



**PROCEEDING OF INTERNATIONAL CONFERENCE ON
THE LAW DEVELOPMENT FOR PUBLIC WELFARE**

ISSN: 2798-9313

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

The Urgency of Using Artificial Intelligence in Law Enforcement against Children in Indonesia

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Abstract. This article seeks to explore the urgency of using artificial intelligence in child law enforcement in Indonesia. The presence of artificial intelligence (AI) is increasingly becoming a hot topic of conversation. Various lines of life have begun to look at the use of AI. This includes in juvenile law enforcement. There are still pros and cons of using AI because of the risks that can lead to legal problems, one of which is data protection. Novelty in this research is to discuss the urgency of using AI in child law enforcement in Indonesia. This research uses a qualitative approach with a library research method. Data is obtained through literature study of books, articles and other related documents. The results show that the use of AI in law enforcement against children in Indonesia is not yet fully urgent to use. AI cannot replace the position of law enforcement. Moreover, law enforcement against children requires more in using taste, karsa and conscience. The use of AI can only be as a support to complement the data needed.

Keywords: Artificial Intelligence; Enforcement; Law.

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1. Introduction

Technological advancements cannot be circumvented. Various aspects of life have now begun to lead to the use of AI. Among them are the fields of education, health, banking and even those in the legal world are increasingly utilizing the sophistication of this technology. French Tech Indonesia said AI helps automate routine tasks, detect fraudulent activity, and provide valuable insights for risk assessment in the banking industry. In the health sector, AI helps in early disease detection, treatment plans, and telemedicine, thus facilitating health services (tempo.co, October 6, 2023).

In law enforcement, a concrete example that already exists in front of the public in various regions is the use of e-tickets (electronic tickets). Where e-tickets are an electronic system for monitoring and enforcing traffic laws in electronic form that utilizes CCTV support tools and replaces the manual ticketing system that uses ticket blanks / letters (CNBC.com, March 20, 2023).

Some hope that AI can take a role in decision-making for law enforcement in Indonesia, because AI can process legal documents, conduct risk analysis, search for information, make decisions, case management, and prevent fraud (Telkomuniversity.com, October 4, 2023). However, this of course requires further study regarding the utilization of AI in law enforcement. This paper seeks to explore the urgency of using artificial intelligence in law enforcement against children in Indonesia. This paper is expected to be useful and provide recommendations for policy makers in the use of AI as a child law enforcement tool in Indonesia.

Provision of Artificial Intelligence in Indonesia AI is currently used in various sectors such as trade, health, law, and politics. This proves that AI has been used in various fields of people's lives. AI has 3 (three) levels of change or evolution, namely (Ashshidqi, 2019): (1) Artificial Narrow Intelligence (ANI) which is

is a form of Weak AI. (2) Artificial General Intelligence (AGI) or better known as Strong AI which has abilities comparable to humans. (3) Artificial Super Intelligence (ASI) is a form of AI that is intentionally created to surpass human capabilities.

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Based on current conditions, the development of AI is still in the stage of a weak form of AI, because AI is still operated by people. Nevertheless, the development of AI can be said to be able to surpass human capabilities so that it can perform an action without going through a command mechanism from humans.

Article 1 point 8 of Law No. 19 of 2016 on the Amendment to Law No. 11 of 2008 on Electronic Information and Transactions (UU ITE) states that an Electronic Agent is a device of an electronic system made to perform an action on certain electronic information automatically organized by a person. Based on this definition, it can be said that the current position of AI is an electronic agent, because AI is still operated by a person who wants a certain action using AI. If there is a development of AI that goes beyond human action, the definition of Article 1 point 8 of the ITE Law can no longer be used as the basis for regulating AI in Indonesia.

The rapid development of AI technology that is no longer in accordance with the scope of the existing regulations in the ITE Law is one of the problems that occur in Indonesia. For example, the regulations in the ITE Law do not yet regulate actions that can be carried out by AI without orders from humans. Regulations must be prepared in order to anticipate this to protect the interests of society. This is in accordance with what Satjipto Rahardjo stated about progressive

law which states that the law does not exist for itself as initiated by positive legal science but for humans in order to achieve human welfare and happiness. Therefore, the law is always in the status of "law in the making" (law that is always in the process of becoming) (Rahardjo, 2005: 3 - 5).

Thus, it is important for policy makers to immediately anticipate the existence of AI with regulations that are able to cover all actions carried out using AI.

2. Research Methods

The method used in this legal writing is normative legal research. Normative legal research method is research that has an object of study on the study or rule of law. In accordance with its type, this research focuses on the study of the positive legal norm system

3. Results and Discussion

3.1. Law Enforcement against Children Using Artificial Intelligence

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Law enforcement according to Soerjono Soekanto can be influenced by legal factors, law enforcers, facilities, society, and culture (Soekanto, 2004: 8 - 42). Legal factors are laws and regulations that regulate certain issues. Related to information technology, the ITE Law is one of the legal products that regulates related to electronic transactions and those related to cyberspace. Law enforcement factors, namely police, prosecutors, judges who have integrity and capability on issues related to a legal act, for example those related to cyberspace. Community factors, which are related to the needs of the community for regulation and law enforcement of an action related to cyberspace. Cultural factors, which are related to the culture of society in influencing the law. Facilities and infrastructure factors, which are related to the tools or devices used to support the implementation of law enforcement. This factor is the most important factor in the implementation of law enforcement related to AI. AI is a device or tool that can assist law enforcement in carrying out law enforcement. An example of successful law enforcement using AI is the implementation of e-tickets, where e-tickets avoid the occurrence of other criminal acts such as bribery to a law enforcer. It should be noted that law enforcement carried out by a device or tool will be treated differently from law enforcement carried out by a human. Riki Perdana Waruwu said, a judge is attached to 3 (three) types of justice when handling a case, namely legal justice, moral justice, and social justice (Mahkamahagung.go.id, September 27, 2023). In addition, Abdurrahman Rahim said that in the law enforcement process, AI cannot provide benefits because AI cannot consider. AI cannot provide justice even though it has used algorithms, and AI cannot consider expediency in a problem (Mahkamahagung.go.id, September 27, 2023). AI will never be able to replace the profession of a judge, because AI cannot think like a human being who has taste, karsa, and conscience. The justice provided by AI is rigid and does not care whether the justice is in accordance with the principles of humanity or conscience. Therefore, in deciding a case, it cannot be replaced by devices or tools in deciding it.

A tool such as AI can play a role in assisting the law enforcement process in carrying out the technical administration of litigation such as making decisions neatly, smoothly, and legibly. AI can shape the law enforcement process by selecting judges who are suitable for the case at hand and adjusted to the workload of a judge. Similarly, other law enforcement that can be carried out by AI is by helping law enforcement to find criminals by tracking the whereabouts of criminal offenders. However, to decide a case or criminal offense, intuition and conscience are still needed.

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The House of Representatives, especially Commission I and Commission III, which have legislative and supervisory functions, need to pay attention to the existence of AI. Commission I of the DPR RI needs to pay attention to the use of AI in all sectors, in addition to the legislative function, Commission I of the DPR RI also needs to review the definition of AI contained in the ITE Law. The definition in the ITE Law must be able to cover the existence of AI and its development. Commission III of the House of Representatives needs to supervise law enforcement, so that every application or system built by law enforcement agencies can guarantee that the system is indeed for the needs of the community.

4. Conclusion

The presence of AI can be used in various fields such as commerce, education, health, banking, or law enforcement. Explanations related to AI in the ITE Law are potentially unable to reach the evolution of AI. Law enforcement is influenced by several factors, in the field of technology, an important factor is facilities and infrastructure. AI as a tool or device in law enforcement against children is more appropriate to assist law enforcers with administrative techniques, prevention efforts, and finding perpetrators of criminal acts. AI cannot replace the determinants of justice or policy, because AI does not have taste, compassion, and conscience. Commission I DPR RI plays a role in overseeing the use of AI in all sectors. The legislative function is also carried out by reviewing the definition of AI that can cover AI activities and evolution. Commission III of the House of Representatives needs to supervise law enforcement in the use of AI so that it is in accordance with the needs of society. The use of AI in law enforcement against children in Indonesia is not yet urgent. AI cannot replace the position of law enforcement. Moreover, law enforcement against children requires more use of taste, karsa and conscience. The use of AI can only be as a support to complete the data needed.

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