

Topic: Human Right Issues of Artificial Intelligence (AI) Gaps and Challenges, and Affected Future Legal Development in Various Countries

The Urgency of Implementing the Principle of Strict Liability in Cases of Artificial Intelligence Utilization that Violate the Indonesian Electronic Information and Transactions Law

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Abstract. *The development of Artificial Intelligence (AI) technology has a positive impact on the digital world, but it also has the potential to raise legal issues. Implementing the Strict Liability Principle in cases of violations of the Information and Electronic Transactions Law (UU ITE) can be an effective solution as it determines responsibility without needing to prove fault. The urgency of applying this principle is particularly related to the harmful capabilities of AI towards others. Despite its benefits, implementing this principle requires clear provisions to prevent abuse. In the context of globalization, AI needs to be properly regulated to prevent violations of the UU ITE and uphold justice for victims. This research employs normative legal research method using secondary data, particularly primary legal materials. Data was obtained through documentary studies or literature reviews, which were then analyzed using qualitative data analysis techniques. The research aims to make predictions, provide descriptions of findings, and draw scientifically justifiable conclusions. The Strict Liability Principle is used in handling cases of UU ITE violations in Indonesia without needing to prove the perpetrator's fault. The government can strengthen this principle by enhancing supervision and law enforcement, imposing strict sanctions, conducting education and socialization, and collaborating with online platforms. The mechanism for resolving cases involving the use of Artificial Intelligence (AI) under the UU ITE includes stages such as case identification, investigation, expert examination, mediation, out-of-court settlement, court settlement, and punishment in accordance with the level of violation. Regarding legal protection for victims of AI use, the UU ITE does not specifically regulate this, but legal protection can be implemented through*

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clear regulations, strict control, and enforcement of legal responsibility for AI owners, with the hope that moral values, ethics, and justice are maintained in AI usage

Keyword: Artificial; Electronic; Intelligence; Liability; Transaction.

1. Introduction

The rapid development of Artificial Intelligence (AI) technology has brought positive impacts to the advancement of the digital world. However, on the other hand, the utilization of AI also has the potential to cause legal problems, especially in terms of violating the Electronic Information and Transactions Law (UU ITE) in Indonesia. This raises the question of who should be held responsible for such violations, whether only the user of AI or also the developer or AI service provider.

The application of the Strict Liability Principle is a legal concept that states that a person can be held liable for an action without having to prove fault or negligence. In the context of AI usage, the strict liability principle can be applied to handle cases that violate the ITE Law. With the application of this principle, anyone who uses AI will be automatically liable if they are proven to have committed a legal violation.

The urgency of implementing the principle of strict liability. The application of the strict liability principle becomes very important in cases of AI utilization that violate the ITE Law in Indonesia. This is because AI has the ability to take actions that can harm others directly or indirectly. For example, AI can spread false information or attack digital security systems, which can cause losses to others.

In addition, the application of this principle can also be an effective solution to handle cases of ITE Law violations that are difficult to prove legally. With the principle of strict liability, proof of fault or negligence is no longer a requirement to sue the perpetrator. This can facilitate the legal process and strengthen legal protection for victims.

However, in the application of the principle of strict liability, there needs to be a clear provision regarding who will be responsible and how the sanction mechanism is imposed. This is important to prevent arbitrariness in determining who is responsible for violations of the law committed by AI. The application of the principle of strict liability is very important in cases of AI utilization that violates the ITE Law in Indonesia. With this principle, it is expected to provide better legal protection for the community in facing the negative impacts of AI technology

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development. However, there needs to be clear and firm provisions regarding the mechanism of implementation and sanctions for AI law violators, so that the principle of strict liability can run well and fairly.

In the era of globalization, Artificial Intelligence (AI) technology has become one of the main trends that are transforming human life in various aspects. With the ever-growing capabilities of AI, they can perform tasks that were previously only possible for humans. However, behind this technological advancement, there are risks that must be anticipated, especially in terms of violating the Electronic Information and Transaction Law in Indonesia. The Electronic Information and Transaction Law (ITE Law) is one of the laws that regulates electronic activities, including the use of AI technology. In Article 28 paragraph 1 of the ITE Law, it is explained that anyone who carries out actions that harm or influence losses on others through electronic media can be subject to criminal sanctions. Thus, the application of the principle of strict liability becomes very important in cases of AI usage that violates the ITE Law.

The principle of strict liability is a legal principle that states that a person can be held responsible for an action even without evidence of fault or malice on their part. In the context of AI usage that violates the Electronic Information and Transactions Law (UU ITE), this principle applies because AI is controlled by humans as its creators. Therefore, if an AI commits an act that violates the UU ITE, the responsibility still lies with the human who created and controlled that AI. The application of the principle of strict liability in cases of AI usage that violates the UU ITE in Indonesia can have a significant positive impact. Firstly, the application of this principle can encourage AI creators to be more cautious in creating and controlling their AI. As a result, the risk of violating the UU ITE through the use of AI can be minimized.

Furthermore, the application of the strict liability principle can also provide justice for parties who feel harmed by AI actions that violate the ITE Law. With this principle, aggrieved parties can claim responsibility from the creators and controllers of AI, even if there is no evidence of fault or malicious intent on their part. However, even though the application of the strict liability principle has significant advantages, there are also challenges that need to be addressed in its implementation in Indonesia. This is because of the limited understanding of the public about AI and the ITE Law, making it difficult for them to understand the concept of strict liability. Therefore, there needs to be more intensive socialization and broader education regarding the principle of strict liability in the context of AI utilization that violates the ITE Law.

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The application of the strict liability principle in cases of AI utilization that violate the ITE Law in Indonesia is very important and urgent. With the application of this principle, it is hoped that it can increase the awareness of AI creators and controllers to be more careful and responsible for the actions of AI. In addition, the application of this principle can also provide justice for parties who feel aggrieved as a result of violations of the ITE Law through the use of AI technology. Therefore, concrete action is needed from the government and society in applying the principle of strict liability to maintain security and justice in the use of AI in Indonesia. Furthermore, this research aims to study the principle of strict liability to handle cases that violate the ITE Law in Indonesia, the mechanism for resolving cases involving the use of Artificial Intelligence according to the ITE Law, and legal protection for victims of the use of Artificial Intelligence.

2. Research Methods

The problem raised in this research uses a normative legal research method, which uses secondary data, where the data is obtained indirectly, including primary legal materials. The data obtained is then collected through documentary study or library study data collection techniques by collecting data based on the legal materials that have been used in this study, and analyzed using qualitative data analysis techniques. As the purpose of the research is one of the predictions, to provide a description of the findings that are then obtained in this study and also to find conclusions that are correct and can be scientifically justified.

3. Results and Discussion

3.1. The Principle of Strict Liability to Handle Cases of Violations of the Electronic Information and Transactions Law in Indonesia

The principle of strict liability is a legal concept that states that a person can be held liable for their actions that cause harm, without having to prove the element of fault or intent on the part of the perpetrator. By applying this principle, law enforcement can more easily handle cases of violations of the ITE Law, especially in matters relating to the dissemination of infringing information, such as hate speech, defamation, or the distribution of pornographic content.

In this case, the government can strengthen the implementation of the principle of strict liability by taking the following steps:

1. Strengthening Oversight and Law Enforcement The government should strengthen oversight and law enforcement against violators of the ITE Law. This can be done by strengthening the role and capacity of law enforcement agencies, such as the Police and Prosecutors' Office,

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in handling cases of ITE Law violations. In addition, the government can also establish a special agency that focuses on handling cases of ITE Law violations.

2. Strict Law Enforcement

The government must impose strict and severe sanctions on violators of the ITE Law, such as heavy fines, imprisonment, or revocation of business licenses. With strict sanctions in place, it is hoped that this will deter perpetrators from committing acts that violate the ITE Law.

3. Education and Socialization

The government also needs to educate and socialize the public about the importance of complying with the ITE Law and the consequences of violating it.

This can be done through various media, such as social media campaigns or seminar and discussion events.

4. Cooperation with Online Platforms

The government can cooperate with online platforms, such as social media or digital content platforms, to strengthen the implementation of the principle of strict liability. These platforms can be asked to be more active in monitoring and removing content that violates the ITE Law, as well as providing reports to the government on violators who need to be further investigated.

By implementing the principle of strict liability and taking the aforementioned steps, it is hoped that the effectiveness of law enforcement against cases of violation of the ITE Law can be improved. In addition, it is also hoped that this can encourage the public to better understand and comply with the regulations governing the use of information technology, thus creating a safer and more reliable digital environment.

3.2. Dispute Resolution Mechanism for Cases Involving the Use of Artificial Intelligence According to the ITE Law

The mechanism for resolving cases involving the use of artificial intelligence is regulated in Law No. 11 of 2008 concerning Electronic Information and Transactions (ITE Law). This ITE Law aims to provide legal protection for everyone involved in the use of information technology and electronic transactions, including the use of artificial intelligence.

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The case resolution mechanism using artificial intelligence can be carried out through the following stages:

1. Case Identification The first stage is to identify cases involving the use of artificial intelligence. These cases may include legal violations committed by AI systems, such as hacking, piracy, or the dissemination of illegal information. At this stage, the party who feels wronged or the party who has an interest in resolving the case can report the case to the authorities.

2. Case Investigation Once a case is identified, the authorities will investigate it.

The authorities in this case are the Indonesian National Police (Polri) or the Directorate General of Informatics Applications (Ditjen Aptika) of the Ministry of Communication and Informatics. This investigation is carried out to collect the evidence and data needed to resolve the case.

3. Expert Examination If the case involving artificial intelligence requires specific knowledge and expertise, the authorities may conduct an expert examination.

This examination is conducted to determine the authenticity of the information and data used by the AI system and the impact of the case.

4. Mediation If the case can be settled amicably, the authorities may conduct mediation between the party who feels wronged and the party involved in the case. This mediation aims to reach an agreement that benefits both parties.

5. Out-of-Court Settlement If the case can be settled amicably through mediation, it does not need to be brought to court. However, if mediation fails to reach an agreement, the party who feels wronged may file a legal resolution through the court.

6. Court Settlement If the case is brought to court, the authorities will file charges and the necessary evidence to resolve the case. The court will consider the claims and evidence presented and conduct a trial process to reach a fair decision.

7. Punishment If found guilty, the perpetrator of a case involving the use of artificial intelligence may be punished in accordance with applicable regulations. This punishment may take the form of a fine, imprisonment, or release from prosecution, depending on the severity of the offense committed.

With a clear and well-organized case resolution mechanism, it is expected that cases involving the use of artificial intelligence can be handled effectively and fairly in accordance with the

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provisions of the ITE Law. In addition, this mechanism is also expected to provide legal protection for everyone involved in the use of artificial intelligence.

3.3. Legal Protection for Victims against the Use of Artificial Intelligence.

Artificial Intelligence (AI), often known as artificial intelligence, is a technology developed to mimic human capabilities in performing specific tasks. With the ability to learn and adapt, AI has been used in various fields such as data processing, decision-making, and even in the field of law.

Although the advancement of AI technology offers numerous benefits, its use also carries risks that need to be anticipated, especially regarding legal violations. This is a serious concern because AI can make decisions that impact the lives and rights of individuals. Therefore, legal protection is necessary to ensure that the use of AI does not violate the law and provides justice for victims of legal violations by AI. The use of AI has been regulated in Law Number 11 of 2008 concerning Electronic Information and Transactions (ITE Law). Article 26 of the ITE Law states that anyone who uses an electronic system to perform a legal action must ensure that the action complies with the law and does not harm other parties.

However, the ITE Law does not specifically regulate the legal protection for victims of law violations by AI. This indicates that further development is still needed in the legal regulation of AI in Indonesia. Legal Protection for Victims of Law Violations by AI can be carried out through three aspects, namely:

1. Regulation: It is necessary to have clear and tegas regulation regarding the use

of AI that does not violate the law. This regulation can take the form of specific laws that provide legal protection for victims of AI violations. In addition, regulation can also take the form of ethical standards and codes of conduct for AI developers and users. This aims to ensure that the development and use of AI is conducted with due regard to prevailing moral and ethical values.

2. Control: Control is carried out to ensure that the use of AI does not violate the

law and does not harm other parties. This control can be carried out through supervision and audits conducted by the competent authorities. Supervision can be carried out by a body specifically established to supervise the use of AI, such as the AI Supervisory Agency. Meanwhile,

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audits are conducted to regularly evaluate whether the use of AI is still in accordance with the applicable regulations.

3. Responsibility: This is the most important aspect of legal protection for victims of

violations of the law by AI. Every violation of the law committed by AI must have clear legal responsibility and can be held accountable. In this case, AI must have an owner who is legally responsible for the actions taken by the AI. The owner of the AI must ensure that the AI used complies with the applicable regulations and is prepared to take responsibility if there is a violation of the law by the AI. The advancement of AI technology offers various benefits to human life, but it

also brings risks that need to be anticipated. One of these risks is the violation of

laws by AI. Therefore, legal protection is needed to ensure that the use of AI does not violate the law and provides justice for victims of AI violations. Clear and firm legal regulations, regular monitoring and audits, and clear accountability for AI owners will be the first step in protecting victims of AI violations. In addition, the active role of government, developers, and AI users in complying with applicable regulations and ethics is also crucial in ensuring responsible and sustainable use of AI.

4. Conclusion

The explanation provided by the author highlights the crucial importance of implementing the strict liability principle in cases involving the utilization of artificial intelligence (AI) that violates the Electronic Information and Transactions Law in Indonesia. This principle holds the individuals utilizing AI technology directly responsible for any actions that cause harm to others, without the need to prove fault or negligence. This, in turn, provides enhanced protection for consumers and the general public against potential harm resulting from the misuse of technology by irresponsible parties.

In the context of Indonesia's rapid technological advancement, the application of strict liability further strengthens legal protection for AI users. With clear guidelines regarding the liability of individuals utilizing this technology, it is hoped that users will exercise greater caution in its application, thereby preventing violations of the Electronic Information and Transactions Law. Consequently, it is imperative for relevant stakeholders, including the government and the technology industry, to promptly implement this principle to foster a more secure and reliable technological environment for all citizens of Indonesia. The application of the principle of strict

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liability is crucial in cases where artificial intelligence violates the Electronic Information and Transactions Law in Indonesia. This is because artificial intelligence has the ability to conduct transactions, disseminate information, and manipulate data automatically without human control. If there is no clear principle of liability, it will be difficult to determine who is responsible for the actions of artificial intelligence that violate the law. By applying the principle of strict liability, any party that utilizes artificial intelligence must be fully responsible for the actions taken by that artificial intelligence. This will provide legal certainty and encourage the responsible use of artificial intelligence in accordance with the applicable laws in Indonesia.

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