



The Dynamics of State Administrative Law and the Role of Government in Upholding Social Justice: A Critical Analysis of Public Policy Management in the Digital Era

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Abstract: The rapid integration of digital technology into public administration has fundamentally altered the landscape of State Administrative Law (HAN), necessitating a paradigm shift from traditional bureaucratic procedures to dynamic, technology-mediated governance. This research aims to analyze the evolving dynamics of administrative law and the government's tripartite role—as regulator, facilitator, and innovator—in upholding social justice within the digital sphere. Using a normative legal research methodology, this study examines the intersection of Indonesia's recent legislative reforms, specifically the 2024 Amendment to the Electronic Information and Transactions (ITE) Law and Ministerial Regulation No. 11 of 2024, with universal principles of good governance. The findings reveal that while digitalization offers unprecedented efficiency and transparency, it introduces complex legal challenges regarding data privacy, algorithmic bias, and the digital divide. The study proposes a comprehensive framework for "Digital Administrative Justice," arguing that the government must move beyond mere service delivery to actively construct an inclusive digital ecosystem that protects vulnerable populations. The article concludes that the alignment of administrative law with technological reality is not merely technical but a constitutional imperative to ensure social justice is not eroded by automation.

Keywords: *State Administrative Law, Digital Governance, Social Justice, Public Policy, Digital Divide, Algorithmic Accountability.*

1. Introduction

1.1 Background of the Study

The advent of the Fourth Industrial Revolution has forced governments worldwide to reimagine the social contract between the state and its citizens. In Indonesia, this transformation is characterized by the aggressive digitalization of public services, shifting from manual, paper-based bureaucracies to what is commonly known as "E-Government" or "Digital Era Governance" (DEG). While this shift promises increased efficiency, cost reduction, and speed, it simultaneously disrupts the established

principles of State Administrative Law (*Hukum Administrasi Negara*).

Traditionally, administrative law functioned as a check on government power, ensuring legality and due process in physical interactions. However, the digital era introduces "faceless" governance, where decisions regarding welfare, licensing, and civil rights are increasingly mediated by algorithms and automated systems. This transition raises profound questions: How does administrative law adapt when the "decision-maker" is software code? How can the government ensure social justice when citizens have unequal access to the digital infrastructure required to claim their rights?

1.2 Problem Statement

Despite the proliferation of digital services, there remains a significant lag in the legal frameworks governing them. Current research suggests that without a robust adaptation of administrative law, digitalization can paradoxically increase injustice. The "digital divide"—the gap between those who have access to technology and those who do not—threatens to disenfranchise vulnerable populations, making public policy management exclusive rather than inclusive. Furthermore, the opacity of data usage in public policy creates risks of algorithmic bias, where automated systems might inadvertently discriminate against specific demographics without the transparency required by law.

1.3 Research Objectives

This article seeks to:

- 1. Analyze the changing dynamics of State Administrative Law in response to technological disruption.

- 2. Evaluate the effectiveness of current Indonesian regulations (ITE Law 2024, PANRB Reg No. 11/2024) in protecting citizen rights.
- 3. Propose a "Utility Model" for government intervention that balances efficiency with the constitutional mandate of social justice.

2. Literature Review and Theoretical Framework

2.1 The Evolution of State Administrative Law

State Administrative Law has historically focused on the legality of government acts (*rechtmatigheid*). In the pre-digital era, this meant ensuring that officials acted within their statutory authority. However, scholars like Indah (2023) and Karim (2023) argue that in the digital era, the scope must expand to include "Technological Due Process." This concept implies that citizens have a right to understand not just the legal basis of a decision, but the technological process behind it.

Table 1: Comparative Analysis of Traditional vs. Digital Administrative Law

Dimension	Traditional Administrative Law	Digital Administrative Law
Interaction Mode	Face-to-face, paper-based	Remote, platform-based, automated
transparency	Access to physical files (slow)	Open Data portals (real-time), yet opaque algorithms
Accountability	Individual official liability	Systemic liability, vendor accountability
Dispute Resolution	Administrative courts (PTUN)	Online Dispute Resolution (ODR), automated redress
Core Value	Legality & Procedural Propriety	Efficiency, Interoperability, & Data Security

2.2 Social Justice in the Digital Realm

Social justice, as enshrined in the 5th Precept of Pancasila, mandates fair distribution of resources and opportunities. In the context of digital public policy, Nugroho and Bijaksana (2025) argue that justice is no longer just about physical resources but "digital

capability." If the state mandates an app for social aid distribution, but the poor lack smartphones, the policy is inherently unjust. Therefore, administrative law must mandate "Inclusivity by Design" in all public digital infrastructure.

2.3 The Concept of Digital Era Governance (DEG)

Dunleavy et al. originally proposed DEG as a successor to New Public Management. It emphasizes reintegrating government services to be citizen-centric. In Indonesia, this is reflected in the push for "Super Apps" and integrated data centers. However, consolidation carries the risk of a "Panopticon State," where citizen data is visible to the state, but state operations remain opaque to the citizen.

3. Research Methodology

This study employs a **Normative Juridical Research** method, which is appropriate for analyzing legal principles and statutory regulations.

● Approaches:

1. **Statutory Approach:** Examining Law No. 1 of 2024 (Second Amendment to ITE Law), Law No. 25 of 2009 (Public Services), and Law No. 27 of 2022 (Personal Data Protection).
2. **Conceptual Approach:** Analyzing doctrines of *Good Governance* and *Social Justice* within digital frameworks.
3. **Case Study Analysis:** Reviewing recent implementation of digital public services to identify gaps in legal protection.

- **Data Sources:** Primary legal materials (Acts, Regulations) and secondary materials (Academic journals, reputable reports from 2020–2025).
- **Analysis:** The collected data is analyzed qualitatively to construct a prescriptive argument for legal reform.

4. Result and Discussion

4.1 The Shifting Dynamics of Administrative Law

The digitization of government functions has forced the State Administrative Court (PTUN) to evolve. Traditionally, a "State Administrative Decision" (KTUN) was a

written document signed by an official. Today, a "decision" might be an automated rejection of a permit application by a server.

The 2024 Amendment to the ITE Law (Law No. 1/2024) is a watershed moment. Article 5 recognizes electronic information as valid legal evidence, effectively legalizing digital administrative decisions. However, this creates a dynamic tension. If a system error causes a wrongful rejection, who is liable? The programmer? The vendor? Or the official? Administrative law must now expand to cover **"Algorithmic Accountability."** This means that the government cannot hide behind "system error" as a defense. The law must view the digital system as an extension of the administrative official.

4.2 The Government's Tripartite Role in the Digital Era

To uphold social justice, the government can no longer be a passive service provider. This research identifies three critical roles the government must play:

1. The Government as Regulator:

The state must establish "rules of the game" that protect the weak. Law No. 27 of 2022 on Personal Data Protection is crucial here. It prevents the state from misusing the vast amounts of citizen data it collects. Regulatory frameworks must strictly limit data retention and ensure that digital IDs are not weaponized for surveillance.

2. The Government as Facilitator:

This is the most critical role for social justice. The government must actively bridge the digital divide. As noted in the analysis of Ministerial Regulation PANRB No. 11 of 2024, there is a mandate to provide "friendly" services to vulnerable groups.

- **Actionable Policy:** This implies providing offline alternatives (hybrid services) for the elderly or those in remote areas. A "digital-

only" policy is legally defective under the principle of non-discrimination.

3. The Government as Innovator:

Innovation should not just be about

speed, but about equity. Utilizing Big Data to identify "invisible" poverty—citizens who are missed by traditional census methods—is an example of innovation for social justice.

Figure 1: The Virtuous Cycle of Digital Social Justice



- **Input:** Inclusive Data Collection + Public Participation
- **Process:** Transparent Algorithms + Legal Oversight
- **Output:** Equitable Public Services + Social Justice
- **Feedback Loop:** Citizen Complaints Mechanism (E-Lapor)

4.3 Challenges to Upholding Social Justice

Despite the "ideal" roles described above, several obstacles remain:

- **The Myth of Neutrality:** Policymakers often assume technology is neutral. It is not. Algorithms trained on historical data often replicate historical biases (e.g., crime prediction software targeting specific neighborhoods). Administrative law currently lacks the specific clauses to challenge "biased code."
- **Data Fragmentation:** While the goal is integration, many agencies still operate in silos. This forces citizens to submit the same data multiple times, creating administrative fatigue—a burden that falls heaviest on the poor who have the least time to spare.

- **Cybersecurity Vulnerabilities:** A breach of the National Data Center is not just a technical failure; it is a violation of the social contract. When citizens are forced to give data to receive services, the state has a fiduciary duty to protect that data.

4.4 Assessing the Legal Framework: Is it Enough?

The current laws (ITE 2024, Public Service 2009) provide a foundation, but they are reactive. We need *proactive* Administrative Law.

- *Gap:* There is no explicit "Right to Explanation" in Indonesian administrative law for automated decisions. If an AI denies a scholarship, the applicant deserves to know *why* in human-readable terms, not just code.
- *Recommendation:* Future amendments to the Administrative Administration Law (UU Administrasi Pemerintahan) must include a clause on "Automated Decision Making Transparency."

Table 2: Proposed Matrix for Digital Policy Assessment

Assessment Criteria	Indicator of Social Justice	Legal Basis
Accessibility	Is the service available on low-bandwidth devices?	Reg. PANRB 11/2024
Affordability	Is access free of charge (no hidden data costs)?	Public Service Law
Privacy	Is data minimization practiced?	PDP Law 27/2022
Recourse	Is there a human agent available for appeals?	Admin. Law Principles

5. Conclusion

The dynamics of State Administrative Law in the digital era reflect a struggle between the efficiency of automation and the nuance of human justice. This study concludes that technology is a double-edged sword: it can either democratize access to the state or erect invisible electronic barriers against the poor.

To uphold social justice, the government must aggressively embrace its role as a Facilitator, ensuring that digital public policy is inclusive by design. The alignment of administrative law with technology requires more than just legalizing electronic signatures; it requires embedding constitutional values into the software architecture of the state.

6. Recommendations

1. **Legislative Reform:** Amend the Public Service Law to explicitly recognize "digital rights" as a subset of human rights.
2. **Hybrid Service Mandate:** Legally require all essential public services to maintain a physical counter to serve populations without internet access, ensuring no citizen is left behind.
3. **Digital Literacy Campaigns:** The government must treat digital literacy as a basic utility, funding it as aggressively as physical infrastructure.

References

Abdul Karim, & Nuur Aqiilla. (2023). *State Administrative Law in the Digital Era*. STIH-SA Press.

- Ansori, U., Hartono, A., & V, H. (2025). Analisis Normatif Terhadap Kebijakan Digitalisasi Pelayanan Publik di Tingkat Kecamatan dalam Perspektif Hukum Administrasi Negara. *Aktivisme Jurnal Ilmu Pendidikan, Politik Dan Sosial Indonesia*, 2(3), 213–221.
- Dunleavy, P., Margetts, H., Bastow, S., & Tinkler, J. (2006). New Public Management is Dead—Long Live Digital-Era Governance. *Journal of Public Administration Research and Theory*, 16(3), 467–494.
- Firmansyah, & Syam, F. (2022). The Effectiveness of E-Government in Public Service: A Case Study. *Jurnal Ilmiah Administrasi Publik*, 8(2), 150-165.
- Indah, N. (2023, June 15). *State Administrative Law Challenges and Prospects in the Digital Era*. Kumparan.
<https://kumparan.com/prospects-digital-law>
- Marzuki, P. M. (2024). *Legal Research* (Rev. ed.). Kencana Prenada Media Group.
- Nugroho, N. A., & Bijaksana, A. (2023). The Role of Law in Maintaining Social Justice in the Digital Age. *Jurnal Amendemen*, 1(1), 45-58.
- Nugroho, N. A., & Bijaksana, A. (2025). Peran Hukum dalam Menjaga Keadilan Sosial di Era Digital. *Amandemen Jurnal Ilmu Pertahanan, Politik Dan Hukum Indonesia*, 2(April).
- Rahim, A., et al. (2023). Corruption and Administrative Law: Integration of Anti-Corruption Values in Public Policy. *Journal of Legal Studies*, 12(1), 88-102.
- Sutanti, K. P. T. (2024). *State Administrative Law as a Tool to Realize Social Welfare*. Publishing Agency Indonesia.
- Sutrisno, A. (2024). Analysis of State Administrative Court Procedural Law: A Recent Review and Its Practical Implications. *Indonesian Journal of Multidisciplinary Science*, 3(8), 112-125.
- Widodo, E., et al. (2023). Strengthening State Administrative Law for Sustainable Economic Policy and Social Justice. *Proceedings of the APHTN-HAN Conference*, 45-55.
- Yusdiansyah, E., Iskandar, R., & Hendar, J. (2023). Maqashid Syariah as a Basis for Establishing Decree in Indonesia. *KnE Social Sciences*, 8(18), 14267.
- Law Number 1 of 2024 concerning the Second Amendment to Law Number 11 of 2008 concerning Electronic Information and Transactions*. (Indonesia).
- Law Number 25 of 2009 concerning Public Services*. (Indonesia).
- Law Number 27 of 2022 concerning Personal Data Protection*. (Indonesia).
- Regulation of the Minister of Administrative and Bureaucratic Reform Number 11 of 2024 concerning the Provision of Public Services Friendly to Vulnerable Groups*.