

DURING election periods, Malaysians increasingly turn to digital platforms to follow debates, assess manifestos and form opinions.

But many hesitate before posting or sharing their views due not only to concerns over offending others but also about whether their ideas will be carried, restricted or quietly filtered out.

This raises a constitutional question: if algorithms now shape what we see and what remains invisible, what becomes of our freedom to think, receive information and choose?

Today, automated systems curate political news, rank commentary and filter content according to engagement metrics.

Content that provokes outrage often travels further than content that invites deliberation.

Over time, citizens are nudged into information bubbles and the "marketplace of ideas" risks becoming a closed lane. This is no longer simply a technological issue as it intersects directly with fundamental legal principles.

At the heart of democratic societies lies the principle of legality.

Rules that affect rights should be knowable, predictable and subject to scrutiny. Yet, algorithms

## Tackling bias in automated decision-making systems

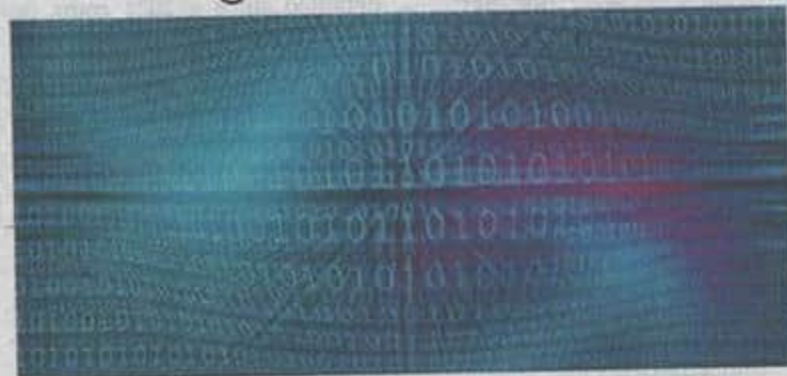


Photo: Pixabay

operate largely in spaces where standards are opaque, justifications are undisclosed and remedies are uncertain.

This is why the idea of algorithmic justice matters.

It calls for fairness, transparency and accountability in automated decision-making that affects speech, access to information and participation.

Technology should not quietly redefine the scope of our constitutional freedoms; it should operate consistently with them.

Experts have long warned about algorithmic bias.

In the public sphere, this can influence what citizens perceive as legitimate, which voices are amplified and which are silenced without notice.

This raises concerns closely tied to international human rights norms, including freedom of expression and the right to seek, receive and impart information.

In Malaysia, the implications are broader than politics.

Gig workers are governed by opaque systems that affect pay, access to jobs, and suspensions, sometimes without clear avenues for appeal. Digital credit scoring

may determine who receives an opportunity and who is excluded while the underlying criteria remain undisclosed.

These situations raise issues of procedural fairness, proportionality and the right to explanation.

In our multicultural context, content touching on religion or ethnicity may be downranked or removed without transparent reasoning.

Users begin to self-censor out of uncertainty. Freedom becomes cautious rather than confident.

Regulation by invisibility is still regulation but without the safeguards that law ordinarily requires.

Moderation remains essential.

Societies must protect themselves against incitement, manipulation and deliberate falsehoods.

However, moderation must respect legal principles with clear standards and consistent application along with the possibility of review.

When digital rules are hidden inside proprietary systems, the space for accountability narrows.

This is the challenge ahead.

As public discourse migrates

online, constitutional values must migrate with it.

Algorithmic justice does not reject innovation. It insists that automated power be exercised in line with the rule of law.

Decisions that shape knowledge, opportunity and expression should be open to scrutiny.

There must be transparency about how rankings work, independent oversight where appropriate, and meaningful remedies when rights are affected.

Guarding freedom today is not only about protecting the right to speak; it is also about protecting the conditions under which people think and decide.

If we fail to address the invisible governance of code, our choices may remain free in theory but conditioned in practice.

Ensuring openness, fairness and accountability is the way to preserve genuine freedom of thought and choice in the digital age.

**DR HAFIDZ HAKIMI HARON**  
Senior Lecturer  
School of Law  
Universiti Utara Malaysia