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

**Internal Human Rights Violations Use Technology Introduction Face (Facial Recognition) in Indonesia**

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**Abstract.** *Use technology introduction face (facial recognition) in Indonesia has give rise to attention to potency violation right basic human rights (HAM). Although technology This offer various benefits however there is worries will risk violation privacy and discrimination This writing aim for investigate cases related human rights violations with use technology introduction face in Indonesia. research methods with the approach used in this research is a normative juridical approach. the object of research in the normative juridical approach is legal norms, which include legal principles and legal comparisons. research result Identify a number of case human rights violations that occurred consequence use technology this incl problem privacy discrimination and Inaccuracies introduction face besides therefore existing regulations are also assessed not yet adequate for overcome challenge. with thus it is necessary effort serious in strengthen protection of human rights in context use technology introduction face in Indonesia. steps repair regulation improvement awareness community, and enforcement more laws strict become key for guard rights individual and prevent abuse technology This*

**Keywords:** *Facial; Human; Recognition; Technology; Violations.*

## **1. Introduction**

As time goes by, changes in technology are increasing. Many new technology products make human work easier and lighter. The development of this technology has changed the pattern of society in the cultural, economic and legal fields. This is driven by the development of an economic system that has been accompanied by a digital economy known as the industrial revolution 4.0. This development is based on the digital technology revolution which is characterized by the development of interconnection and blurring of national boundaries between three domains. The 3 (three) domains are digital, physical and biological. In the field

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of technology, there is known artificial intelligence (Artificial Intelligence) which is used to help human life in all fields. AI is known as an innovation in science that studies how the human mind works his service. One of the developments in Artificial Intelligence (AI) seen in Indonesia is the President's work plan which will carry out bureaucratic reform by replacing echelons 3 and 4 with AI. With the existence of AI, it is hoped that human work can be helped thereby making the work process easier.

One of the significant developments in the use of AI in Indonesia is technology in the process of verifying a person's identity. In the past, the process of verifying personal data was carried out manually by humans by ensuring that the person matched the data provided. Currently, most of the process of verifying and identifying a person's identity is carried out through machines or technology that can detect a person's face and then the machine will show data related to that person. The use of personal data verification with technology is known as Face Recognition Technology (FRT). This technology works by detecting the user's face. FRT is carried out by convergence between media, telecommunications and informatics. This convergence is a phenomenon that causes changes in the social system. Renewal through convergence creates an information- oriented society (information society). Convergence also results in a clash of legal paradigms so that the government needs to create a new legal paradigm in the pre-existing legal system.

Face recognition or facial recognition is nothing new. Just expand its use especially by authorities which is increasingly widespread. In 1960 technology was discovered to manually record the coordinate locations of various facial features including the eyes, nose, hairline and mouth using electromagnetic waves. Began general use in the 2000s, especially in the legal and security sectors. Then it spread because it was supported by developments in social technology that made it easier to exchange photos. Further problems that arise from the use of facial recognition are threats to privacy, acceleration of racism in the digital realm, and other legal consequences due to its low accuracy, for example, criminalization and doxing This problem is caused by users who are not transparent and have low accountability. So even though it is technology- based, it does not mean it is error-free, because the manufacturer's bias is inherent in the product, especially without public participation.

Rapid technological developments require legal developments as well as for the protection of users. This protection relates to the security of a person's personal data. Many people do not realize that they are being identified through a camera because the FRT tool is similar to a CCTV camera. The preamble to the 1945 Constitution, especially the fourth paragraph, states that the Indonesian Government has a constitutional responsibility to protect the Indonesian

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people and the bloodshed of Indonesia. The Indonesian government is also responsible for advancing general welfare, making the nation's life intelligent, and participating in implementing world order. 3 In the Indonesian constitution, the state guarantees the personal protection of its people through Article 28G paragraph (1) of the 1945 Constitution (UUD 1945) which states that Everyone has the right to protect themselves, their family, honor, dignity and property under their control. Everyone also has the right to a sense of security and protection against the threat of fear when carrying out an act which is a human right.

In a number of year Lastly use system introduction face based intelligence artificial intelligence (AI) has widespread in various applications, incl security presence employees, supervision Then cross and even payment based face Although Thus improvement use technology this also gives rise to serious concerns related with security and privacy of individual data Enhancement Use Technology Introduction Face : Deep a number of year Lastly, it happened surge use technology introduction face in various industries and scenarios application. This matter especially driven by progress in algorithm introduction face and availability of sufficient data For AI model training Concern Public about Privacy: Along with enhancement use technology introduction face there is also an increase worries public about privacy and security of personal data This matter especially related with collection, storage, and use of facial data without clear agreement from individual. Potency Abuse Technology: Apart there it is growing concern about potency abuse technology introduction face for the goal is not ethical or illegal like supervision mass discrimination and violations privacy.

Governments in countries and companies to stop using facial recognition surveillance technology in public spaces and in the context of migration and asylum, because the technology is too dangerous and powerful to use without negative consequences for human rights Facial recognition surveillance technology the kind of technology that scans, recognizes and profiles people en masse is incompatible with human rights law internationally, because technology is nothing like mass surveillance. Apart from violating privacy rights, this technology also threatens our rights to equality and non-discrimination, freedom of expression and freedom of assembly. In 2020, several major technology companies committed to a moratorium on the sale of facial recognition surveillance technology, in response to human rights concerns, but self-regulation has been unsuccessful and at least one of these companies may abandon those commitments. Meanwhile, facial recognition surveillance technology is increasingly being used by governments in many countries to police protests target people based on their ethnicity and curb political dissent Like most other technologies, it exacerbates

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existing structural inequalities and hits groups with marginalized and vulnerable identities the hardest.

Use technology face recognition the more general used in various sector, including in Indonesia. Although own potency for increase safety and efficiency, usage technology this also gives rise to various problem related with violation right basic human rights (HAM). One of them is worries will potency abuse technology This For objective excessive and invasive monitoring to privacy individual Beside that there is risk discrimination and injustice that can be appear consequence error identification or inappropriate data usage more abuse and violation of human rights big accurate Besides that still there is lack in governing regulations use technology face recognition in Indonesia. Lack of framework clear law can cause risk. Therefore that's important For do review deep to impact and implications use technology This to right basic humans in Indonesia, as well formulate necessary steps For protect rights individual in context This Based on description background back on top then identified a number of problems that will studied in study This is: how human rights violations in use technology introduction face (facial recognition) in Indonesia ? and how effort government and institutions related in handle risk emerging human rights violations consequence use technology facial recognition?

## 2. Research Methods

The approach method used in this research is a normative juridical approach. The object of research in the normative juridical approach is legal norms, which include legal principles and legal comparisons. The nature of this research is analytical descriptive, namely research that describes systematically, factually and accurately, where a descriptive explanation will be given regarding an event being studied in relation to the facts from the data that has been obtained. The research results are then adjusted to the theories and provisions that apply regarding the event to draw conclusions. The data analysis method used in analyzing this research is a qualitative juridical method, namely collecting and analyzing the data obtained. The data obtained is theoretical, descriptive.

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### 3. Results and Discussion

#### 3.1. Internal Human Rights Violations Use Technology IntroductionFace (Facial Recognition) In Indonesia

Human Rights law and ethics are quite closely related, because both have the aim of protecting and ensuring that every individual's rights can be fulfilled and encouraging the creation of behavior that is fair and in accordance with moral principles in society. Law, in this context, is a set of statutory regulations established by the government to regulate the behavior of individuals and legal entities, as well as establishing sanctions for anyone who violates them. Laws often represent the ethical values that underlie society, such as justice, equality and human dignity. Meanwhile, human rights are the rights given by God to every human being from birth and become part of society. These rights are universal and apply to everyone without distinction of nation, race, religion, class or gender. One of the foundations of all human rights is that everyone should have the opportunity to develop according to their ideals and talents. On the other hand, human rights can also be interpreted as freedoms that are inherent in the existence of every human being or individual. The government was created to protect the implementation of Human Rights.

The development of Human Rights (HAM) issues in the modern era is facing the complexity of global challenges related to technology, security and social issues. In the midst of massive advances in information and communication technology, issues regarding data privacy and security have become central issues in the context of human rights. In this context, privacy protection and data security are quite deep issues. The ability to collect, store and process personal data by megatech companies has raised questions about how that data is used, the extent to which individual privacy is respected, and how regulation can maintain a balance between technology and individual rights. Thus, the role of human rights in today's modern era is key in maintaining a balance between technological innovation and protecting the rights of every individual.

Artificial Intelligence (AI) cannot be denied as one of the most astonishing discoveries in the world of modern technology. Along with its development, AI has changed the way individuals work, interact, and carry out their daily activities. In the journey towards a future that is increasingly connected to the digital world, AI plays an important role in various aspects of life, including in the fields of law and human rights (HAM). In line with AI's ability to recognize and analyze data with extraordinary speed and accuracy, various ethical and legal implications arise that need to be taken into account in depth. The case study that will be discussed in this

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research is the impact of using facial recognition technology in situations of wrongful arrest of criminals, which raises important questions about privacy, justice and human rights protection in the era of increasingly sophisticated AI.

Face Recognition (face recognition) is a system found in computer technology to determine the location of the face, face size, detect facial features by ignoring the background image and then identify the facial image. Face Recognition is able to identify and recognize faces both in photos, videos and in real-time. The development of Face Recognition technology has now become a very important subject in the context of Human Rights, this is due to its ability to often produce errors and have large impacts. Writer and Director of Legal and Digital Studies at the Mines-Telecom Institute, Winston Maxwell, explains in his article entitled 'Why facial recognition algorithms can't be perfectly fair' in The Conversation that facial recognition algorithms can produce two types of errors, namely: (1) false positive and (2) false negative.<sup>11</sup>

In an effort to continue to improve the effectiveness and efficiency of the Facial Recognition system, research is the main key. The adoption of deep learning in dealing with data complexity and variation. Cases involving errors and omissions in the operation of facial recognition technology, such as those experienced by Robert Williams in the United States and Tri Budi and Abdul Manaf in Indonesia, reflect quite serious impacts on Human Rights (HAM). Wrongful arrest and detention of innocent individuals, resulting from system errors in algorithms, is a violation of human rights, especially regarding individual freedom. Additionally, inequalities in this technology where dark-skinned individuals are more likely to fall victim to algorithm errors, violate human rights principles of equality and non-discrimination.

Normatively, the human rights violations experienced by Robert Williams in the United States, and Tri Budi and Abdul Manaf in Indonesia have violated the provisions as stated in article 2 of the Universal Declaration of Human Rights which confirms the fundamental principle that every individual has rights. -the right to equal freedom without exception, including basic rights such as individual liberty, the right to privacy, and protection from discrimination based on race or color. Then, when negligence occurs in the operation of facial recognition technology as occurs in cases of wrongful arrest of criminals, it can also be considered a form of arbitrary arrest or detention. For example, in the cases of Robert Williams in the United States and Tri Budi and Abdul Manaf in Indonesia, the inaccuracy of facial recognition technology resulted in their arrest and detention without strong and legal grounds. This is a violation of Article 9 of the Universal Declaration of Human Rights (UN Universal Declaration of Human Rights, 1948).<sup>13</sup>

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In reality implementation chapter This in law and life society in Indonesia not yet enforced with Correct in practice use technology introduction face in a number of context security public. There is trend Where agreement individual No always obtained in a way legitimate before facial data collection, which can impact negative on privacy individual. Besides that is, existing policies and practices Not yet always reflect the principles listed in Constitution this, and the lack thereof understanding about provision law This is done by the operating party technology introduction face can result violation privacy. As example, threats privacy in technology introduction face This Once proven in one case. Reported from CNN (2022), there is a number citizens who were misidentified by proprietary facial recognition technology National Police in case beating activist Ade Armando politics April 11. This matter until ended to determination the suspect Abdul Manaf who today That No present at the place incident matter Then the police confess that has misidentification occurs in technology introduction face the because the person concerned at the time That use hat so the result become No accurate.

**3.2. Efforts by the Government and Related Institutions to Handle the Risk of Human Rights Violations that Arise Due to the Use of Facial Recognition Technology**

Indonesia does not yet have specific regulations governing the use of facial recognition technology This technology regulation is included in the PDP Law. However, in other regulations there are no provisions regarding the protection of a person's personal data. For example, in Article 4 of Law Number 39 of 1999 concerning Human Rights, there is no mention of privacy as a right that cannot be reduced under any circumstances.

Therefore, Indonesia must create special laws that regulate the use of biometric technology such as Face Recognition. Paradigm law technology proactive This can effective used with consideration that technology is something context- agnostic entities in meaning that technology everywhere developed can also be applied in other places too because generally technology No bound by characteristics room or environment and time certain For example like the same internet technology can applied everywhere places around the world or technology car self-driving that can distributed to the whole country though own difference sociocultural and legal

In Article 20 paragraph (2) of the PDP Law, it is stated that the processing of personal data must obtain explicit legal consent for one or several purposes. In fact, the installation of cameras for law enforcement purposes such as CCTV or surveillance cameras is not always done with approval. In fact, at some points, the camera was installed secretly so that the person being recorded was not aware. This shows the importance of special regulations regarding limits and

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standards in the use of Face Recognition Technology for security and law enforcement purposes. Artificial Development Intelligence especially Face Recognition Technology, which is increasingly rapid and improving, of course requires a strong legal basis beyond general regulations regarding the Protection of Personal Data and Electronic Information and Data. Indonesia needs regulations regarding the use of facial recognition for the interests of the state and law enforcement. With this special regulation, the risk of misuse of someone's personal data through facial fingerprints can be minimized.

Based on this legal basis, the Indonesian state must have a big responsibility in implementing international provisions to make commitments to protect its users. The basic rights that people have, such as the right to privacy and the right to personal data, are important points for protection. To date, Indonesia has Law Number 11 of 2008 concerning Data and Electronic Exchange as amended by Law Number 19 of 2016 concerning Data and Electronic Exchange as amended by Law Number 27 of 2022 concerning Personal Data Protection (UU PDP ). However, seeing the large number of misuses of personal information that occur today, more definite and clear protection and guarantees of information safety are needed, especially to provide protection for personal data. The government is required to pay more attention to the protection of personal data in internet services so as not to harm the public. Thus, more comprehensive regulations are needed to cover every technological development that is widely used in Indonesia. Several parties stated that FRT could be used as a solution to protect personal data more securely because it is equipped with antimalware capabilities. On the other hand, Indonesia does not yet have specific regulations regarding the implementation of FRT so it is still difficult to maximize its use in Indonesia. Apart from that, the development of FRT technology in Indonesia is still not optimal, so it often results in errors in detecting faces, thereby violating someone's privacy. The regulations needed include standards for proper use of face recognition and determining the quality of the technological tools used.

Implementation technology introduction face for system security public Chapter relevant laws and regulations in force in Indonesia with topic this is the first is Constitution Number 19, Article 26 Paragraph 1 of 2016. Article This reads: " Except otherwise determined by the Regulations Legislation use any information via electronic media involving personal data somebody must done on the consent of the person concerned" Article 26 Paragraph 1 of the Law Number 19 of 2016 own significant relevance with topic use technology introduction face in context security public and its impact to privacy individual. Chapter This emphasize importance agreement individual in use of personal data they via electronic media including

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biometric data like face, and set base law for protection privacy in context technology introduction face.

#### 4. Conclusion

Related conclusions human rights violations in use technology introduction face (face recognition) in Indonesia can is Protection right basic man to public law custom in the digital realm is that protection rights This very Important and Protection privacy individual is one of necessary aspects get attention main in use technology introduction face Found that implementation technology This tend violate right privacy individual Because potency For do excessive and invasive monitoring to life personal somebody Use technology facial recognition also raises risk related human rights violations with discrimination and injustice Trend For error identification or inappropriate data usage accurate can cause treatment that is not fair to individuals esp group prone to like minority ethnicity or religion. Steps concrete need taken by governments and institutions related For strengthen enforcement law and supervision to use technology introduction face This covers enhancement transparency accountability and independence institution supervisor in supervise implementation technology This For ensure obedience to human rights principles In Indonesia, regulations stated laws in Article 26 Paragraph 1 of the Law Number 19 of 2016 confirms need For get agreement individual before using personal data they via electronic media including biometric data like face.

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