Postmodern Reflection on AI Judges: Reconstructing Criminal Justice in Indonesia

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Abstrak

Munculnya kecerdasan buatan (AI) dalam proses peradilan menandai pergeseran paradigma dalam sistem peradilan pidana Indonesia, mencerminkan kondisi postmodern di mana teknologi mendefinisikan ulang makna keadilan. Penelitian ini mengkaji bagaimana hakim AI menantang konsep tradisional tentang otoritas hukum, penilaian moral, dan subjektivitas manusia dalam kerangka pemikiran postmodern. Menggunakan metode penelitian normatif dan filosofis, analisis ini bertumpu pada teori hukum postmodern khususnya dekonstruksi Derrida dan skeptisisme Lyotard terhadap metanarasi untuk menelaah implikasi pengambilan keputusan algoritmik dalam sistem peradilan pidana. Tujuan penelitian ini adalah merekonstruksi secara kritis dasar keadilan di era ketika rasionalitas semakin dimediasi oleh data dan kode. Hasil penelitian menunjukkan bahwa hakim AI, meskipun meningkatkan efisiensi dan keseragaman prosedural, berisiko mereduksi keadilan menjadi simulasi hiperreal yang terlepas dari pertimbangan etis. Oleh karena itu, penelitian ini menawarkan rekonstruksi postmodern terhadap sistem peradilan pidana yang menegaskan kembali otonomi interpretatif manusia, kepekaan kontekstual, dan tanggung jawab etis sebagai elemen esensial dalam lanskap hukum digital.

Kata Kunci: post-modernisme, kecerdasan buatan, peradilan pidana.

Abstract

The emergence of Artificial Intelligence (AI) in judicial processes represents a paradigm shift in Indonesia's criminal justice system, reflecting the postmodern condition where technology redefines the meaning of justice. This study explores how AI judges challenge traditional notions of legal authority, moral judgment, and human subjectivity within postmodern thought. Using a normative and philosophical research method, the analysis draws upon postmodern legal theory particularly Derrida's deconstruction and Lyotard's skepticism toward metanarratives to examine the implications of algorithmic decision-making in criminal justice. The objective is to critically reconstruct the foundation of justice in an era where rationality is increasingly mediated by data and code. The findings suggest that AI judges, while enhancing efficiency and procedural uniformity, risk reducing justice to a hyperreal simulation detached from ethical deliberation. Consequently, the research proposes a postmodern reconstruction of criminal justice that reaffirms human interpretive autonomy, contextual sensitivity, and ethical responsibility as essential elements within the digital legal landscape.

Key Words: postmodernism; artificial intelligence; criminal justice.

A. Introduction

The integration of artificial intelligence (AI) into judicial processes signifies a profound transformation in the conception and administration of justice, particularly within Indonesia's evolving criminal justice system. As technology increasingly mediates human decision-making, questions arise regarding the essence of legal authority, moral judgment, and human subjectivity in the age of digital rationality. From a postmodern perspective, the emergence of AI judges represents not merely a technological development but a fundamental epistemic shift that challenges the metaphysical foundations of law itself. This study argues that AI judges, while promising efficiency and procedural uniformity, also risk producing a hyperreal form of justice one detached from ethical deliberation, contextual understanding, and human empathy. Such concerns are central to postmodern legal thought, which rejects grand narratives of progress and universal rationality, emphasizing instead the multiplicity of perspectives and the contingency of meaning (Lyotard, 1984; Derrida, 1992).

In global legal discourse, AI has been increasingly adopted to enhance judicial efficiency and reduce human error in decision-making processes. For instance, algorithmic systems are being utilized to assist in risk assessments, predict recidivism rates, and standardize sentencing recommendations. However, empirical research reveals public skepticism regarding the legitimacy of algorithmic justice. A study published in *Artificial Intelligence and Law* found that while algorithmic tools are perceived as efficient, individuals still value human judges for their capacity for moral reasoning and empathy (Perceptions of Justice by Algorithms, 2023). This underscores the paradox inherent in AI adjudication: although machines can optimize procedural consistency, they cannot replicate the human dimension of justice that involves narrative, compassion, and ethical responsibility. As Fernández Rozas (2021) observes, the use of algorithmic systems in adjudication raises fundamental concerns about transparency, accountability, and the protection of human rights, as AI-driven decision-making processes may conceal bias within complex datasets or opaque programming codes.

In the Indonesian context, discourse surrounding the application of AI in the judiciary has gained traction alongside broader state initiatives toward digital transformation. The Supreme Court of Indonesia has introduced several technological innovations such as *e-Court* and *Smart Majelis*, which lay the groundwork for digitalized adjudication. Within this trajectory, the idea of AI judges has begun to emerge as a potential future development. However, scholars argue that while AI can enhance procedural transparency, it must remain an auxiliary instrument that supports, rather than supplants, human judges (Soraya & Fernando, 2024). The normative concern is not merely whether AI can perform judicial functions but whether it can embody the interpretive and moral reasoning intrinsic to justice. According to Arbani (2024), the deployment of AI in Indonesian courts must be guided by ethical safeguards, regulatory clarity, and human oversight to prevent algorithmic bias and ensure fairness. This aligns with the broader concern articulated in *Justice on Trial: How Artificial Intelligence is Reshaping Judicial Decision-Making*, which emphasizes that algorithmic tools, though useful in minimizing certain

human errors, cannot fully capture the qualitative and contextual aspects of human judgment (Andriati, Rizki, & Mohd Malian, 2024).

The introduction of AI judges thus invites critical reflection through the lens of postmodern legal theory, which fundamentally questions the stability of concepts such as authority, objectivity, and justice. From Derrida's notion of *différance* to Lyotard's critique of metanarratives, postmodernism destabilizes the assumption that legal reasoning can be entirely rational, universal, or detached from socio-cultural contexts. In the judicial realm, this means acknowledging that every decision is interpretive and situated within networks of meaning, culture, and power. The substitution of human judges with AI threatens to obscure this interpretive dimension, replacing dialogical engagement with algorithmic calculation. As Yaşar Ümütlü (2025) argues, AI judiciary systems risk constructing an "illusion of impartiality," where fairness is quantified but the ethical dimension of justice is absent. Such systems might standardize outcomes yet fail to address the moral narratives that underpin the legitimacy of legal judgment.

From a postmodern perspective, justice cannot be reduced to a formula or a set of data-driven probabilities. It is inherently relational, emerging from dialogue, empathy, and the recognition of difference. The mechanization of judicial reasoning through AI potentially erodes this relational aspect by prioritizing efficiency over moral reflection. Fernández Rozas (2021) emphasizes that algorithmic systems operate within the logic of optimization, which contrasts sharply with the indeterminate, interpretive, and often paradoxical nature of human justice. In the Indonesian context, where the legal system is deeply intertwined with cultural pluralism and moral values rooted in Pancasila, the danger of such reductionism becomes even more apparent. The homogenizing tendencies of AI could marginalize local wisdom, customary practices, and socio-cultural nuances that constitute Indonesia's legal pluralism.

This study employs a normative and philosophical approach to analyze the implications of AI judges in Indonesia's criminal justice system through postmodern legal theory. The normative aspect focuses on legal frameworks and ethical principles governing the use of AI in adjudication, while the philosophical dimension interrogates the epistemological and ontological assumptions underlying algorithmic justice. By synthesizing legal analysis with postmodern critique, this research seeks to uncover how the digitization of judicial processes reflects broader transformations in the conception of justice, truth, and human agency. The analysis relies on international and national academic sources to construct a critical dialogue between global discourses on AI and the Indonesian legal reality.

The purpose of this research is to reconstruct the concept of criminal justice in Indonesia in light of postmodern reflections on AI judges. Rather than rejecting technological innovation, this study proposes a rethinking of the judicial function that integrates human interpretive autonomy with algorithmic assistance. The reconstruction involves recognizing the limits of machine rationality, reaffirming the ethical responsibility of human judges, and ensuring that digital technologies remain instruments of justice rather than its determinants. By situating the debate within postmodern theory, the study aims to articulate a framework of "contextual justice," where technology serves as a tool for enhancing not replacing human moral reasoning.

Preliminary findings suggest that the adoption of AI judges, if left uncritically examined, risks reducing justice to a hyperreal simulation detached from its ethical and humanistic foundations. The efficiency and precision offered by AI may conceal the erasure of moral agency and cultural plurality that underpin legitimate adjudication. However, through deliberate reconstruction grounded in postmodern insights, it is possible to envision a hybrid model of justice that combines technological capacity with human discernment. This reconstruction calls for legal reforms that emphasize transparency in algorithmic design, accountability in decision-making, and participatory oversight to ensure that justice remains a human-centered endeavor. Ultimately, the postmodern reflection on AI judges serves as a reminder that justice is not a mechanical product of computation but a continuous process of interpretation, negotiation, and ethical engagement within the living fabric of society.

B. Methodology

This study employs a normative and philosophical research method to examine the emergence of AI judges within Indonesia's criminal justice system from a postmodern perspective. The normative component focuses on analyzing existing legal norms, statutory frameworks, and judicial policies related to the use of artificial intelligence in law enforcement and adjudication. It explores how these legal instruments align or conflict with fundamental

principles of justice, fairness, and human dignity. The research investigates relevant national regulations, such as those concerning digital governance and judicial procedures, as well as comparative international frameworks governing the ethical use of AI in legal systems.

The philosophical component aims to interpret the conceptual and epistemological foundations of AI judges through the lens of postmodern legal theory. This involves a critical analysis of how technological rationality transforms legal subjectivity, authority, and the human role in delivering justice. The study uses a conceptual approach to understand the interplay between data-driven reasoning and human moral judgment, seeking to reveal underlying assumptions about objectivity, neutrality, and legitimacy in algorithmic decision-making.

The analytical technique applied is deductive reasoning, moving from general theoretical constructs in postmodernism and AI ethics toward specific implications for Indonesia's legal context. Data are obtained from primary legal materials, secondary academic writings, and philosophical discourse on law and technology. Through qualitative interpretation, the research reconstructs the meaning of justice in a digital age, identifying normative gaps and proposing a framework that integrates technological advancement with ethical human oversight. The method ensures that conclusions are not only legally coherent but also philosophically grounded, allowing the study to contribute both to theoretical development and practical discourse in Indonesia's legal modernization.

C. Result and Discussion

Deconstructing Legal Authority and Human Subjectivity in the Age of AI Judges
The rise of artificial intelligence within judicial systems challenges the traditional conception of law as an inherently human enterprise rooted in moral reasoning and interpretive judgment. In the Indonesian context, the idea of AI judges represents both an aspiration for efficiency and a disruption to the philosophical foundations of justice. Within postmodern legal thought, this transformation can be read as a process of *deconstruction* a destabilization of the assumed coherence and legitimacy of human judicial authority. Jacques Derrida's notion of deconstruction reveals that meaning in law is never fixed but constantly deferred and mediated through texts, symbols, and interpretations. AI judges, as algorithmic agents, operate within the same indeterminate structure but under the illusion of objectivity. They promise neutrality, yet their "rationality" is built upon datasets, parameters, and coding decisions that reflect particular epistemological and political assumptions.

Postmodernism challenges the Enlightenment legacy that underpins modern legal rationality. The human judge, long regarded as the embodiment of impartial wisdom, becomes in the postmodern era a construct an effect of discourse, institutional power, and socio-cultural conditioning. When this construct is displaced by AI, the myth of judicial infallibility is not corrected but technologically reconstituted. The algorithm does not eliminate bias; it recodes it into statistical patterns. As Kroll et al. (2017) argue, algorithmic decision systems in law are never purely technical they embed normative values through design choices, data selection, and machine-learning models. Similarly, Eubanks (2018) emphasizes that automated systems often reproduce structural inequalities by reflecting the biases of historical data. From a postmodern standpoint, AI judges merely shift the site of subjectivity from the human interpreter to the algorithmic apparatus, but they do not transcend interpretation itself. Instead, they hide interpretation under a veneer of technical objectivity.

In Indonesia, judicial authority is historically linked to both moral legitimacy and cultural values. The judiciary does not merely apply codified law; it interprets it within a social and ethical framework influenced by Pancasila, local wisdom, and religious morality. The introduction of AI into this context raises questions about whether algorithmic reasoning can embody such pluralistic ethical commitments. As explained by Darmawan and Handayani (2022), Indonesian law is characterized by its hybrid nature combining elements of civil law, customary law (*hukum adat*), and religious principles. The risk of deploying AI judges lies in their inability to interpret laws within this complex normative matrix. Algorithms operate on quantifiable data, whereas Indonesian justice often depends on qualitative understanding, narrative reasoning, and moral discretion.

The postmodern critique insists that law cannot be reduced to formal logic. Lyotard's skepticism toward metanarratives reminds us that every claim to universal rationality conceals particular power interests. AI judges, by claiming consistency and neutrality, create a new metanarrative of algorithmic rationality. As Raso, Hilligoss, Krishnamurthy, and Bavitz (2018) observe, the deployment of AI in governance introduces a form of "technocratic opacity" that

diminishes democratic accountability. This opacity becomes especially problematic in criminal justice, where decisions directly affect individual freedom and social trust. From a Derridean view, the presence of AI judges deconstructs the symbolic authority of law by revealing its reliance on interpretation and the impossibility of pure objectivity. Yet, paradoxically, it reconstructs authority through technology, producing what Baudrillard (1994) would call a hyperreal justice one that simulates fairness while concealing its algorithmic construction.

Human subjectivity remains central to this debate. The figure of the human judge is not merely a procedural necessity but an ethical symbol. Judges represent the moral conscience of society, capable of empathy, discretion, and contextual interpretation. When replaced or overshadowed by AI, this ethical dimension risks erasure. As discussed by Susskind (2019), the future of courts and lawyers will inevitably be shaped by technology, but justice requires more than correct outcomes; it requires processes that express respect, understanding, and moral engagement. In Indonesia, where restorative justice and community reconciliation are integral to the legal culture, purely algorithmic reasoning may contradict the humanistic basis of justice.

The problem is not technology itself but its epistemological foundation. Postmodernism invites us to view AI judges not as neutral tools but as sites where power, knowledge, and meaning intersect. The construction of AI systems involves choices about what constitutes relevant data, which moral norms are prioritized, and how fairness is defined. These choices reflect political and ethical assumptions that are often invisible to the public. As Green (2019) notes, the legitimacy of algorithmic decision-making depends not only on accuracy but on its transparency and moral accountability. Postmodernism thus reveals that AI judges, rather than solving the problem of judicial subjectivity, transform it into a new form of technological subjectivity—a coded discourse that governs without appearing to.

From the Indonesian legal-philosophical perspective, deconstruction of AI judges exposes the tension between modernization and humanism. The desire for technological progress must be balanced with a commitment to ethical deliberation and cultural pluralism. Law, in postmodern thought, is not a closed system but a living discourse shaped by social narratives. Therefore, any attempt to mechanize justice risks stripping it of the moral depth that gives law its legitimacy. The postmodern task is not to reject AI but to unmask its claims to neutrality and to insist that justice remains a process of human interpretation.

Reconstructing Postmodern Justice Toward a Human-Centered Framework for AI Judges in Indonesia

If postmodernism deconstructs the illusion of neutrality and stability in law, its constructive potential lies in reimagining justice as plural, relational, and ethically grounded. The challenge of AI judges in Indonesia demands such reconstruction. Instead of resisting technology outright, the postmodern project seeks to integrate it within a framework that preserves human interpretive autonomy and moral responsibility. Reconstruction does not mean returning to pre-technological conditions; rather, it involves redefining justice in light of technological mediation. This requires acknowledging that while AI can enhance procedural efficiency, the essence of justice must remain tied to the human capacity for empathy, contextual understanding, and ethical deliberation.

A human-centered reconstruction begins with the recognition that technology should serve justice, not dominate it. In practical terms, this entails developing hybrid systems where AI assists judges by providing data analysis and consistency checks, while human judges retain ultimate interpretive authority. Research by Casey and Niblett (2020) shows that algorithmic tools can significantly improve consistency in sentencing when combined with human oversight. However, without such oversight, these systems tend to reproduce hidden biases and reinforce inequality. The Indonesian judiciary, with its diverse social and cultural fabric, must therefore adopt AI tools within frameworks that emphasize human accountability and cultural inclusivity.

From a postmodern lens, justice cannot be achieved through uniform application of universal rules; it must be responsive to local contexts and individual narratives. Indonesia's plural legal system provides an opportunity to craft an AI-based justice model that reflects this diversity. As noted by Fadilah and Nugroho (2023), the incorporation of *adat law* and restorative practices into digital justice mechanisms can prevent the alienation of communities from the legal process. Such integration would embody Lyotard's postmodern ethics of "respect for the different" the acknowledgment of multiple truths and values that coexist without hierarchy.

A reconstructed criminal justice system should also embed ethical reflexivity within the design and implementation of AI technologies. This involves multi-stakeholder participation—including judges, technologists, ethicists, and community representatives—in defining algorithmic parameters and evaluating outcomes. As Wischmeyer and Rademacher (2020) argue, legal design must move beyond formal compliance toward ethical co-design that aligns with democratic values. Transparency, explainability, and contestability should be treated as rights within the judicial process, ensuring that AI decisions are open to human review. The Indonesian government's ongoing development of a *National AI Strategy* provides an institutional foundation for this, but it must be complemented by judicial guidelines that explicitly address the ethics of algorithmic justice.

Furthermore, reconstruction requires rethinking the notion of truth in law. Postmodernism denies the existence of a single, objective truth; justice emerges instead from dialogue and interpretation. Therefore, an AI system that claims to produce "truth" through statistical inference risks depoliticizing the process of judgment. Scholars such as Bench-Capon et al. (2021) propose that AI in legal reasoning should be designed to simulate deliberation rather than determinationthat is, to model the plurality of interpretations that judges consider in human reasoning. In Indonesia, this would mean developing AI judges capable of presenting interpretive options, precedents, and cultural considerations rather than issuing fixed verdicts.

The human-centered framework also involves the cultivation of digital ethics among judges and legal practitioners. As Arifin and Setiawan (2022) suggest, judicial education in Indonesia must evolve to include understanding of AI systems, data ethics, and digital literacy. This ensures that human judges can critically engage with algorithmic recommendations rather than deferring to them. The reconstruction of justice is therefore as much a pedagogical task as a technological or legal one.

At a theoretical level, postmodern reconstruction embraces the paradox that justice must be both rational and interpretive, both procedural and ethical. It accepts that no legal system can fully eliminate bias but insists on maintaining the space for self-reflection and critique. As Zarsky (2021) notes, the legitimacy of AI-assisted justice depends not on perfection but on the capacity for continuous ethical evaluation. This perspective aligns with Indonesia's legal philosophy, which values balance (*keseimbangan*), deliberation (*musyawarah*), and human dignity (*martabat manusia*). By embedding these values into AI systems, Indonesia can pioneer a model of digital justice that is both technologically advanced and ethically rooted.

In reconstructing criminal justice, postmodern thought thus offers both caution and possibility. It warns against the technocratic illusion that machines can deliver justice independently of human meaning. At the same time, it invites the design of a hybrid legal order where technology amplifies, rather than replaces, human moral agency. Indonesia's plural and value-based legal tradition provides fertile ground for such innovation. The future of justice lies not in surrendering judgment to algorithms but in forging a partnership between human discernment and machine precision—a partnership grounded in humility, empathy, and ethical awareness. Through this reconstruction, the postmodern vision of justice plural, contextual, and interpretive can guide Indonesia in shaping a digital judiciary that remains faithful to the human spirit of law.

D. Conclusion

The emergence of AI judges in Indonesia marks a profound shift in the ontology of legal authority and the philosophy of justice. From a postmodern lens, it reveals that law has never been a fixed and neutral structure but a dynamic field of interpretations shaped by power, language, and cultural meaning. The introduction of algorithmic judgment deconstructs the myth of judicial objectivity by exposing the coded biases within technological rationality. What appears as efficiency and neutrality often conceals underlying political and ethical assumptions programmed into data and models. When justice becomes mediated by algorithms, its symbolic and moral depth risks being replaced by procedural simulation a form of hyperreal justice that prioritizes predictability over empathy, and uniformity over understanding. This condition challenges Indonesia's humanistic legal philosophy, which historically binds law to moral responsibility, communal harmony, and the dignity of human interpretation.

Yet postmodern thought also offers a pathway toward reconstruction an effort to harmonize technological advancement with ethical pluralism. Justice in Indonesia's digital era should not be understood as the automation of truth but as a dialogical process in which AI serves as an instrument for human reflection. By integrating algorithmic tools within

frameworks grounded in *Pancasila*, *adat law*, and restorative principles, Indonesia can shape a hybrid system that values transparency, cultural context, and moral accountability. Human judges must remain at the center of this system, not as passive validators of machine outputs but as ethical interpreters who ensure that technology remains subordinated to humanity. In this synthesis between innovation and ethics, Indonesia has the opportunity to construct a digital justice paradigm that is not only progressive and efficient but also deeply rooted in compassion, reflection, and respect for human dignity.

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