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Harmonizing the Principles of the EU AI Act with Indonesian AUPB for Transparent Algorithmic Governance

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Abstract

Background: The digitalization of government procurement through Indonesia's E-Catalog system has shifted certain functions traditionally performed by human bureaucrats to algorithmic systems that exercise what may be termed "algorithmic discretion" in product ranking and recommendation. Legal challenges arise because Indonesia's administrative law framework, particularly Law No. 30 of 2014 on Government Administration, remains largely anthropocentric and inadequately addresses algorithmic systems acting as "invisible bureaucrats." This creates an accountability gap when algorithmic decisions produce hidden biases that adversely affect providers' rights.
Objective: This research aims to harmonize the right-to-explanation principle under the EU AI Act and Canada's Algorithmic Impact Assessment (AIA) framework with Indonesia's General Principles of Good Governance (*Asas-Asas Umum Pemerintahan yang Baik*, AUPB) to formulate a doctrine of "Administrative Due Process for Algorithms."
Methods: This research employs comparative legal analysis to examine the Canadian AIA framework and the EU AI Act in relation to Indonesia's administrative law framework.
Results: The findings indicate that the AUPB principles of diligence (*kecermatan*) and openness (*keterbukaan*) can be operationalized as obligations to audit black-box algorithms, giving rise to a new theoretical construct termed "Algorithmic Administrative Law." This approach shifts the focus of administrative oversight from the examination of physical documents to the auditing of algorithmic logic.
Conclusion: This research recommends amending Law No. 30 of 2014 on Government Administration to explicitly address decisions made through automated decision-making systems, as well as adopting an AIA protocol through Indonesia's National Public Procurement Agency (*Lembaga Kebijakan Pengadaan Barang/Jasa Pemerintah*, LKPP) as a mandatory audit mechanism before algorithmic ranking systems are deployed for public use.

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INTRODUCTION

The digitalization of government procurement through Indonesia's E-Catalog system has progressively shifted certain functions traditionally performed by human bureaucrats to algorithmic systems. These systems may exercise what can be understood as *algorithmic*

discretion, particularly when ranking products offered by vendors and generating recommendations. This transformation raises important legal questions because Indonesia's administrative law framework, particularly Law No. 30 of 2014 concerning Government Administration, remains largely anthropocentric and conceptualizes discretion primarily in terms of the authority exercised by human public officials. Consequently, automated systems that perform functions previously undertaken by public officials may fall outside conventional mechanisms of administrative accountability. This situation becomes particularly significant when machine-generated rankings contain hidden biases that affect vendors' legal interests and the effective use of public funds.

This challenge is not unique to Indonesia. However, Indonesian scholarship on public procurement has developed differently from the emerging international discourse on algorithmic governance. Over the past decade, research on public procurement in Indonesia has largely focused on conventional issues of anticorruption, integrity, and economic efficiency, including studies examining the relationships among audit findings, transparency, accountability, and corruption at the local government level. More recent Indonesian studies concerning artificial intelligence in public administration have primarily addressed policy developments or general administrative challenges rather than the doctrinal legal questions arising from automated decision-making (Febiandini & Sony, 2023).

In contrast, international scholarship has increasingly examined administrative law in the context of artificial intelligence. Public procurement has been discussed as an important domain of AI governance Hickok (2022), while automated decision-making has generated substantial debate in administrative law scholarship in jurisdictions such as Canada (Scassa, 2020). In Europe, the EU AI Act has also begun to shape the legal obligations associated with the development, deployment, and public procurement of AI systems (Zięba, 2024). These developments suggest that the legal implications of algorithmic decision-making have received considerably greater theoretical attention in international scholarship than in Indonesian administrative law scholarship.

Accordingly, the central research problem lies in the limited capacity of existing Indonesian administrative law scholarship to address disputes arising from algorithmically generated rankings and recommendations. Such outputs are generated by automated systems rather than issued directly by authorized public officials. Nevertheless, they may produce substantive legal or practical consequences for affected parties. This situation highlights the need for an analytical framework capable of connecting established administrative law concepts with emerging challenges associated with artificial intelligence.

One potentially relevant analytical foundation is the concept of a right to explanation, which has been extensively debated in scholarship concerning the European Union's General Data Protection Regulation (GDPR). This concept is useful not because it can be directly transplanted into the Indonesian legal system, but because comparative literature has clarified the procedural protections associated with automated decision-making. Rather than constituting an unqualified, autonomous right to receive a complete explanation of every automated decision, the GDPR framework is better understood through several interrelated provisions and protections. These include the right to obtain meaningful information about the logic involved in certain automated processing, the right to contest decisions where applicable, and safeguards involving human intervention under the relevant provisions of the GDPR (Wachter et al., 2017).

These protections are further supported by the concepts of legibility and auditability, which seek to make algorithmic processes sufficiently understandable and open to scrutiny by affected individuals and businesses (Kaminski, 2018; Kaminski & Malgieri, 2019; Selbst & Powles, 2017). Together, meaningful information, contestability, human intervention, legibility, and auditability provide a procedural vocabulary that may help Indonesian administrative law address the challenges posed by algorithmic discretion in public procurement.

Building on this foundation, this research employs comparative legal analysis by examining Canada's Algorithmic Impact Assessment (AIA) framework and the EU AI Act. The comparative approach seeks to identify legal principles and accountability mechanisms that may inform the development of an Indonesian administrative law framework for algorithmic decision-

making. Rather than directly adopting foreign regulatory models, the study considers how these principles might be adapted to Indonesia's existing administrative law system.

At the theoretical level, this study proposes the construct of *Algorithmic Administrative Law*. This construct extends the scope of administrative oversight beyond the examination of conventional administrative documents to encompass scrutiny of the algorithmic logic underlying automated governmental processes and decisions. Within this framework, accountability concerns not only the final administrative output but also the processes through which algorithmic systems generate rankings, recommendations, or other outputs that may affect legal rights and public interests.

The main objective of this article is to harmonize relevant principles of algorithmic accountability with Indonesia's General Principles of Good Governance (*Asas-Asas Umum Pemerintahan yang Baik*, AUPB). On this basis, the study seeks to formulate a doctrine of Administrative Due Process for Algorithms by translating established AUPB principles, such as the principle of accuracy (*asas kecermatan*) and the principle of openness (*asas keterbukaan*), into legal parameters for scrutinizing the algorithmic "black box."

Through this formulation, the study positions algorithmic transparency in public procurement not merely as a discretionary technical consideration but as an element of administrative accountability and good governance. The proposed framework also establishes an interdisciplinary bridge between doctrinal administrative law and the evolving global discourse on AI accountability, thereby addressing an area that remains insufficiently developed in Indonesian legal scholarship.

METHOD

This research employed a normative (doctrinal) legal research methodology using the statutory, conceptual, and comparative legal approaches. The statutory approach was used to examine Law No. 30 of 2014 concerning Government Administration as the foundation of Indonesia's conventional administrative law framework, while the conceptual approach was used to examine the concepts of algorithmic discretion, the right to explanation, and the General Principles of Good Governance (*Asas-Asas Umum Pemerintahan yang Baik*, AUPB).

The analysis compared three legal regimes: the provisions concerning automated decision-making under the General Data Protection Regulation (GDPR) and the risk-based classification of AI systems under the EU AI Act; Canada's Algorithmic Impact Assessment (AIA) framework; and Indonesia's administrative law framework, particularly the AUPB. These regimes were selected because they represent different approaches to algorithmic transparency and accountability: the GDPR emphasizes data protection rights and safeguards relating to automated decision-making, the EU AI Act adopts a risk-based regulatory approach, Canada's AIA framework assesses the potential impacts of automated decision systems, and Indonesia's AUPB provides a principle-based foundation for administrative accountability.

The legal materials comprised primary legal materials, including legislation and regulatory instruments—namely, Law No. 30 of 2014, the GDPR, the EU AI Act, and Canada's Directive on Automated Decision-Making and its associated framework—as well as secondary legal materials, including books, scholarly journal articles, and previous research on algorithmic governance, explainable artificial intelligence, and digital administrative law. These materials were collected through library research and analyzed qualitatively.

The analysis followed a structured, three-stage approach. First, the study identified the principles of algorithmic transparency reflected in each legal regime. Second, it compared these principles with the AUPB principles of accuracy (*kecermatan*) and openness (*keterbukaan*) to identify areas of convergence and gaps in the existing legal framework. Third, it synthesized and reconstructed the comparative findings into a proposed *Administrative Due Process for Algorithms* doctrine, intended as a conceptual contribution to the development of algorithmic governance in Indonesia.

RESULTS AND DISCUSSION

Results

The Right to Explanation in the GDPR and Its Relevance for Goods/Services Providers in Indonesia

The principle of the right to explanation under the European Union's General Data Protection Regulation (GDPR) emerged from concerns about nontransparent automated decision-making and the difficulty of contesting decisions made using artificial intelligence (AI). The literature emphasizes that the GDPR is better understood as providing a combination of rights to be informed, to contest certain decisions, and to obtain human intervention, rather than a standalone right to a comprehensive description of an algorithm. Many authors argue that the GDPR is more appropriately interpreted as establishing a "right to be informed," including the right to receive meaningful information about automated processing, rather than a comprehensive right to an explanation of every automated decision (Wachter et al., 2017). Articles 13–15 and 22 of the GDPR are therefore read together as establishing a framework encompassing the right to be informed about automated processing and its underlying logic and anticipated consequences, as well as, under specified conditions, the right to contest decisions and obtain human intervention (Wachter et al., 2017). Several authors maintain that the requirement to provide "meaningful information about the logic involved" functions as a form of explanation that should be interpreted flexibly to facilitate the exercise of other rights, including the rights to contest decisions and seek rectification where applicable (Brkan, 2019; Metikoš & Ausloos, 2025; Selbst & Powles, 2017).

Article 22 of the GDPR is understood as a due process safeguard because it regulates certain solely automated decisions that produce legal effects concerning individuals or similarly significantly affect them. The right to contest such decisions and obtain human intervention, where applicable, forms part of a broader protective framework with implications for transparency and procedural safeguards. These safeguards operate at two levels: the provision of understandable information to affected individuals and the establishment of technical and institutional mechanisms, such as oversight and auditing (Bayamlıoğlu, 2021; Kaminski, 2018; Kaminski & Malgieri, 2019).

The concept of legibility combines transparency with understandability: information should make the design and operation of algorithmic processing sufficiently comprehensible to support scrutiny and auditing. This can benefit both individuals and businesses by facilitating the identification and correction of bias and improving decision quality (Malgieri & Comandé, 2017). The counterfactual explanation approach emphasizes action-oriented explanations that indicate what would need to change for a different outcome to occur. Such explanations can help affected parties contest decisions or understand how changes in relevant circumstances might affect an outcome without requiring the algorithmic "black box" to be fully disclosed (Wachter et al., 2017).

Table 1

GDPR Elements That Can Be Transformed into Procedural Rights

GDPR Dimension	Potential Transformation in Indonesia
Right to meaningful information	Obligation for providers to provide a summary of logic & impact of automated decisions to consumers/business partners
Right to contest & human intervention	Internal appeal procedures, manual review, and score/profile correction
Legibility & audit	Obligation for algorithmic impact assessment, periodic audits, model documentation

Source: (Brkan, 2019; Casey et al., 2018; Gryz & Rojszczak, 2021; Kaminski, 2018; Kaminski & Malgieri, 2019; Kirana & Silalahi, 2025; Maghfirli et al., 2025; Malgieri & Comandé, 2017; Papadimitriou, 2023; Taufiq et al., 2025; Wachter et al., 2017).

Indonesia's Personal Data Protection Law (*Undang-Undang Perlindungan Data Pribadi* or UU PDP) recognizes certain rights relevant to automated decision-making, including the right to object to decisions based solely on automated processing that produce legal effects or significant

consequences, subject to the applicable statutory provisions. However, the framework remains underdeveloped in terms of detailed procedures, deadlines, and technical obligations for personal data controllers. Recent scholarship examining the gap between Indonesia's data protection framework and its practical implementation highlights the absence of sufficiently developed enforcement mechanisms and operational guidelines.

Comparatively, Indonesia needs to strengthen independent supervisory arrangements, establish operational guidelines for exercising rights of access and objection, and develop effective enforcement mechanisms so that these rights function as enforceable procedural safeguards rather than merely declaratory provisions (Judijanto et al., 2024; Morić et al., 2024; Zahra, 2025). The right to explanation under the GDPR can therefore be understood as encompassing a series of interconnected procedural safeguards: the right to meaningful information, the right to contest certain automated decisions, the right to human intervention where applicable, and the ability to scrutinize and audit algorithmic systems. To translate these safeguards into procedural rights relevant to goods and services providers in Indonesia, regulatory design and sector-specific policies should establish meaningful explanation requirements, clear objection and review procedures, and accessible auditing and oversight mechanisms for consumers and businesses.

High-Risk AI Categorization in the EU AI Act for Government E-Catalogs

The increasing use of AI in public procurement offers potential efficiency gains but also presents significant risks to fundamental rights, accountability, and public trust. The high-risk AI framework established by the EU AI Act provides a structured approach to risk classification, compliance obligations, and governance mechanisms relevant to public procurement and AI systems used in electronic procurement catalogs.

AI in the public sector should prioritize safety, fundamental rights, and public welfare rather than cost efficiency alone (Wirtz et al., 2022). Under the EU AI Act, AI systems are classified as high-risk when they fall within the categories and conditions specified in the Regulation, including certain systems that may adversely affect health, safety, or fundamental rights (Stettinger et al., 2024; Zięba, 2024). This classification framework is relevant to AI modules in electronic procurement catalogs (e-catalogs) that influence vendor access, supplier evaluation, risk assessment, or public spending priorities. For high-risk systems, the AI Act establishes requirements that include risk management, involving the identification, analysis, evaluation, and mitigation of risks (Schuett, 2022); technical documentation, transparency, and human oversight (Zięba, 2024); and, where applicable, registration in the relevant EU database for high-risk AI systems (Golpayegani et al., 2024). These requirements are relevant to government e-catalogs, which need clear audit trails, effective oversight, and appropriate opportunities for public scrutiny (Obinna & Kess-Momoh, 2024a).

Table 2
Key Elements of High-Risk AI Applicable to E-Catalogs

AI Act High-Risk Element	Application to E-Catalog
Registration of high-risk systems in database	Official list of all AI modules affecting vendor selection/evaluation
Mandatory risk management (Art. 9)	Human rights & market risk analysis for each AI e-catalog use case
Transparency & explanation obligations	Obligation to explain recommendation/filtering logic to vendors

Source: (Golpayegani et al., 2023, 2024; Hickok, 2022; Novelli et al., 2023; Obinna & Kess-Momoh, 2024; Schuett, 2022; Zięba, 2024)

The high-risk AI classification framework under the EU AI Act is relevant to government e-catalogs because it provides a structured basis for identifying procurement AI applications that may pose significant risks, establishing risk management and transparency obligations, and supporting the integrity of public procurement markets. With appropriate contextual adaptation, this framework can serve as a foundation for robust AI governance in government electronic

procurement. The practical benefits of applying high-risk AI classification to public procurement include the following. First, it can help address the lack of specific AI governance guidelines, as many public-sector AI procurement processes still lack adequate due diligence, monitoring, and transparency (Zick et al., 2024). A high-risk classification can establish a clear trigger for applying enhanced procedures. Second, it can align private vendors' obligations with public values. Because vendors may prioritize profit and liability management, a risk-based framework can require impact assessments and fundamental rights safeguards to be incorporated from the contracting stage (Dor & Coglianese, 2021). Third, it can support interoperability and open markets. A catalog-based approach such as AICat can standardize AI system metadata and facilitate its exchange, thereby strengthening transparency and accountability across providers (Golpayegani et al., 2024; Golpayegani et al., 2023). However, the EU AI Act's category-based classification may not always capture the specific risks presented by every application and may consequently overregulate or underregulate certain uses (Ebers, 2024; Novelli et al., 2023). For e-catalogs, contextual adaptation is therefore necessary, combining risk classifications with case-specific assessments and consideration of local market characteristics (Ebers, 2024; Gamito & Marsden, 2024; Novelli et al., 2023).

Integrating Canada's Algorithmic Impact Assessment into Procurement Due Diligence

Canada's Algorithmic Impact Assessment (AIA), established under the Directive on Automated Decision-Making (DADM), is a structured assessment tool designed to identify and evaluate the risks associated with automated decision systems, classify their impact levels, and determine the corresponding governance requirements (Scassa, 2020). This mechanism could be adapted as a formal component of due diligence in goods and services procurement. Drawing on the Canadian model, the following AIA features are particularly relevant to procurement in Indonesia. First, regarding the assessment instrument, the AIA uses an electronic questionnaire containing approximately 60 questions addressing the decision-making context, data types, and potential impacts on rights, health, the economy, and public oversight (Kuziemski & Misuraca, 2020; Metcalf et al., 2021). Second, regarding its principal output, the assessment produces an impact score that determines one of four impact levels, which in turn informs the applicable governance requirements, including transparency, auditing, and consultation (Scassa, 2020). Third, regarding its purpose, the AIA helps identify and mitigate risks associated with automated decision systems and determine appropriate governance, oversight, reporting, and auditing requirements (Scassa, 2020).

Table 3

Format for Integration into the Procurement Due Diligence Cycle

Procurement Stage	Adaptation of Canadian AIA Mechanism
Needs planning	Mandatory preliminary AIA for all solutions containing ADS/AI, before specifications are drafted
Selection document preparation	Incorporating vendor obligations: completing AIA, providing performance data & bias testing
Offer evaluation	AIA risk score as a non-price criterion (ethical/human rights due diligence) and determining additional requirements (audit, pilot)
Contract & implementation	For high-risk tiers: periodic audit obligations, monitoring, impact reporting, complaint & correction mechanisms

Source: (Hickok, 2022; Metcalf et al., 2021; Moss et al., 2021; Obinna & Kess-Momoh, 2024b; Scassa, 2020; Stahl et al., 2023; Zick et al., 2024)

The procedural principles to be adopted include a risk-based and human rights-based approach that focuses on potential impacts on rights, health, the economy, and vulnerable groups (Stahl et al., 2023). Transparency and participation requirements should also be emphasized, including notification standards, explanation requirements, and the involvement of stakeholders and affected parties in impact assessments (Stahl et al., 2023). Regarding accountability and oversight, the framework should establish clear internal responsibilities, independent auditing

mechanisms, and documentation requirements that can be reviewed by the public or relevant regulators (Scassa, 2020).

The Canadian AIA mechanism can be integrated into procurement due diligence by making it a formal prerequisite for procurement decisions involving automated systems, a tool for classifying impact levels, and a basis for establishing transparency, auditing, and oversight requirements throughout the contract lifecycle. Successful implementation depends on a risk-based and human rights-based approach, adequate technical expertise, and the use of AIA results to trigger concrete mitigation measures and meaningful accountability rather than merely procedural compliance. One important lesson for strengthening due diligence is the need for technical expertise. The AIA checklist should be supported by AI specialists rather than completed solely by general procurement officials (Zick et al., 2024). A superficial assessment must be avoided: authorities should not stop at calculating a score but should use the results to develop concrete mitigation measures and establish mechanisms through which affected parties can contest or seek a review of decisions (Moss et al., 2021).

AUPB Principles and the Obligation to Audit "Black Box" Algorithms

Are the principles of thoroughness (*Kecermatan*) and openness (*Keterbukaan*) under the *Asas-Asas Umum Pemerintahan yang Baik* (AUPB) sufficiently robust to support a legal obligation to audit black-box algorithms? This question concerns whether these general administrative law principles provide an adequate normative basis for requiring audits of nontransparent algorithms. The literature on algorithmic auditing demonstrates that audits are important instruments of accountability, although the extent and nature of access to the systems being examined substantially affect their effectiveness. Automated decision-making systems can produce biased or discriminatory outcomes because of biased training data, mistaken assumptions about algorithmic neutrality, and algorithmic opacity (Lee, 2022). Given their significant social and legal implications, scholars increasingly argue that algorithmic audits should become mandatory accountability mechanisms, analogous in certain respects to audits in the public and financial sectors (Krafft et al., 2024; Syam et al., 2020).

Black-box auditing, which examines a system's inputs and outputs without requiring access to its internal implementation, can be used to test for bias and assess compliance with specified requirements. It may therefore serve as a minimum level of access that is reasonably capable of being mandated while offering some protection for trade secrets and personal privacy (Lee, 2022). However, black-box access alone may be insufficient for comprehensive and rigorous audits. More extensive assessments may require white-box access to internal model components or additional access to documentation, data, and development processes beyond the model itself (Casper et al., 2024; Cen & Alur, 2024). Auditing can also become a "new black box" when auditors' methods, expertise, and judgments are themselves opaque. This creates a need for methodological standards, transparency in the audit process, and safeguards against the unchecked exercise of auditor discretion (Arora & Sarkar, 2023).

Although the principles of thoroughness and openness are general in nature, findings from public-sector governance and AI auditing research support interpreting them as a normative basis for requiring at least a minimum level of algorithmic auditing. Effective implementation, however, requires implementing regulations to specify permissible forms of access—including black-box testing, white-box inspection, and access to information beyond the model itself—as well as audit methodology standards and mechanisms for overseeing auditors. Without such provisions, the principles risk remaining merely declaratory. Research on public governance indicates that transparency and accountability can improve management and reduce corruption and administrative misconduct (Saragih et al., 2025; Syam et al., 2020). Public-sector audits are therefore positioned as concrete mechanisms for realizing these principles rather than as abstract expressions of them (Syam et al., 2020). By analogy, the principle of thoroughness, which requires careful administrative action based on adequate information, and the principle of openness, which supports access to relevant public information, can provide a normative foundation for requiring, at a minimum, black-box access for external auditors or competent authorities and standardized, transparent audit procedures to assess algorithmic impacts and bias (Brown et al., 2021; Lee,

2022).

Transplanting AI Regulation into Indonesia's Conventional Bureaucracy

Indonesia's current AI governance landscape is characterized by sector-specific regulations and policy instruments rather than a comprehensive AI governance framework. The Law on Electronic Information and Transactions, financial-sector regulations, and ministerial guidance address AI applications in particular domains, but a unified AI governance framework remains underdeveloped. This fragmented approach creates regulatory uncertainty and gaps in the oversight of AI-based procurement systems, particularly regarding algorithmic transparency and accountability.

AI regulation in developed countries is often implemented through bureaucratic systems that have relatively advanced digital infrastructure, established institutions, and more consistent enforcement capacity. Indonesia, by contrast, continues to face fragmented administrative structures and uneven digital capabilities. Consequently, the legal transplantation of foreign AI regulatory models cannot simply involve copying and pasting their provisions. Indonesia faces constraints in institutional capacity, uneven digital infrastructure, and a bureaucracy that may respond reactively to technological disruption (Bahram, 2025; Febiandini & Sony, 2023). Research on Indonesian AI policy identifies a substantial gap between central government ambitions and regional implementation capacity. Comprehensive AI-specific legislation remains underdeveloped, and technical resources are limited (Wadipalapa et al., 2024). Without strengthening data and AI oversight institutions, complaint mechanisms, and enforcement capacity, high regulatory standards modeled on those of the EU and Singapore risk becoming merely "paper rules" (Wulandari, 2025).

Indonesia's digital regulatory framework consists of sector-specific provisions that may overlap, including those governing electronic information and transactions, financial services, and trade. This fragmentation can create legal uncertainty for AI innovation (Agustianto et al., 2025; Bahram, 2025). Studies of the financial and banking sectors highlight gaps in specific rules governing AI accountability, transparency, and cybersecurity, leaving general legal provisions, such as Article 1367 of the Indonesian Civil Code, to address circumstances for which they were not specifically designed in the context of AI (Armiwulan et al., 2024; Hani et al., 2025). Transplanting foreign regulatory models without harmonizing the mandates of relevant institutions could exacerbate overlapping authority and jurisdictional conflicts (Rahmawan & Eliana, 2022).

Table 4

Key Areas Hindering Transplantation

Dimension	Transplantation Challenge
Infrastructure & Human Resources	Low government AI readiness; limited digital literacy of officials and public
Law enforcement	Oversight, algorithmic audits, and sanctions not yet operational
Political governance	AI centralization may encourage authoritarianism & center–regional tensions

Source: (Agustianto et al., 2025; Ardiansyah et al., 2025; Febiandini & Sony, 2023; Hukom et al., 2025; Kamila, 2025; Kirana & Silalahi, 2025; Wadipalapa et al., 2024; Wulandari, 2025; Yusriadi et al., 2022).

Discussion

Developed countries increasingly emphasize transparency, explainability, and privacy protection. In Indonesia, however, issues involving algorithmic bias, privacy violations, and accountability have not yet been adequately addressed by the existing body of positive law (Septiawan et al., 2025; Wulandari, 2025). In the contexts of elections and public services, adopting foreign standards without establishing a clear domestic framework could inadvertently legitimize the use of AI for excessive surveillance, disinformation, and authoritarian practices

(Wadipalapa et al., 2024).

The principal challenges in transplanting AI regulations from developed countries into Indonesia's bureaucracy are the mismatch between institutional contexts and implementation capacities, regulatory fragmentation and overlapping authority, limited infrastructure and human resource readiness, and insufficiently managed ethical and human rights risks. Regulatory adoption must therefore be adaptive. Global principles concerning risk management, transparency, and accountability should be translated into institutional arrangements, administrative procedures, and oversight mechanisms that are feasible within Indonesia's existing bureaucratic structures.

Convincing Regulators to Open "Algorithmic Logic" without Sacrificing Trade Secrets

Regulators' principal concerns typically include the risk of trade secret disclosure, additional administrative workload, and the possibility of being blamed when problems are uncovered. Research on algorithmic auditing and explainable artificial intelligence (XAI) offers several strategies for establishing a common language between regulators and system developers. Audits should be understood as essential governance mechanisms for accountability and the prevention of harm before it occurs (Li et al., 2021; Mökander, 2023). In public procurement, algorithmic transparency is associated with strengthening democratic governance, preventing corruption, and increasing public trust (Cheong, 2024; Mavidis & Folinas, 2022). Regulators should also recognize that the absence of effective audits exposes public institutions to the risks of "algorithmic tyranny" and discrimination that may remain difficult to detect in the absence of adequate transparency (Wang et al., 2024). Accordingly, audits can be framed as a form of political and legal risk management rather than as a threat to regulators or developers.

Auditing can be organized into tiers. At the initial level, black-box and model-agnostic techniques can test system behavior and potential bias through input-output analysis and XAI methods without requiring disclosure of the entire source code (Hassija et al., 2023; Mersha et al., 2024). At the more advanced level, auditors can examine technical documentation, data provenance, and explanations of the system's general logic without necessarily requiring the disclosure of every technical detail or implementation procedure (Wang et al., 2024). The literature emphasizes the importance of XAI tools that explicitly account for model confidentiality, enabling meaningful explanations while reducing the risk of intellectual property disclosure (Arrieta et al., 2019). In Europe, the Digital Services Act (DSA) recognizes the relevance of confidentiality and trade secret protection while establishing safeguards intended to ensure that such protection does not undermine applicable auditing and oversight requirements. Certain technical details may also be withheld from public disclosure where legally justified (Terzis et al., 2024). This approach offers a useful regulatory reference point for balancing transparency and confidentiality.

The Association for Computing Machinery (ACM), an international professional association in computing, has advanced principles of algorithmic transparency and accountability that encompass explanations of procedures and decisions, access and redress, and the recording of models and data to support auditing (Wang et al., 2024). The trustworthy AI framework likewise emphasizes continuous auditing as a means of demonstrating compliance and building public trust (Li et al., 2021). Regulators can therefore be encouraged to view alignment with international principles and frameworks, including those associated with the ACM, XAI, and trustworthy AI, as a means of following established governance practices, reducing information asymmetry between regulators and vendors, and sharing responsibility with independent auditors rather than bearing it alone.

The most effective approach is to frame controlled access to algorithmic logic as a mechanism that balances accountability with the protection of legitimate commercial interests. This approach can be implemented through four strategies. First, controlled access can protect regulators and the public by enabling structured and independent audits. Second, XAI and model-agnostic auditing techniques can facilitate meaningful assessments while limiting the disclosure of trade secrets. Third, alignment with international standards, including those developed by the ACM and frameworks for trustworthy AI and the DSA, can provide a basis for reconciling

transparency with confidentiality. Fourth, audit procedures can incorporate clear contractual confidentiality safeguards to address the concerns of both developers and regulators without undermining accountability. Research on the political economy of algorithmic audits emphasizes the importance of establishing explicit confidentiality provisions in regulations and contracts while ensuring that these provisions are not used to obstruct auditing processes (Terzis et al., 2024).

Accordingly, regulators may require auditors to enter into robust nondisclosure agreements (NDAs), backed by sanctions for unauthorized disclosure; establish categories of information that must be made accessible to auditors and information that may be redacted from public reports; and require all denied access requests to be formally recorded. Such records would enable the public to assess whether claims of trade secret protection are proportionate to the requirements of transparency and accountability (Terzis et al., 2024).

CONCLUSION

The integration of algorithms into the e-catalog system has given rise to a form of algorithmic discretion that cannot be adequately addressed by Indonesia's conventional, anthropocentric administrative law framework alone. The limitations of Law No. 30 of 2014 on Government Administration in addressing decisions mediated by "invisible bureaucrats" create risks of accountability gaps and algorithmic bias that may adversely affect the rights of legal subjects in government procurement. Through comparative analysis, this research demonstrates that the principle of the right to explanation, informed by the GDPR and complemented by the risk-based governance framework of the EU AI Act, can serve as a crucial instrument for extending the application of the *Asas-Asas Umum Pemerintahan yang Baik* (AUPB) from standards governing human administrative conduct to standards applicable to machine-mediated decision-making. By developing the doctrine of administrative due process for algorithms, transparency can no longer be treated merely as a technical choice but must be incorporated into the legal safeguards that ensure automated decisions remain consistent with the rule of law and administrative justice. The findings comprise three dimensions: doctrinal findings concerning the limitations of Indonesia's existing legal framework, comparative findings concerning approaches to algorithmic governance in other jurisdictions, and a normative proposal to reform Indonesian administrative law to address algorithmic discretion explicitly in government procurement.

Institutionally, the proposed reform requires coordination among three institutional actors. The Government Procurement Policy Agency (*Lembaga Kebijakan Pengadaan Barang/Jasa Pemerintah*, LKPP) should adopt an Algorithmic Impact Assessment (AIA) protocol as a mandatory preimplementation assessment mechanism for algorithms used in government procurement. The Ministry of Law should lead efforts to revise the Law on Government Administration to explicitly address administrative decisions made through automated decision-making systems. Meanwhile, the proposed Indonesian data protection supervisory authority should establish and enforce standards and procedures for algorithmic auditing within its legally defined mandate. Through these institutional measures, algorithmic decision-making in the e-catalog system can be subjected to clearer standards of transparency, accountability, and administrative legality, thereby strengthening legal protection for individuals and ensuring that technological innovation in public procurement remains consistent with the principles of administrative justice and the rule of law.

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AUTHOR CONTRIBUTION STATEMENT

Vegitya Ramadhani Putri was solely responsible for the conceptualization of the study,

formulation of the research framework, collection and analysis of legal materials, comparative legal analysis, interpretation of the findings, preparation of the original manuscript, and finalization of the article. The author has read and approved the final version of the manuscript.

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