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# Delegitimization of the Constitutional Court in the Age of Artificial Intelligence: A Critical Review of the Shift from Contextual Justice to Legal Formalism

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## ABSTRACT

The rapid infiltration of Artificial Intelligence (AI) into various sectors, including the legal domain, generates a fundamental paradox between technocratic efficiency and substantive justice. This study aims to analyze the threats posed by the mechanistic logic of AI to the epistemic authority of the Constitutional Court (MK) as the guardian of the constitution. Employing a juridical-normative method with a conceptual approach, this research conducts a systematic literature study of legal, legal philosophy, and legal technology sources published between 2017 and 2025, analyzed through hermeneutic interpretation encompassing textual, conceptual, and teleological dimensions. The findings reveal two principal threats: first, AI risks shifting the paradigm of constitutional interpretation away from a dynamic and contextual living constitution approach toward rigid legal formalism anchored in historical data, thereby neglecting moral, social, and contextual dimensions; second, the dominance of algorithmic logic threatens the delegitimization of the Constitutional Court, as algorithmically influenced decisions fail to capture the complexity of societal justice and the humanistic dimension of judicial proceedings. Unlike previous studies that focus on technical aspects or general algorithmic ethics, this research introduces the conceptualization of a dichotomy between mechanistic justice and contextual justice in the specific context of Indonesia's civil law constitutional adjudication. The study concludes that while AI serves a legitimate role as a technical tool, its logical dominance fundamentally endangers the essence of the Constitutional Court as an institution that resolves disputes through wisdom, conscience, and constitutional values. A strict regulatory framework comprising five key components is therefore proposed to ensure that AI remains a supportive instrument rather than a substitute for constitutional authority.

**Keywords:** Artificial Intelligence, Constitutional Court, Judicial Legitimacy, Legal Formalism, Contextual Justice.

## I. Introduction

The advancement of the Fourth Industrial Revolution has established Artificial Intelligence (AI) as a transformative technology permeating various strategic sectors, including the domains of law and adjudication (Borgesano et al., 2025). The infiltration of AI into judicial systems presents significant promises



of efficiency through automated reasoning, predictive justice, and legal analytics that can substantially accelerate dispute resolution processes (Fortes, 2020). However, beneath these promises of efficiency lies a fundamental paradox that is rarely examined in depth: the conflict between technocratic efficiency offered by AI and the substantive justice that forms the *raison d'être* of judicial institutions. This paradox becomes particularly acute in the context of constitutional adjudication, where the stakes are not merely the resolution of individual disputes but the authoritative interpretation of the foundational legal norms that govern an entire polity. The Constitutional Court (Mahkamah Konstitusi/MK) occupies a unique and vital position in Indonesia's constitutional structure. Established through the Third Amendment to the 1945 Constitution, the MK possesses adjudicative authority that is final and binding (final and binding), with an approach to constitutional interpretation that is contextual and dynamic, grounded in the doctrine of living constitution. In practice, constitutional judges do not merely read legal texts; rather, they engage in deep deliberation encompassing philosophical, sociological, moral, and teleological dimensions of the constitution. This capacity for holistic judgment constitutes the core of the MK's epistemic authority, that is, the institutional power to know and give authoritative meaning to what is constitutional (Greenstein, 2022). Without this epistemic authority, the MK's capacity to fulfill its guardian role would be fundamentally undermined.

The mechanistic and computationally binary logic of AI systems poses a potentially fundamental, if gradual, threat to this epistemic authority. AI algorithms operate through the statistical recognition of patterns derived from historical data, which inherently tends to reproduce the status quo and disregard the contextual nuances that underpin substantive justice. This tendency, if allowed to dominate constitutional processes, risks shifting the interpretive paradigm from a nuanced, contextual approach toward a restricted and formalistic one (Greenstein, 2022; Leal et al., 2024). The implications of such a shift extend far beyond matters of judicial administration; they touch upon the very nature of constitutional governance and the relationship between law, society, and justice. Previous scholarship on AI and law has addressed algorithmic ethics (Zalnieriute et al., 2019), algorithmic fairness (Binns, 2018), AI applications in common law systems (Surden, 2019), and algorithmic bias (Mehrabi et al., 2021; Bharati, 2025). Research in Indonesia has largely focused on the technical aspects of AI implementation or its impact on the legal profession (Setiawan et al., 2024). Notably absent, however, is scholarship that specifically examines AI's threat to the epistemic authority of the MK as guardian of the constitution through a conceptual approach that pits mechanistic justice against contextual justice within the context of Indonesia's civil law system. This research gap is particularly significant given the growing global trend of integrating AI tools into judicial systems and the specific vulnerability of constitutional adjudication to the limitations of algorithmic reasoning.

This research seeks to fill that gap. The novelty of this study lies in three contributions: first, the conceptualization of the dichotomy between mechanistic justice and contextual justice in the context of constitutional adjudication in Indonesia; second, a systematic analysis of AI's threats to the epistemic authority of the MK; and third, the development of a specific regulatory framework for mitigating those threats (Panarese et al., 2025; Demirchyan, 2025). These contributions advance both theoretical understanding and practical policy-making in a domain of growing urgency. This research employs a juridical-normative approach with a conceptual method. Data were collected through a systematic library study of legal literature, legal philosophy, adjudication theory, and legal technology from publications spanning 2017 to 2025. Analysis was conducted hermeneutically, utilizing textual, conceptual, and teleological interpretation strategies to elucidate the normative implications of AI for constitutional adjudication. Based on the foregoing, this research addresses three central questions: (1) How does the mechanistic logic of AI potentially shift the paradigm of constitutional interpretation from a contextual approach toward a restricted formalism? (2) In what respects can the application of AI erode the legitimacy of the MK as the guardian of the constitution? (3) What regulatory framework would be most appropriate to ensure that AI serves as a supportive tool without threatening the essence of the MK's authority? It is hypothesized that there exists a negative correlation between the dominance of mechanistic AI logic and the epistemic authority of the MK: the greater the dependence on AI in constitutional processes, the more the MK's substantive authority to interpret the constitution contextually will be degraded.

## II. Literature Review and Hypothesis Development

### 2.1. Artificial Intelligence in Legal Systems

Artificial Intelligence in the legal context refers to computational systems capable of performing tasks that traditionally require human intelligence, such as legal reasoning, outcome prediction, and document analysis (Surden, 2019). In its evolution, legal AI encompasses a broad spectrum of applications ranging from contract analytics and natural language processing to predictive justice systems that purport to forecast adjudicative outcomes based on historical data (Fortes, 2020). These applications have attracted substantial interest from legal institutions seeking to improve efficiency, consistency, and accessibility in the delivery of justice. Borgesano et al. (2025) identify that the integration of AI into judicial systems has entered what they term the Justice 5.0 era, wherein technology no longer serves merely as an administrative tool but begins to influence the substance of judicial decision-making itself. This development creates a fundamental tension in the legal system because AI operates on the basis of deductive-computational logic limited to structured data and statistical patterns, while legal reasoning, and particularly constitutional reasoning, often demands moral consideration, empathy, and contextual sensitivity that transcend algorithmic capacity (Hartmann & Wenzelburger, 2021). The distinction between these two modes of reasoning is not merely technical but epistemological and axiological in nature.

The distinction becomes even more pronounced when one considers the character of constitutional questions. Unlike ordinary civil or criminal matters, constitutional questions frequently involve contested values, evolving social norms, and fundamental rights whose scope and content are inherently contested. AI systems trained on historical data may be capable of identifying patterns in past constitutional decisions, but they are ill-equipped to engage with the normative dimensions of constitutional adjudication that require genuine deliberation about justice, dignity, and the public good (Grimm & Grossman, 2024). This limitation is not a temporary deficiency that future AI development will necessarily overcome; it reflects a structural incompatibility between algorithmic logic and the nature of constitutional reasoning.

### 2.2. Epistemic Authority and the Legitimacy of the Constitutional Court

The epistemic authority of the Constitutional Court refers to the institutional capacity and entitlement to know, interpret, and give authoritative meaning to the constitution. This concept is distinct from mere legal-formal authority in that it encompasses the dimension of public trust in the intellectual capacity, moral integrity, and wisdom of constitutional judges (Mentovich et al., 2023). The legitimacy of the MK rests upon two mutually reinforcing foundations: procedural legitimacy derived from adherence to rules of procedure and formal competence, and substantive legitimacy derived from the quality of legal reasoning and the capacity to produce decisions that resonate with societal conceptions of justice. In the Indonesian context, the legitimacy of the MK as guardian of the constitution is intimately dependent on the public perception that its decisions represent the outcome of deep deliberation involving consideration of constitutional values, rather than merely the mechanical application of legal texts. Research by Mentovich et al. (2023) demonstrates that the legitimacy of judicial institutions is significantly influenced by perceptions of procedural justice, with societies expecting judicial processes to be humanistic, transparent, and responsive to social context. When these expectations are not met, institutional legitimacy erodes, with potentially serious consequences for the rule of law.

The concept of epistemic authority is particularly relevant in constitutional adjudication because constitutional courts occupy a distinctive position in the separation of powers. Unlike ordinary courts that primarily apply established law to particular facts, constitutional courts must interpret open-textured constitutional norms, balance competing constitutional values, and make judgments about the constitutionality of legislative choices. These functions demand a quality of reasoning and judgment that

cannot be reduced to data processing or pattern recognition. The epistemic authority of constitutional courts, therefore, is not merely an institutional attribute but a functional necessity for the fulfillment of their constitutional role.

### 2.3. The Doctrine of Living Constitution and Contextual Interpretation

The living constitution doctrine stands in opposition to the originalist view that freezes constitutional meaning at the intent of the founding generation. Instead, the constitution is conceived as a living document whose meaning continuously evolves in accordance with social dynamics, democratic values, and the demands of contemporary justice (Surden, 2019). Under this framework, the Constitutional Court serves as the active interpreter of constitutional values relevant to the present context, not merely as a repeater of texts crafted in the past. This conception of constitutional interpretation has profound implications for the relationship between AI and constitutional adjudication.

The living constitution approach demands that judges engage in interpretation that transcends literal text, encompassing systematic interpretation (considering the whole normative system), historical-evolutionary interpretation (tracing the development of meaning over time), teleological interpretation (considering the purpose of norms), and sociological interpretation (considering social reality). This multi-dimensional interpretive approach is fundamentally incompatible with AI's characteristic mode of operation, which relies on pattern matching from historical data (Guo, 2021). The richness and complexity of living constitutionalism cannot be captured by systems that reduce legal reasoning to statistical inference.

The tension between AI and living constitutionalism is not merely theoretical. Several constitutional courts around the world have issued landmark decisions that dramatically departed from established precedent in response to changing social circumstances and evolving constitutional understandings. These decisions required judges to exercise creative constitutional imagination, drawing on sources of meaning that extend far beyond the historical record. AI systems, anchored as they are to patterns in past data, would be structurally incapable of generating such jurisprudential innovations. The risk, therefore, is that reliance on AI in constitutional adjudication could produce a kind of constitutional ossification, in which the living document becomes frozen in the image of its past interpretations.

### 2.4. Mechanistic Justice and Legal Positivism

Mechanistic justice encompasses a model of adjudication formed through planned, standardized, and consistently replicable processes, with very limited or no room for moral consideration, empathy, or the social context surrounding a case (Yalcin et al., 2023). This model is grounded in the conviction that law constitutes a closed system of norms that can be applied objectively and without value judgments. Justice is understood as formal correspondence between facts and norms, rather than as a reflective process that accounts for values, social purposes, and human consequences (Papagianneas & Junius, 2023). Certainty and predictability become the paramount objectives of law, often at the expense of substantive justice. In the tradition of legal philosophy, mechanistic justice is most closely associated with classical legal positivism as articulated by John Austin and Hans Kelsen (Kammerhofer, 2025). Austin conceived of law as commands issued by a sovereign authority backed by sanctions, while Kelsen developed a pure theory of law that radically separated law from morality. In Kelsen's framework, law is understood as a hierarchically structured system of norms culminating in the Grundnorm. The validity of legal norms is determined not by their justice or injustice but by their source and mode of creation. This framework, whatever its theoretical merits, effectively excludes moral and social considerations from the domain of legal validity.

AI, in its operational logic, is deeply aligned with this positivistic paradigm (Hartmann & Wenzelburger, 2021). AI algorithms operate through deductive and computational logic capable of processing only structured data, formal rules, and statistical patterns. Legal norms are converted into input variables, while decisions are generated through probabilistic computation and pattern recognition (Fischer-

Abaigar et al., 2024). In this context, law is treated as a technical system amenable to automation, rather than as a social practice imbued with values and ethical considerations (Leal et al., 2024). The reduction of law to a technical system is not merely a theoretical abstraction; it has practical consequences for the quality of justice that legal institutions are capable of delivering. Unlike human judges, who possess reflective consciousness, moral intuition, and social sensitivity, AI systems lack normative understanding of justice. AI cannot perceive suffering, structural injustice, or the power relations underlying a case (Rudin, 2019). AI can only recognize statistical relationships in existing data. As a result, the justice it produces is retrospective, conservative, and prone to reproducing existing patterns of injustice that the law should correct (Binns, 2018). This conservative bias is particularly problematic in the context of constitutional adjudication, where the task is often precisely to identify and remedy systemic injustices that have been embedded in law and social practice.

## 2.5. Algorithmic Authority and the Erosion of Judicial Legitimacy

Algorithmic authority refers to the tendency to regard algorithmic outputs as objective, impartial, and more accurate than human judgment (Acikgoz et al., 2020). This phenomenon generates a dangerous illusion of technological objectivity because algorithms inherently reflect the assumptions, biases, and interests of their creators and the data on which they were trained. Research by Mehrabi et al. (2021) demonstrates that algorithmic bias is a systemic problem that is exceedingly difficult to eliminate, and that AI systems trained on historically biased data will tend to perpetuate and amplify those biases in their outputs. Papagiannenas & Junius (2023) in their study of smart courts in China found that while AI use improved the efficiency of case processing, it created serious problems regarding accountability and perceptions of justice. When decisions were made with AI assistance, the boundaries of responsibility became blurred and judges risked becoming mere operators of systems that confirmed algorithmic recommendations. This accountability deficit is deeply problematic from the standpoint of the rule of law, which demands clear lines of responsibility for the exercise of public power (Wachter et al., 2017; Fischer-Abaigar et al., 2024).

The phenomenon of algorithmic authority also raises concerns about the independence of judicial reasoning. If AI recommendations come to be regarded as authoritative, judges may be subject to a form of automation bias, that is, the tendency to uncritically accept system recommendations rather than exercising independent judgment (Carlsson, 2025). Over time, this dynamic could produce a structural transformation in the nature of judicial decision-making, with judges gradually ceding their deliberative role to algorithmic systems. The epistemic authority of the Constitutional Court would thereby be eroded not through explicit legal change but through the quiet transformation of judicial practice. Based on the foregoing review of the literature, this study advances the following hypotheses:

*H1: The greater the dependence on AI systems in constitutional interpretation processes, the greater the shift in paradigm from a living constitution approach toward mechanistic legal formalism.*

*H2: The dominance of algorithmic logic in constitutional decision-making correlates negatively with the epistemic legitimacy of the Constitutional Court in the eyes of the public.*

## III. Research Method

This research employs a juridical-normative approach (normative legal research) that focuses on the analysis of legal norms, concepts, and doctrines operative within the legal system (Marzuki, 2019). The juridical-normative approach was selected because the questions under investigation are conceptual-normative in character, namely the relationship between AI logic and the paradigm of constitutional interpretation, rather than empirical questions requiring field data collection. This methodological choice is appropriate because the central concern of this research is not the description of observable social facts but the analysis of normative implications and the construction of conceptual frameworks adequate to the challenges posed by AI for constitutional adjudication. The type of research employed is descriptive-analytical,

which aims to provide a comprehensive account of the collision between the mechanistic logic of AI and the paradigm of contextual justice in constitutional adjudication, while simultaneously analyzing the implications of that collision for the authority of the MK. The conceptual approach (conceptual approach) is used to construct and analyze relevant legal concepts, particularly those of epistemic authority, mechanistic justice, contextual justice, and algorithmic authority. By systematically examining these concepts and their interrelations, the research develops a theoretical framework adequate to assess the normative stakes of AI integration in constitutional adjudication.

Research data consists of primary and secondary legal materials. Primary legal materials include: (1) the 1945 Constitution of the Republic of Indonesia as amended; (2) Law Number 24 of 2003 on the Constitutional Court as subsequently amended; (3) Law Number 48 of 2009 on Judicial Power; and (4) decisions of the Constitutional Court relevant to technological developments in adjudication. These primary sources provide the normative foundation against which the implications of AI integration can be assessed. Secondary legal materials encompass literature on constitutional law, legal philosophy, adjudication theory, and digital legal technology obtained from internationally indexed academic journals (prioritizing SCOPUS and Web of Science sources), academic textbooks, and recent scientific publications. Criteria for the selection of literature include: (1) thematic relevance to the issues of AI and constitutional adjudication; (2) recency of publication, prioritizing the period 2017–2025; (3) credibility of source, with priority given to journals indexed in SCOPUS/Web of Science and publications from leading academic publishers; and (4) academic significance, with consideration given to seminal works even where they fall outside the specified time range.

Data collection was conducted through systematic library research (library research) by examining legal documents and academic literature. Literature searches were conducted across the SCOPUS, Google Scholar, and HeinOnline databases using keywords including “AI constitutional court”, “algorithmic justice”, “living constitution AI”, “judicial legitimacy technology”, “mechanistic justice”, and their various combinations. The search yielded a substantial body of literature that was then subjected to screening based on the selection criteria described above. Data analysis employs a qualitative method with a legal hermeneutics (legal hermeneutics) approach to interpret legal texts and philosophical concepts. Analytical techniques include: (1) textual interpretation, that is, interpreting the literal meaning of legal texts; (2) systematic interpretation, that is, understanding texts in the context of the overall normative system; (3) conceptual interpretation, that is, constructing and analyzing legal concept frameworks; and (4) teleological interpretation, that is, understanding the ultimate purpose of norms in relation to constitutional values. These interpretive strategies are deployed in combination to produce an analysis that is both conceptually rigorous and normatively sensitive. The methodological limitations of this research lie in its conceptual-normative character, such that the conclusions produced are theoretical in nature and have not been validated empirically through survey research or broader case studies. The theoretical propositions developed in this research therefore represent hypotheses requiring further empirical testing rather than established empirical findings. Future empirical research is needed to examine the extent to which the conceptual threats identified here are manifesting in practice, as AI tools become increasingly available to legal institutions in Indonesia and elsewhere.

## IV. Result and Discussion

### 4.1. The Fundamental Incompatibility Between AI Logic and Constitutional Adjudication

The analysis reveals a fundamental incompatibility between the operational logic of AI and the demands of constitutional adjudication. Artificial intelligence systems operate on the basis of deductive-computational logic that transforms legal norms into input variables and generates outputs through probabilistic computation. Within this framework, justice is understood as formal correspondence between facts and norms, a conception rooted in the Kelsenian tradition of legal positivism (Kammerhofer, 2025). The elegance and precision of this approach, which has made AI enormously valuable in many domains, becomes a source of deep inadequacy when applied to constitutional questions. Unlike human judges, who bring

reflective consciousness, moral intuition, and social sensitivity to their deliberations, AI systems lack normative understanding of justice in any substantive sense. AI cannot perceive suffering, structural injustice, or the configurations of power and disadvantage that underlie legal disputes (Rudin, 2019). It can identify statistical relationships in existing data, but it cannot engage with the normative dimensions of constitutional questions that require genuine deliberation about values and the purposes of constitutional governance. As a result, the justice produced by AI systems is retrospective and conservative, tending to reproduce historical patterns rather than challenging them — including patterns of injustice that constitutional law exists precisely to address and remedy (Binns, 2018).

This characteristic becomes acutely problematic in the context of the MK. As an institution charged with guarding the constitution, the MK is frequently called upon to challenge and correct legal arrangements that are formally valid but substantively unjust. Many landmark MK decisions have served precisely this function, expanding constitutional protections for vulnerable groups, striking down discriminatory legislation, and correcting structural imbalances in the distribution of constitutional power. If constitutional reasoning were reduced to the mechanistic logic of AI, this transformative function of constitutional adjudication would be severely diminished (Grimm & Grossman, 2024). The constitutional court would become a conservative institution, reproducing the past rather than shaping the future. Comparative experience supports this analysis. In China, the deployment of AI systems in so-called smart courts has demonstrably improved the efficiency and consistency of case processing, but has attracted serious criticism regarding the capacity of these systems to handle cases requiring deep contextual deliberation (Papagiannas & Junius, 2023). In the United States, the use of the COMPAS algorithm by courts for recidivism risk prediction triggered major controversy when it was demonstrated to contain systematic racial bias (Mehrabi et al., 2021). In both jurisdictions, the experience confirms that AI adoption without a robust normative framework risks consolidating structural injustice rather than overcoming it. These comparative lessons are of direct relevance to Indonesia as it considers the role of AI in its own judicial institutions. From the perspective of progressive legal philosophy, Satjipto Rahardjo argued that law should not be conceived as a normative machine that operates automatically but as an institution dedicated to realizing justice and humanity (Aulia, 2025). Judges are not mere “repeaters of statutes” but moral agents responsible for the social consequences of their decisions. Artificial intelligence, however sophisticated, lacks the moral capacity and ethical responsibility that this conception of adjudication demands. The replacement of judicial deliberation with algorithmic computation would represent not merely a technological change but a fundamental transformation in the moral character of constitutional adjudication.

#### 4.2. The Living Constitution Doctrine and the Risk of Constitutional ‘Freezing’

The Constitutional Court of Indonesia has consistently adopted a living constitution approach in a series of landmark decisions, particularly in cases involving human rights, electoral systems, the boundaries of state power, and the protection of vulnerable groups. Constitutional interpretation in these cases has not been confined to textual analysis but has encompassed philosophical, sociological, and teleological considerations demanding deep moral wisdom and social sensitivity. This jurisprudential tradition reflects an understanding of constitutional adjudication as a fundamentally humanistic enterprise, in which the text of the constitution serves as a point of departure rather than a terminal point for interpretive inquiry. Artificial intelligence systems, as currently constituted, lack genuine awareness of history and social context in the sense required for living constitutionalism. Although capable of processing massive volumes of data, AI cannot capture symbolic meaning, human suffering, or aspirations for justice that are not explicitly articulated in textual form (Guo, 2021). The use of AI in constitutional interpretation therefore risks transforming the living constitution doctrine into a technically sophisticated form of historical textualism that is methodologically advanced but normatively impoverished. The sophistication of the technology would obscure the poverty of the jurisprudential approach it embodies.

Should the MK come to rely on AI as its primary reference point in decision-making, the constitution risks being 'frozen' in a statistical formula derived from its past interpretations. The constitution would no longer be responsive to social development but would be reduced to a data set that has lost its ethical and social dimensions. This is what is meant by the epistemological shift that AI threatens in constitutional adjudication: from justice as a dynamic and growing value in society to justice as the output of a rigid algorithm, without history, and disconnected from social context. Such a transformation would represent a profound betrayal of the promise of constitutional democracy, which is premised on the idea that fundamental law should be responsive to the deepest aspirations of the people it governs. It is important to acknowledge a potential counterargument at this point. Proponents of AI in adjudication often argue that algorithmic consistency actually promotes a form of justice by reducing the arbitrariness and implicit bias that characterizes human judicial decision-making. There is something to this argument: human judges are susceptible to a wide range of cognitive biases, including racial, gender, and class biases that can distort their decisions in ways that are no less harmful than algorithmic bias. The appropriate response to this argument, however, is not to choose between human bias and algorithmic bias, but to insist that AI tools be used in ways that complement rather than supplant human deliberation, harnessing the computational strengths of AI while preserving the normative capacities that only human judgment can supply.

#### 4.3. The Erosion of Epistemic Authority and the Problem of Algorithmic Authority

The epistemic authority of the MK is rooted in public trust in the intellectual capacity and moral integrity of its judges. MK decisions command respect not merely because they are legally final and binding but because they are believed to be the product of independent, wise, and principled deliberation (Mentovich et al., 2023). This trust constitutes irreplaceable institutional capital that is deeply vulnerable to erosion. Once public confidence in the deliberative character of constitutional adjudication is lost, it is exceedingly difficult to restore. The introduction of AI into the judicial process generates the phenomenon of algorithmic authority: the tendency to treat algorithmic outputs as objective and more accurate than human judgment. This tendency is dangerous because algorithms, at bottom, reflect the assumptions, biases, and interests of their creators (Acikgoz et al., 2020). The illusion of technological objectivity threatens to undermine the epistemic legitimacy of the MK in two ways: judges who are excessively dependent on AI will lose their independence, while citizens who perceive that dependence will question the authenticity of constitutional decisions. Both dynamics are corrosive of institutional legitimacy.

Wachter et al. (2017) identify the accountability problem as one of the most serious challenges in using AI for public decision-making. When decisions are made with AI assistance, the boundaries of responsibility become unclear: judges can shelter behind system recommendations, while AI developers are not bound within the framework of constitutional responsibility. This accountability vacuum is fundamentally at odds with the principle of the rule of law, which demands clear lines of responsibility for every exercise of public power (Fischer-Abaigar et al., 2024). The opacity of many AI systems further compounds this problem, making it difficult for affected parties to understand, challenge, or seek review of decisions in which AI played a significant role. This concern is amplified in the Indonesian judicial context: effective oversight of judges is a vital element in maintaining the integrity and accountability of the judiciary, and any technology that obscures judicial reasoning directly undermines the ability of oversight bodies such as the Judicial Commission to fulfill their supervisory mandate (Shadiq, 2025). The concern about algorithmic authority is reinforced by research on automation bias. Studies in multiple domains have demonstrated that human decision-makers, when provided with algorithmic recommendations, tend to over-rely on those recommendations even when they have the expertise to independently assess the quality of the decision (Carlsson, 2025). In the judicial context, this dynamic could manifest as a gradual abdication of deliberative responsibility by constitutional judges, who might find it practically and politically convenient to defer to algorithmic outputs rather than risk being seen to deviate from them. The cumulative effect of such deference

would be the progressive transformation of constitutional adjudication from a deliberative enterprise into an administrative function.

#### 4.4. The Sociological Dimension of Constitutional Court Legitimacy

From the perspective of the sociology of law, the legitimacy of the MK does not rest solely on legal-formal grounds but also depends on public acceptance and trust. Legitimacy, in this sociological sense, is an essential precondition for the effectiveness and sustainability of legal institutions. An institution that lacks popular legitimacy may possess formal authority but will struggle to generate the voluntary compliance and social support that are necessary for its decisions to have genuine practical impact. MK decisions frequently engage with sensitive issues that carry significant political and social consequences. Justice must therefore not only be done but must be seen to be done. When decisions are associated with algorithms, the public tends to perceive them as cold, technocratic, and devoid of humanity. Research by Yalcin et al. (2023) found that public perceptions of algorithmic justice are generally more negative than perceptions of justice delivered by human adjudicators, even when the substantive outcomes are identical. This finding is significant because it suggests that the humanistic dimension of judicial proceedings carries intrinsic value that cannot be reduced to the quality of outcomes. Contextual differences between jurisdictions must also be considered. In Indonesian society, which is characterized by cultural pluralism and a tradition that values deliberation (*musyawarah*), communal solidarity (*gotong-royong*), and interpersonal sensitivity, the legitimacy of legal institutions is deeply connected to perceptions of humanity and substantive justice. The adoption of AI without consideration of this cultural context risks creating an emotional and social distance between the MK and the communities it serves. Such estrangement could, over time, undermine the MK's capacity to serve as a trusted arbiter of constitutional questions, with potentially serious consequences for democratic governance and the rule of law.

#### 4.5. Reconstructing the Regulatory Framework for AI in Constitutional Adjudication

On the basis of the foregoing analysis, this research proposes a comprehensive regulatory framework grounded in the precautionary principle and the supremacy of constitutional values (Aloisi & De Stefano, 2023). This framework is not merely technical in character but incorporates normative and ethical dimensions that are essential for preserving the integrity of constitutional adjudication in an age of AI (Borgesano et al., 2025). The proposed framework comprises five key components, each addressing a distinct dimension of the threat posed by AI to constitutional adjudication. The first component is a firm prohibition on the use of AI as a constitutional decision-maker. Regulation must unambiguously stipulate that AI is not permitted to generate or determine the outcomes of MK decisions in any form. AI may legitimately function as an administrative tool and as a research aid, assisting judges in identifying relevant precedents, summarizing large volumes of material, and identifying potential inconsistencies in legal arguments. However, it must be strictly prohibited from functioning as a substantive decision-support system whose recommendations bear upon the outcome of constitutional cases. This prohibition is essential for preserving the deliberative character of constitutional adjudication. The need for a specific and comprehensive regulatory framework for AI in legal contexts has been demonstrated in analogous Indonesian settings: studies examining AI integration in the health sector under Law No. 17 of 2023 found that the absence of targeted AI regulation produces significant legal and ethical vulnerabilities, reinforcing the conclusion that sector-specific regulatory frameworks are indispensable wherever AI is deployed in high-stakes public decision-making (Islami et al., 2025).

The second component is the enhancement of judges' critical literacy with respect to AI. Constitutional judges must be equipped with a sophisticated understanding of the operation, limitations, and potential biases of AI systems in order to guard against automation bias, that is, the tendency to uncritically accept system recommendations. This literacy must extend beyond surface-level familiarity to encompass a

genuine understanding of the assumptions embedded in algorithmic systems and the ways in which those assumptions can distort legal outcomes. Such literacy should be incorporated as a mandatory element of the continuing education of constitutional judges (Borgesano et al., 2025). The third component is the affirmation of the supremacy of constitutional values. Any regulation governing the use of AI in adjudication must contain explicit provisions establishing that considerations of constitutional values, substantive justice, and human dignity always take precedence over algorithmic efficiency. This represents the implementation of the principle of constitutional supremacy in the technological domain, ensuring that the logic of AI remains subordinate to the norms it is supposed to serve. Without such explicit affirmation, there is a risk that the efficiency imperatives driving AI adoption will gradually crowd out the normative commitments that define constitutional adjudication.

The fourth component is the establishment of accountability and transparency mechanisms. An independent oversight system must be created to ensure that the use of AI in judicial processes is transparent, auditable, and consistent with the principles of the rule of law. This system should require that all uses of AI in the judicial process be documented and disclosed, that the outputs of AI systems used in connection with judicial proceedings be subject to independent audit, and that affected parties have access to meaningful information about the role that AI played in producing decisions that affect them. This recommendation is consistent with the broader literature on the importance of explainability in AI systems used for public decision-making (Wachter et al., 2017). The fifth component is the provision for periodic evaluation and regulatory adaptation. Given the rapid pace of development in AI technology, the regulatory framework must be adaptive in character, incorporating mechanisms for regular review and updating to ensure its continued relevance and effectiveness (Demirchyan, 2025; Bharati, 2025). A static regulatory framework risks becoming obsolete in the face of technological change, while a framework that is too flexible risks providing inadequate protection against the threats identified in this research. The goal is a framework that is principled in its commitments but flexible in its implementation, capable of responding to technological developments while maintaining the normative constraints essential for the integrity of constitutional adjudication.

## V. Conclusion

This research concludes that the infiltration of mechanistic and formalistic Artificial Intelligence presents a multi-layered and fundamental threat to the Constitutional Court as the guardian of the constitution. The first threat is epistemological in character: the pattern-matching logic of AI, anchored to historical data, risks shifting the paradigm of constitutional interpretation away from the dynamic, contextual, and value-oriented approach of living constitutionalism toward a rigid legal formalism impoverished of nuance. This shift would directly degrade the epistemic authority of the MK, which is grounded in the capacity for holistic, morally sensitive deliberation. Comparative evidence from China and the United States illustrates the concrete risks of AI adoption without adequate normative safeguards, demonstrating that algorithmic systems can consolidate rather than correct structural injustice. The second threat concerns legitimacy: decisions generated or significantly influenced by algorithms are perceived as failing to capture the complexity of societal justice and the humanistic dimension of judicial proceedings. Research consistently shows that algorithmically influenced decisions are evaluated less favorably by the public than equivalent decisions made by human adjudicators, even when substantive outcomes are identical. In the culturally specific context of Indonesian society, which values deliberation, communal solidarity, and interpersonal sensitivity, these legitimacy risks are particularly pronounced. An MK that is perceived as an algorithmic institution rather than a deliberative one would struggle to maintain the public trust upon which its constitutional authority ultimately depends.

The contributions of this research to the scholarly literature are threefold. First, it introduces the conceptualization of the dichotomy between mechanistic justice and contextual justice in the context of constitutional adjudication, providing a theoretical framework that can orient future scholarly and policy discussions about AI in constitutional law. Second, it systematically analyzes the threats posed by AI to the

epistemic authority of the MK, identifying the mechanisms through which those threats operate and the conditions that render constitutional adjudication particularly vulnerable. Third, it develops a five-component regulatory framework that can serve as a reference for policy-makers in formulating rules governing the use of AI in constitutional adjudication. From a theoretical perspective, this research contributes to the broader literature on the relationship between technology and justice by demonstrating that AI adoption in adjudication is not merely a technical question but a fundamentally epistemological and axiological one. The integration of AI into constitutional processes raises profound questions about the nature of legal knowledge, the sources of judicial authority, and the relationship between legal reasoning and moral judgment.

From a practical standpoint, this research provides actionable recommendations for the Constitutional Court, the House of Representatives (DPR), and the Ministry of Law and Human Rights in designing judicial technology policies. The five components of the proposed regulatory framework, namely the prohibition of AI as a decision-maker, critical judicial literacy, supremacy of constitutional values, accountability mechanisms, and periodic regulatory adaptation, can serve as the foundation for the development of comprehensive legislation governing the use of AI in constitutional adjudication. Beyond the Indonesian context, the framework has broader applicability to any constitutional democracy grappling with the challenges and opportunities presented by AI in the judicial sphere. The limitations of this research lie in its conceptual-normative character, which means that the propositions advanced remain theoretical and require empirical validation. Future research is encouraged to undertake empirical studies of the perceptions of MK judges and the public regarding the use of AI in adjudication, as well as more systematic comparative studies of the experiences of different jurisdictions in integrating AI into constitutional judicial systems.

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