

## The Urgency Of Developing Law As A Legal Basis For The Implementation Of *Artificial Intelligence* In Indonesia

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**ABSTRACT**

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*The presence of Artificial Intelligence in Indonesia currently has no statutory regulation that regulates it, but in several sectors in the field of Information Technology, Artificial Intelligence has been developed in Indonesia. Some developed countries already use Artificial in the field of law, such as advocacy, making laws and regulations, learning law, and so on.*

**Objective:** *Applying Artificial Intelligence in Indonesia in the field of law to facilitate work in the legal field*

**Methods:** *This research uses a normative juridical research method, a conceptual approach and a statutory approach.*

**Findings:** *Artificial Intelligence can be used in Indonesia, not only in the legal field but also in all areas of ease of work and shortening of work.*

**Function:** *the usefulness of this research is to assist in the legal field, facilitate the work of legal experts such as making laws and regulations which first take a long time to make, legal consultations for the public now do not need to come to lawyers or legal consultants can use Artificial Intelligence to provide consultations. consultation on legal matters. There have been many law offices abroad that have implemented Artificial Intelligence in their offices, if they are unable to attend to provide consultations to their clients, using Artificial Intelligence applications can already help provide solutions. Legal learning can also use Artificial Intelligence, already in Indonesia, pioneering legal learning for law students and the public who want to study law.*

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***Novelty:** this research is related to Artificial Intelligence, it is still rare for people to know about its use in the legal field, therefore we made research related to Artificial Intelligence to provide information related to this.*

***Keywords:** Artificial Intelligence, Law, technology.*

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## **INTRODUCTION**

Technological developments are growing in several fields. Human activities are greatly assisted by the development of science and technology today, with the ease of information, and technology that provides many benefits for humans. This technology is utilized in economic activities, advocacy, trade, law, and other business activities. The development of this technology does not escape the use of devices that can make it easier for humans to use applications or soft wear, and humans use them to make their lives easier.

These global changes have an impact on the development of one of them in the field of law in Indonesia. The widespread use of technology in the life of the global community, especially the Indonesian people, brings its own impact. Technology must also be taken into account in the field of Indonesian law because a global society with technology in the legal field has also begun to develop in the face of "Industrial Revolution 4.0". Technology currently plays an important role in people's lives, which can change people's attitudes and behavior (Nugroho, 2017).

The rise of online application-based service businesses in the community, for which no firm and detailed regulation exists. The use of technology is like a double-edged sword, one provides benefits and the other provides loss or damage. Utilization of technology in the legal field by focusing on the use of Artificial Intelligence (hereinafter referred to as AI), has generally helped humans work a lot (Yudoprakoso, 2019).

The term AI first appeared in 1956 at the Dartmouth conference. But Concept AI was planted before that. Researchers from time to time continue to develop AI by conducting various studies. Early AI research in the 1950s explored topics such as problem-solving and symbolic methods. In the 1960s, the US Department of Defense took an interest in this type of work and began training computers to imitate basic human reasoning. For example, the Defense Advanced Research Projects Agency (DARPA) completed a road mapping project in the 1970s. And DARPA produced a smart personal assistant in 2003, long before Siri, Alexa, or Cortana were named. This early work paved the way for the automation and formal

reasoning we see in computers today, including decision support systems and smart search systems that can be designed to complement and enhance human capabilities. While Hollywood films and science fiction novels depict AI as human-like robots taking over the world, the evolution of today's AI technology is not so scary – or smart enough. Instead, AI has evolved to deliver many industry-specific benefits. Keep reading about modern examples of artificial intelligence in healthcare, retail, and more. AI has evolved to provide many industry-specific benefits. Keep reading about modern examples of artificial intelligence in healthcare, retail, and more. AI has evolved to provide many industry-specific benefits. Keep reading about modern examples of artificial intelligence in healthcare, retail, and more. AI has evolved to provide many industry-specific benefits. Keep reading about modern examples of artificial intelligence in healthcare, retail, and more (Insights, 2022).

AI or Artificial Intelligence is one of the technological developments that is of concern to several countries (Yusuf, 2022). President Joko Widodo stated that Indonesia was in the world's AI battlefield. The statement he made at the opening of the BPPT National Working Meeting on March 8, 2021, was accompanied by vigilance that Indonesia should not only become a buyer of foreign-made technology. This means that Indonesia must also be able to develop AI that can provide benefits to society and the world (FHUI, 2022).

Samuel A. Pangarepan Director General of Informatics Applications of the Republic of Indonesia at the Work Shop event "Artificial Intelligence for Economic Growth and Social Good in The Digital Era" said "The application of Artificial Intelligence can be exemplified in several developed countries as a special basic consideration in the development of regulations and policies (Harususilo, 2022).

AI in legal developments in Indonesia is still not regulated in laws and regulations. Legal actions related to technology in Law Number 19 of 2016 concerning Amendments to Law Number 11 of 2008 concerning Information and Electronic Transactions (hereinafter referred to as UU ITE). Article 1 of the Artificial Intelligence ITE Law defines it as an electronic agent which means that legal obligations and legal liability are attached to providers of Artificial Intelligence devices. "Electronic Agent" is defined as a device from an electronic system that is made to perform an action on certain electronic information automatically organized by a person.

AI or artificial intelligence is a technology in the form of a machine that can imitate human behavior and is developed with human thinking knowledge (Fahrudin, 2018). The

same intelligence as humans, on the other hand, provides benefits in the legal field, can take legal actions or legal actions, provide legal consultation, legal learning, and make laws and regulations as humans can.

Examples of technologies that already use AI such as Tesla vehicles that can operate without using a driver, "Siri" on Apple's hardware gadgets, or Google Assistant which can be found on today's Android gadgets (Chaya, 2022). In 2017 China has used AI judges as limited in handling legal disputes related to digital such as copyright disputes, e-commerce product liability claims disputes, and online buying and selling disputes (Syahputra, 2020). Some examples of AI developments in the legal field can be applied in Indonesia in helping to resolve legal cases. Based on the explanation of the background, the authors are interested in presenting the formulation of the problem of the Urgency of Legislation related to Artificial intelligence in the legal field in Indonesia.

## **RESEARCH METHOD**

The writing method for this writing uses normative juridical research (Legal research). Legal research (Legal research) is to find the truth of coherence, namely whether there are legal rules according to legal norms and are their norms are in the form of orders or prohibitions in accordance with legal principles, as well as someone's actions (Act) in accordance with legal norms (not according to legal rules) or Principles law. (Marzuki, 2015:47) The approach to the problem in this study uses the Approach Legislation (Statute Approach) and Conceptual Approach (conceptual approach). Primary legal materials are legal materials that are authoritative, meaning they have authority. Primary legal materials consist of legislation, official records or minutes in making laws, and judges' decisions. (Marzuki, Penelitian Hukum (Edisi Revisi), 2015:181) The primary legal materials used in this research include:

1. Law Number 19 of 2006 concerning Amendments to Law Number 11 of 2008 concerning Electronic Transactions (Supplement to the State Gazette of the Republic of Indonesia Number 5952);
2. Law Number 28 of 2014 concerning Copyright (Supplement to the State Gazette of the Republic of Indonesia Number 5599);
3. Government Regulation Number 71 of 2019 concerning the Implementation of Electronic Systems and Transactions (Supplement to the State Gazette of the Republic of Indonesia Number 6400).

## RESULTS & DISCUSSION

### A. *The Urgency of Legislation related to Artificial Intelligence in the legal field in Indonesia*

#### 1. A brief history of Artificial Intelligence (AI)

There are still no clear regulations related to AI in Indonesia in some laws and regulations that only provide an understanding of an Electronic Agent, namely people, business entities, state administrators, and the public who can create AI systems. The creation of AI systems in Indonesia can also be protected by Copyright Law. There is still a lack of legal protection for system makers and users of this AI system in Indonesia. However, it is possible that with the development of the Industrial Revolution 4.0, the Indonesian government will make a regulation related to AI.

AI or in Indonesian is called artificial intelligence, AI itself has two meanings, the first is Artificial which means artificial while Intelligence is an adjective that means intelligent (Prtama, 2017). AI creates computer systems that imitate human thought processes to solve common problems. John McCarthy is the father of Artificial Intelligence (AI), although related experiments have existed since the computer was invented (Hani Subaksti S.Pd., 2022:2). Artificial intelligence or AI is modeling human thought processes and designing machines to imitate human behavior (John McCarthy-1956) (Hani Subaksti S.Pd., Artificial Intelligence, 2022:3).

The history of artificial intelligence and the laws of early thought was started by the ancient philosopher in Leibniz in the 1600s telling the story of AI at that time. The modern era before AI was discovered by Loevinger (Jurimetry or Yurimetrika) in the 1940s a mathematician. Representative of the knowledge era (the 60s-80s) AI, pioneered by K. Ashley, T McCarty, A. Gardner, C. Hefner, E. Rissland, R Susskind, L. Allen, M. Sergot, R. Kowalski, R . Winkels, K. Branting, T. Bench-Capon, G. Governatori, G. Sartor, B. Verheij, and others. Research on artificial intelligence and law in Europe in Italy, Holland, England, and Germany, application of legal argumentation, interpretation of legal language, and application of statutory regulations.

In the era of legal technology and machine learning in the 2000s-present, the Stanford codex was invented in 2006 which was discovered by R Vogl, M. Genesereth, and J. Walker

is one of the codex that can be found for laws. Legal technology startups, for example, 280 law firms throughout Asia already use legal technology startups, so when submitting Legal Opinions, help lawyers accompany their clients by sending legal opinions in this application. The development of legal analytics, for example, the Lex Machina engine, for legal analysis, changing an agreement or an agreement is replaced in an article or clause in Force Majure will make a good language for the clause.

## ***2. Functions, advantages, and disadvantages of Artificial Intelligence (AI)***

This artificial intelligence or AI function seeks to create robots that have intelligence similar to or even more than human intelligence (Hani Subaksti S.Pd., Artificial Intelligence, 2022:5). This can make it easier for humans to solve problems quickly and consistently. Solve problems that cannot be solved conventionally. Increase productivity in multitasking.

Artificial intelligence or AI has its advantages and disadvantages in the application. The advantages of artificial intelligence or AI, such as, are permanent, which means that AI has more permanent properties than natural intelligence because humans have a forgetful nature and artificial intelligence does not have that unless the program is changed. Easily duplicated or duplicated by transferring very easily and quickly from one computer to another, while humans need a little more time to transfer knowledge. Artificial intelligence is easier and cheaper. Being consistent is not easy to change if the program changes it will change, but natural intelligence will always change. Can be documented every activity of the system. Faster to do a job than natural intelligence (Hani Subaksti S.Pd., Artificial Intelligence, 2022:10).

In addition to the advantages of AI, it also has weaknesses or shortcomings such as closing business opportunities, because people will prefer to do it themselves if in small quantities or with affordable capacity. It is prone to damage, however, AI is operated with a computer so that it can be damaged and the stored data can be lost and not left at all. The AI creation process is quite expensive because AI is made with advanced technology. Requires a lot of electrical power in operation because it uses a computer. Being able to replace humans at work can result in layoffs in various parts of the world (Hani Subaksti S.Pd., Artificial Intelligence, 2022:12).

Weaknesses and limitations of other AI such as there are still things that are beyond the capabilities of artificial intelligence, which means that if it is programmed according to what is programmed, it cannot exceed what has been programmed, there must be a typical pattern or arrangement like in Argentina such as Grab/ Gojek there has been replaced with a robot for

delivery of goods but the robot only stops at a predetermined location if there is a yellow red light, he does not stop or be careful and continues, does not have the mindset of love, emotions, and feelings, unable to consider abstract or rigid things when with clients also require empathy and this AI does not have that, artificial intelligence programs have limited accuracy, there are many things that are basically difficult to process in the data, for example, we will ask questions related to the Civil Code (BW), even those that come out of the Criminal Code, sometimes it is difficult to interpret a system.

### ***3. Legislation relates to Artificial Intelligence in the legal field in Indonesia***

In article 21 of the ITE Law, electronic agents in the implementation of electronic transactions are electronic operators. The electronic agent is one form of electronic system operation. This means that the rights and obligations of the electronic system operator apply *mutatis mutandis* in the operation of electronic agents. Legal liability for everything that causes losses can be accounted for because the implementation of AI (Electronic Agent) in Indonesia can only be carried out by people, state administrators, business entities, and the community.

Limitation of obligations and responsibilities of Electronic Agent operators, namely providing features that allow users to make changes to the information that is still in the transaction process in Article 18 Government Regulation No. 71 of 2019 concerning Electronic System and Transaction Operations.

The development of AI in producing things in the technological era finds something new and sophisticated for human life without human intervention but with AI. This also raises something to be protected by laws and regulations related to Copyright in Law No. 28 of 2014 concerning Copyright.

Indonesia itself, using AI by the Agency for the Assessment and Application of Technology (BPPT) has published the Indonesian Artificial Intelligence National Strategy 2020-2045. However, it is still in the policy direction in outline and does not regulate in detail. In fact, in Indonesia, the use of AI is already widespread in the fields of banking, e-commerce, health, and law.

The development of AI as a sophisticated technology can be used in legal fields such as advocacy, legal learning, lawmaking, solving ITE problems, and so on. This is a new breakthrough in the legal world. Although this is a new breakthrough, there is no definite rule of law for this AI.

Because AI in Indonesia is still new in its application in the legal field, there are several things that need to be seen, one of which AI is a legal subject or legal object in the legal world. It can be understood that something that can be declared as a legal subject or not is determined by the applicable law. Likewise, with AI, AI like other legal subjects has rights and obligations as obligations and rights are actions that must be regulated by legal norms. AI indeed cannot be equated with humans as a whole because AI does not have human nature like humans, but AI can be equated with the position of a legal entity which is also declared a legal subject (Goh, 2021:7).

AI can be more precisely equated with legal subjects of legal entities compared to human legal subjects as AI can be called supporters of rights and obligations who can carry out legal actions or legal actions (Goh, 2021:7).

Personal data protection is also one of the things that AI can take advantage of. With the presence of AI which is more efficient and effective and equipped with anti-malware capabilities, it is hoped that it can prevent system errors and minimize the risk of personal data leakage due to human error. The ability of AI to detect problems is considered to exceed the capabilities of human intelligence (Disemadi, 2021).

According to Wicipto, the potential of AI in making regulations, and the use of artificial intelligence in order to assist the work of practitioners in the legal field is currently very important. He gave an example of legal research activities that have begun to shift from conventional methods to relying on technological assistance. Even with the help of artificial intelligence, the process of analyzing legal documents such as contracts becomes more effective. The ability of artificial intelligence technology to help legal practical work on a larger scale such as making laws and regulations. Even AI is also able to analyze legal documents and find or lack a legal document product, such as a contract (Huzaini, 2022).

Likewise with regard to legal advocacy, for example for a while, we are constrained by a legal problem but the advocate we are going to is busy, finally with AI with the application of legal arguments we can help with legal assistance while then we can issue a legal opinion and send it directly to the Client. AI research has made many legal applications and several countries have implemented them such as Italy, the Netherlands, England, and Germany, the legal application is called Luminance, one of the AI's to help Lawyers (Acces, 2020).

The three categories of artificial intelligence in law are: Lawyers, Judges, lawmakers, governments and legal supervisors, Legal Practitioners, lawyers and other professions that

support the legal system, Law Users, individuals or entrepreneurs who must comply with the law (Acces, 2020).

Learning related to law, one of which is made by the nation's children, can be useful for law students, legal practitioners, and the community, namely Heylaw.id. Heylaw.id is the most complete digital platform for studying law and you can study law at any time.

In America, there is an application, namely TurboTax AI by legal users, namely entrepreneurs and individuals. Regulatory compliance engine entrepreneur, computerized agreement, system expert, electronic and compliant regulations, automated dispute resolution, and automated analysis of legal documents. Individuals can be used for students as intellectual law conversation programs and automated legal aid, automated legal document collections, and legal system experts such as Turbotex (Acces, 2020).

Seeing now, because of the Covid 19 pandemic that has hit the world, in the world of the judiciary, filing or administration and decisions usually use E-Court. Lawyer's work is now made easier with AI, but with convenience, one should not be complacent with AI for fear of uploaded files, for example in the E-Court, which should be 80 pages but 60 pages are included due to the lack of thoroughness of advocates for this AI technology. Technology has advantages and disadvantages like a double-edged sword.

Use of other people's personal data, this personal data can be misused by irresponsible people for their benefit. This data is used for example online loans, so the perpetrator uses an ID card and a selfie with AI Deep Fake is needed, by changing the face of the perpetrator holding the ID card by replacing his photo with the victim's photo. The data that is owned is changed and replaced with the data belonging to the victim. This is because the perpetrator has manipulated the victim's personal data or information and misused it for the benefit of the perpetrator (Afnan, 2022).

Although AI is an artificial intelligence that can replace humans, artificial intelligence does not have emotions, love, and feelings, unlike natural intelligence which has emotions, love, accuracy, and feelings.

The challenges of the times that are growing every year with the industrial revolution 4.0 happening in the world and Indonesia, dependence on conventional things that take a long time to work with AI can help ease work in the legal field such as providing legal opinions,

advocacy, making laws and regulations, submitting files in court through E-Court, legal learning, personal data protection, legal audits, and others.

In the end, the utilization and use of technology itself must be able to benefit human life and life, where the law can play its role in the speed of technological development and change. Our backwardness compared to other countries is a race to be more advanced in the fields of law and technology. The development of Indonesia which is civil law and develops a society if it is not followed by the quality and speed of the law to follow the development of food will have a bad impact on the state and the people of Indonesia.

## CONCLUSION

The development of technology and the industrial revolution 4.0 that hit the world and Indonesia is like a double-edged sword, namely one that provides benefits for its users and one that provides losses for its users. As with AI in legal developments in the world, several countries have developed AI in the field of law such as in making laws and regulations, advocacy, justice, legal learning, making legal opinions, etc. In Indonesia, AI development will be initiated in 2020-2045. The existence of AI will help legal authorities, legal practices, and individuals or entrepreneurs in managing businesses. However, even though there is AI in the legal field, it is still necessary to check again what AI is doing because natural intelligence has love, emotion, thoroughness, and feelings.

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