultimately, it ensures that the supreme principles of constitutionalism, human dignity, and substantive justice remain the unassailable, guiding lights of the Indonesian judiciary in the digital epoch.

4. Conclusion

The integration of artificial intelligence into the adjudicative architecture of the Constitutional Court precipitates a profound ontological threat to the doctrine of judicial independence. The infiltration of the "black box" phenomenon—operating as a manifestation of algorithmic *Gharar* (manipulative uncertainty)—fatally undermines the transparency and reasoned decision-making requisite for due process of law. To resolve this structural epistemic crisis, the paradigm of Digital Constitutionalism cannot be left to evolve autonomously. It must be rigorously synthesized with the socio-theological wisdom of *Siyasah Dusturiyah* (*Neo-Siyasah*). This theoretical synthesis is imperative to emancipate judicial cognition from the hegemony of blind algorithmic probability and the epistemic capture orchestrated by corporate tech monopolies.

Operationally, this defense of constitutional sovereignty must be systematically institutionalized through the strict hierarchical execution of the "Centaur Model." Under this framework, the deployment of artificial intelligence is absolutely restricted to an auxiliary administrative capacity—processing static data and performing pre-trial utility functions. AI is categorically barred from penetrating the jurisdictional sanctum of the *ratio decidendi*. Consequently, the profound evaluation of *Hikmah* (rational wisdom) and *Rahmah* (humanistic compassion and sociological mitigation) remains the exclusive, non-delegable prerogative of the Constitutional Justices.

Moving forward, restoring the asymmetrical equilibrium between legal authority and computational machines necessitates the immediate establishment of an independent algorithmic audit institution: the *Digital Hisbah*. This oversight entity is a structural prerequisite to guarantee continuous algorithmic de-biasing, enforce transparency, and shield the moral core of human-centric justice from the probabilistic calculus of global tech bureaucracies. Ultimately, the *Digital Hisbah* serves as the vital institutional firewall safeguarding the Constitutional Court. Only through this rigorous doctrinal and structural recalibration can the Court retain its sovereign legitimacy as

⁴⁸ Nawawi and Nurdin, "Neo-Siyasah: Reconstructing Constitutional Sovereignty in the Age of Artificial Intelligence."

⁴⁹ Rian Saputra, M Zaid M Zaid, and Silaas Oghenemaro Emovwodo, "The Court Online Content Moderation: A Constitutional Framework," *Journal of Human Rights, Culture and Legal System* 2, no. 3 (December 1, 2022): 139–48, <https://doi.org/10.53955/jhcls.v2i3.54>.

⁵⁰ Tri Suhendra Arbani, "Algorithmic Justice: A Study on Risks and Opportunities in the Use of Artificial Intelligence by Judges in Courts," *Siyasah* 5, no. 1 (June 25, 2025): 27–49, <https://doi.org/10.32332/9g12ds17>.

the ultimate guardian of the constitution, securing progressive justice and human dignity against the looming tyranny of automated jurisprudence in the digital epoch.

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