

Legal Review of the Policy on the Use of Artificial Intelligence in the Judicial System in Indonesia

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Abstract: The use of artificial intelligence (AI) in legal practice is increasingly growing, particularly in legal precedent research and the drafting of court documents. This study employs a normative juridical approach and aims to examine the legal aspects of a specific case, focusing on the professional responsibility of lawyers, procedural law provisions, and the impact on the integrity of the judicial system. The findings indicate that although AI enhances efficiency, its use without human verification can undermine legal credibility and lead to ethical and legal sanctions for practitioners.

Keyword : Artificial Intelligence, Legal Practitioners, Legal Ethics

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INTRODUCTION

The rapid development of information and communication technology has brought significant changes in various aspects of life, including in the field of law (Muh. Taufik Darmawan, Amir Junaidi, Ariy Khaerudin, n.d.). One prominent innovation is Artificial Intelligence (AI), which is designed to mimic human intellectual abilities. AI has had a positive impact in various sectors, such as telecommunications, banking, manufacturing, services, and government (Amelia et al., n.d.). Artificial Intelligence (AI) has become the main spotlight among the general public, government institutions, and the academic world. Britannica defines AI as the ability of a computer system or a computer-controlled robot to perform tasks that generally require human intelligence (Arnav Michael and V. Selvie Sinaga, n.d.). However, not all technological developments always align with the prevailing social norms in society. One form of innovation that has attracted considerable attention is the emergence of Artificial Intelligence (AI) technology, which in its development has raised various ethical, social, and legal implications. Currently, Indonesia does not yet have specific regulations that explicitly govern the use of artificial intelligence in the judicial system. Nevertheless, there are several regulations related to the digitalization of legal processes, one of which is the Supreme Court Regulation (PERMA) No. 1 of 2019 concerning the Administration of Cases and Trials in Courts Electronically. (Zahra Kamila, 2025)

In Indonesia, the integration of AI in the judicial system began to be seen with the launch of the E-Court application by the Supreme Court in 2018. On August 18, 2023, coinciding with the 78th Anniversary of the Supreme Court, five AI-based applications were launched, namely Smart Majelis, Court Live Streaming, Satu Jari, Lentera 2.0, and e-IPLANS. This step demonstrates a commitment towards a great

and modern judiciary, in line with the 2010–2035 Judicial Reform Blueprint. (Judijanto et al., 2024) Basically, the use of Artificial Intelligence in the legal domain today can be conceptually classified into several main categories. First, legal administrators, namely those responsible for formulating and enforcing the law, such as judges, legislators, administrative officials, and law enforcement officers. Second, legal practitioners, especially lawyers, who are beginning to integrate AI technology into their professional practice. Lastly, legal subjects, namely individuals, business entities, and organizations that utilize legal instruments to support and realize their interests or objectives. (Pramesti & Saputra, n.d.)

However, the application of AI in the judicial system raises complex legal questions. One of them is whether AI can replace the role of a judge in making sentencing decisions. (Sebayang et al., 2024) Some experts argue that at present AI cannot replace the role of judges, especially in the criminal justice system, because judicial decisions are based on convictions that AI cannot yet possess. For example, in a case in the United States, a lawyer again faced trouble for citing fictitious legal cases generated by AI. Michael D. Cohen inadvertently provided incorrect legal references to his attorney, David M. Schwartz, who then included the false citations in documents submitted to the Federal District Court. According to The New York Times, the citations came from the Google Bard AI program. The use of false legal citations generated by AI in court documents can violate several ethical and legal rules, including:

1. Violation of Attorney Professional Ethics
Violating the Rules of Professional Conduct, particularly related to honesty and integrity in presenting information to the court.
In the US, the American Bar Association (ABA) stipulates that lawyers must ensure that all information submitted is accurate and not misleading.
2. Violation against the Court
Submitting false or misleading information may be considered contempt of court as it undermines the integrity of the legal process.
Judges may impose legal sanctions, including fines or suspension from practicing law.
3. Violation of Federal or State Regulations
If serious negligence or intent is found, a lawyer may be subject to sanctions under Federal Rules of Civil Procedure (FRCP) Rule 11, which prohibits filing legal documents with unfounded claims or without adequate verification.
4. Potential Legal Malpractice Lawsuit
Clients harmed by such errors may file a legal malpractice lawsuit against the lawyer who used false legal citations.

On the other hand, the use of Artificial Intelligence (AI) in the Indonesian judicial system is beginning to be considered as a tool that can improve efficiency and consistency in legal decision-making. In the context of minor and administrative cases, such as traffic violations, the use of AI is deemed feasible. This system can automatically identify violations based on recorded data, such as surveillance cameras, and generate decisions or sanctions in accordance with applicable regulations. AI also has the potential to be applied to cases with certain patterns and that can be quantified, for example in narcotics crimes. In such cases, AI can be used to analyze the weight or concentration of narcotics found and relate it to criminal threats in legislation. This allows the system to provide more uniform sentencing recommendations and reduce sentencing disparities between similar cases. Nevertheless, the use of AI in serious criminal cases or complex matters still faces many limitations. This is due to the need for assessment of aspects that cannot be fully quantified, such as the perpetrator's intent (mens rea), motive, psychological state, and the social context of the criminal act. AI, as a system based on logic and data, is not yet able to fully understand these nuances as humans can. Furthermore, in complex cases, legal decisions are not only based on standard rules but also involve deep moral and ethical considerations. Judges need to assess the alignment between the facts revealed in court and the sense of justice in society. Decisions are often made through deliberations among panels of judges to balance the elements of certainty, justice, and legal benefit. Such deliberative processes cannot yet be fully replicated by AI systems. In addition, evidence in court is not always direct or quantitative. There is often debate over witness credibility, the meaning of an act, or the weight of evidence presented. The process of interpreting and evaluating these elements requires legal intuition and experience that only humans possess. In this

case, AI can only serve as an analytical tool, not as the final decision-maker. Considering the above, the position of AI in Indonesia's judicial system should be viewed as complementary, not a replacement. AI can speed up processes, assist legal analysis, and present information objectively, but the final decision must remain in the hands of human judges. This approach is important to ensure that the principle of substantive justice is maintained and that the judicial process remains humane, accountable, and aligned with the values upheld in the national legal system.

From the perspective of positive law in Indonesia, artificial intelligence (AI) still does not have a clear and specific legal framework. The main problem currently faced lies in the limited technical capacity of law enforcement officials at the police, prosecutor, and judiciary levels to respond to and handle increasingly complex and dynamic technology-based crimes. (Romadhonia, 2025) However, AI can be categorized as an electronic system or electronic agent based on the definition in Law Number 11 of 2008 concerning Electronic Information and Transactions (ITE). This categorization has various legal implications, especially in terms of liability if there are errors or losses due to the use of AI, including in the judicial system. (Jumantoro et al., 2024)

As an electronic system, AI plays a role in processing, storing, and disseminating information automatically based on programmed algorithms. In the judicial context, AI has begun to be used in case analysis, decision prediction, and in legal administrative processes. However, issues arise when decisions made by AI directly affect individual rights, for example in court rulings influenced by AI-based systems. (Hukom & Martinus, 2025) If an error occurs, the question arises as to who is legally responsible: the AI developer, the user, or the party making decisions based on AI analysis.

In the Indonesian legal system, legal liability for the use of electronic systems is generally based on who controls or uses the system. This principle is reflected in various regulations, such as the Electronic Information and Transactions Law (UU ITE), which emphasizes accountability on the actors, owners, or providers of electronic systems. However, the presence of artificial intelligence (AI) with its autonomous nature and ability to learn independently (machine learning) raises new legal questions: who should be responsible if AI acts beyond human expectations and causes harm. AI's ability to make its own decisions based on continuously updated data and patterns poses challenges in proving liability. Unlike conventional electronic systems that only execute fixed instructions, AI can develop decision patterns that do not always match the developer's initial design. In such situations, it will be difficult to prove direct fault or negligence on the part of the AI developer, system owner, or AI user, because the system can "learn" and produce decisions that were not previously anticipated.

This issue requires a new legal approach capable of addressing the complexity of the relationship between humans and AI. Some possible approaches include the concept of strict liability, which shifts the burden of proof to the AI owner or operator, regardless of the existence of fault. Another alternative is to create a specific legal framework regulating the roles and limits of responsibility of each party involved in the AI life cycle, from design, development, implementation, to supervision. On the other hand, the ethical approach cannot be ignored. AI systems used in legal processes must adhere to principles of transparency, reliability, and accountability. Without adequate regulation, the potential for violations of individual rights may increase, for example when someone is harmed by an AI-generated decision without knowing how that decision was made. Therefore, in addition to a formal legal approach, establishing ethical norms for AI use in the legal field is also crucial to ensure the protection of human rights. Considering these dynamics, it is important for policymakers in Indonesia to immediately formulate regulations that explicitly govern legal liability for AI use. Such regulations should clearly define the roles of each party involved, including developers, system owners, and users. In addition, a fair dispute resolution mechanism should be designed when losses occur due to AI decisions. This step is important to ensure that AI's presence does not create legal uncertainty but instead becomes a reliable tool in a fair and transparent legal system.

In the ITE Law, an electronic agent is defined as an information technology device used to perform a specific action on behalf of its user. If AI is treated as an electronic agent, legal liability may be transferred to the party using AI as a tool in the legal process. However, this approach still raises debate, especially if AI operates autonomously and makes decisions that are difficult to predict. Comparisons with regulations in other countries show that some jurisdictions have begun developing more specific legal frameworks for AI. The European Union, for instance, has proposed the Artificial Intelligence Act,

which categorizes AI based on risk levels and sets legal responsibilities for developers and AI system users. Indonesia can take lessons from this approach in designing a more comprehensive regulation so that AI can be used safely and responsibly in various sectors, including in the judicial system.

The lack of a clear legal framework for AI in Indonesia indicates the need for regulatory updates that can accommodate the development of this technology. The creation of more specific regulations is aimed not only at providing legal certainty for parties using AI but also at protecting the rights of individuals who may be affected by AI-based decisions. Therefore, further study is needed on how AI can be integrated into the existing legal system, as well as how accountability mechanisms can be applied fairly and effectively.

International experience shows that some countries have begun integrating AI into their judicial systems. For example, Estonia uses AI judges to adjudicate small claims disputes worth less than 7,000 Euros as an effort to improve service efficiency and reduce case backlogs. However, the application of AI in the context of Indonesian law requires in-depth study and specific regulations that align with the values of Pancasila and the 1945 Constitution. Thus, a legal review of the policy on the use of AI in the judicial system in Indonesia is important to ensure that the integration of this technology aligns with the principles of justice, accountability, and transparency in the judicial process.

Based on the background described, several issues need further examination regarding the Legal Review of the Policy on the Use of Artificial Intelligence in the Judicial System in Indonesia. These issues include aspects of regulation, legal liability, as well as the protection of the principles of justice and human rights, namely: How is the legal policy governing the use of Artificial Intelligence in the judicial system in Indonesia today.

RESEARCH METHOD

This study employs a normative juridical approach, focusing on doctrinal research to examine legal norms relevant to the use of AI in Indonesia's judicial system. This method was chosen to analyze how existing legal provisions can accommodate technological developments and ensure the protection of human rights in the application of AI. Data collection was carried out through a literature study involving primary, secondary, and tertiary legal materials. Primary legal materials include legislation related to information technology and the judicial system, such as the Electronic Information and Transactions Law (ITE Law), Supreme Court Regulations, and relevant court decisions. Secondary legal materials consist of academic literature, scientific journals, and previous research discussing the integration of AI into the legal system. Data analysis was conducted qualitatively using a descriptive-analytical approach. The collected data was classified, analyzed, and organized to build a systematic argument regarding the legal opportunities and challenges in implementing AI in Indonesia's judiciary. Through this approach, the study is expected to provide concrete policy recommendations to support the responsible and equitable implementation of AI within the national legal system. (Jannati, 2025)

RESULT AND DISCUSSION

Along with technological advancement, tangible impacts have been made on culture, while also improving the quality of life for society. (Ayuni Nilam Cahya, 2 M Amir Maksum, 3 Tubagus Akbar Satria Primadana, n.d.) Social adjustments resulting from this development have changed habits, norms, and customs, thus shaping a new culture that is relevant to the demands of the times. Culture is a product of human creation encompassing ideas, knowledge, and habits formed through the process of adaptation to the environment. The relationship between humans and culture is reciprocal—humans shape culture, while culture also shapes humans. (Martinelli et al., n.d.)

With the rapid development of technology, the use of Artificial Intelligence in Indonesia's judicial system has become an increasingly relevant topic of study. The integration of AI has the potential to accelerate case administration processes, improve accuracy in case analysis, and assist judges in drafting rulings. However, behind the various benefits offered, the implementation of AI in the judiciary also presents complex legal challenges, including those related to regulation, accountability, and human rights protection. At present, legal policies that explicitly regulate the use of AI in the judicial system remain limited.

Nevertheless, there are also various obstacles that must be addressed. From a regulatory perspective, the absence of a specific legal framework governing the use of AI in the judiciary raises concerns regarding legal certainty and human rights protection. Infrastructure limitations in several regions and the lack of experts in legal technology also pose challenges. On the other hand, acceptance from stakeholders such as judges and lawyers still varies, particularly regarding concerns over ethics, independence, and the potential for algorithmic bias in the law enforcement process.

The following table presents the supporting and inhibiting factors for AI implementation in the Indonesian judicial system, covering aspects of regulation, technological readiness, and stakeholder acceptance.

Table 1. Supporting and Inhibiting Factors for AI Implementation in the Indonesian Judicial System

Aspect	Supporting Factors	Inhibiting Factors
Regulation	Existence of legal digitalization initiatives (e-Court, e-Litigation) as an initial legal basis	Absence of specific regulations governing the use of AI in the judicial system
Technological Readiness	Development of improved digital infrastructure; availability of jurisprudence data to train AI systems	Limited technological infrastructure in certain regions; lack of human resources with AI expertise within the judiciary
Stakeholder Acceptance	Awareness of the importance of efficiency in case handling; high workload encouraging the adoption of supporting technology	Concerns regarding ethics, algorithmic bias, and judicial independence; uneven levels of trust in AI's accuracy and transparency
Institutional Support	Supreme Court's commitment to modernizing the judicial system	Budget priorities that are still limited for investment in advanced technology

Table 1 illustrates that the implementation of artificial intelligence (AI) in Indonesia's judicial system faces a variety of dynamics influenced by aspects of regulation, technological readiness, stakeholder acceptance, and institutional support. From the regulatory perspective, one supporting factor is the existence of digitalization initiatives such as e-Court and e-Litigation launched by the Supreme Court. These initiatives serve as an initial legal basis for opening the door to the use of more advanced technology in the judiciary. However, the main obstacle lies in the absence of specific regulations that explicitly govern the use of AI in legal processes, raising concerns about legal certainty and the protection of individual rights.

From the perspective of technological readiness, Indonesia has shown progress, particularly in urban areas and legal administrative centers, with increasingly improved digital infrastructure. In addition, the availability of digitized jurisprudence data can be utilized to train AI systems that support legal decision-making. Nevertheless, challenges remain in the form of infrastructure disparities between central and regional areas, as well as the limited availability of human resources (HR) with expertise in AI development and application in the legal field.

In terms of stakeholder acceptance, the high workload within the judiciary is a major driver for adopting technology that can help improve work efficiency. Some legal officers have begun to recognize the potential of AI in accelerating and simplifying case handling processes. However, major challenges remain due to resistance and skepticism toward AI, particularly concerning ethical use, potential algorithmic bias, and concerns over judicial independence and transparency in judicial processes.

From an institutional standpoint, the Supreme Court has demonstrated its commitment to modernizing the judicial system, which is a positive signal for the development of AI-based innovations. Nevertheless, budgetary constraints present a significant hurdle, as the development and integration of advanced technology require substantial investment.

Thus, while there are various opportunities for adopting AI in the judicial system, these challenges need to be addressed through synergy between regulation, improvements in technological and human capacity, and sustained policy support. The legal basis most frequently referred to is Law Number 11 of 2008 on

Electronic Information and Transactions (ITE) and Supreme Court Regulations related to e-Court. Although these rules regulate aspects of digitalization and electronic systems, there is still no regulation that specifically governs AI as an entity playing a role in legal decision-making. Therefore, there is an urgent need to design new regulations that can define the boundaries, roles, and responsibilities of AI in the judicial system.

In this regard, legal liability becomes a crucial issue in the application of artificial intelligence (AI) in the judicial system. When an error occurs in a judgment influenced by AI recommendations, important questions arise as to who should bear legal responsibility—whether it is the AI developer who designed the system, the judicial institution that adopted it, or the judge who used the recommendation as part of their consideration. This uncertainty can cause legal confusion and open the potential for violations of the principles of justice and legal certainty.

In the context of Indonesian law, AI is currently more appropriately regarded as a tool to assist in the decision-making process, not as an entity making the final decision itself. This means that the analysis or recommendations from AI systems must still undergo verification and final consideration by a human judge. This step is necessary to avoid potential human rights violations, algorithmic bias, and to maintain the substantive justice principles that underpin Indonesia's legal system. Therefore, a clear and comprehensive regulatory framework is required to govern AI use in the legal system, including the allocation of responsibilities, oversight mechanisms, and accountability in the event of errors. In addition, training for law enforcement officials, especially judges, regarding the use and ethics of AI is of great importance. With this approach, AI can function optimally as a fair, transparent, and responsible supporter of justice, rather than becoming a new source of injustice in the legal process.

The use of AI must continue to uphold the principles of justice and human rights (Oktaviani Putri Dita et al., 2024). Therefore, the algorithms used must be designed to avoid discriminatory bias and must be auditable transparently. It is also important to ensure that defendants have the right to challenge AI-generated analyses if they believe they have been disadvantaged, thereby safeguarding the principle of a fair trial.

As a next step, specific regulations governing AI implementation in the judicial system should be established. These regulations should cover aspects such as technical standards for AI development, audit mechanisms, independent oversight, and limits on AI's role in decision-making processes. In addition, training for judges and judicial officers on AI usage is also important so that this technology can be used optimally without compromising the values of justice. Such regulations should be designed with the precautionary principle in mind, given the potentially significant impact AI could have on an individual's fate in legal proceedings.

It is not only about the accuracy of the results but also about the transparency of the AI decision-making process, often referred to as the black box problem. When AI provides recommendations without being able to clearly explain the process behind its decision-making, it threatens the principles of openness and accountability in the judiciary. Furthermore, public participation must be included in the policymaking and regulation process for AI in the legal sector. This will ensure that the needs, concerns, and perspectives of various stakeholders—including civil society, academics, and legal practitioners—are well accommodated. Transparency in policy formulation will enhance the legitimacy of AI use and strengthen public trust in the judicial system that utilizes it.

Independent oversight mechanisms are also essential to prevent potential misuse of technology. Such oversight bodies should be autonomous and composed of various elements, including technology experts, legal scholars, civil society representatives, and government oversight agencies. The function of this body should not be limited to evaluating AI performance but also to receiving complaints from the public in cases of suspected violations or harm caused by AI use.

From a technical standpoint, AI development must meet high ethical and professional standards. Each algorithm developed needs to be thoroughly tested and calibrated to recognize local legal contexts, cultural values, and Indonesia's social diversity. The system must also be able to handle data securely, respect privacy, and prevent the misuse of sensitive information.

In the context of legal education, the curriculum for prospective judges and judicial officers should begin to incorporate materials on legal technology (legal tech), including an in-depth understanding of the potential, risks, and ethics of AI use. This understanding is important so that they are not merely passive users but are also critical and responsible towards the technology used in legal processes. In addition to the curriculum, ongoing training should also be conducted periodically to ensure judicial officers keep up with rapid technological developments. This will also reduce excessive dependence on AI systems, as legal officers will remain equipped with strong analytical skills and ethics in decision-making.

Furthermore, AI use must adhere to the principle of non-discrimination. AI systems used in the judiciary must not treat individuals differently based on race, religion, gender, social status, or economic background. Therefore, AI training data must be free from bias originating from past discriminatory practices.

In fact, it can be acknowledged that AI implementation in law must be carried out gradually, in a measured way, and its impact on the fundamental principles of justice must always be evaluated. With the right approach, AI can become a tool that promotes a more efficient, transparent, and just legal system.

Next, there must be interoperability standards to ensure that AI systems used in the judiciary can integrate with other legal information systems, such as court databases, prosecution systems, police systems, and legal aid institutions. With an integrated system, legal processes can be conducted more efficiently, minimizing errors due to lack of information or data inconsistencies between institutions.

In the legal context, it is important to ensure that AI does not replace the fundamental role of judges as human enforcers of justice. AI lacks empathy, conscience, or sensitivity to complex social contexts, which are often crucial in making judgments. Therefore, AI's role must remain limited to providing information or recommendations, not making the final decision.

Regarding the principle of due process of law, the use of AI must not reduce the fundamental rights of litigants, including the right to know how decisions are made and the right to refute or request clarification on AI recommendations. This means AI systems must have explainability features, i.e., the ability to explain the basis for each decision or recommendation in a logical and understandable manner.

From a legal philosophy perspective, the application of AI in the judiciary raises profound questions about the nature of justice. Can justice be fully delegated to an automated system, or must it remain tied to human values that cannot be reduced to algorithms? This question is important to answer so that AI development in law is not only technical but also philosophical and ethical.

It is also necessary to study the social impact of AI implementation in courts. For example, does AI use increase public trust in the legal system? Do people feel that legal processes are more transparent and fair, or do they feel alienated and misunderstood because decisions are based on machines? Public perception is an important factor in legal legitimacy, and this aspect must not be ignored.

AI also opens opportunities for broader and deeper legal analysis, such as identifying patterns of discrimination in past court rulings, predicting the legal consequences of certain policies, or providing simulations of various legal scenarios. If used wisely, these capabilities can be highly beneficial tools for policymakers and legal academics.

However, AI development can also create disparities in access to justice if it can only be used by parties with significant technological resources, such as corporations or certain state institutions. Therefore, it is important to ensure that legal technology, including AI, is inclusive and accessible to all segments of society, including those without a technological background.

On the other hand, international cooperation is also necessary, given that AI and legal issues are cross-border in nature. Indonesia can learn from other countries that have adopted AI in their judicial systems earlier, both in terms of best practices and failures to avoid. International forums and regional collaborations can serve as platforms for establishing global ethical standards in AI use in the legal field.

Finally, a multidisciplinary approach is essential in developing and implementing AI in the legal field. The involvement of legal experts, computer scientists, ethicists, sociologists, and psychologists is necessary so that AI systems truly reflect social complexity and the values that live in society. Thus, AI will not merely be a technical tool but also an instrument aligned with the principles of democracy and substantive justice.

CONCLUSION

The use of artificial intelligence (AI) in Indonesia's judicial system holds great potential to improve efficiency and consistency, particularly in administrative cases. However, in complex cases that require moral judgment and subjective consideration, AI cannot yet replace the role of judges. Currently, Indonesia does not have specific regulations governing the use of AI in the judiciary, creating a legal vacuum and uncertainty, especially regarding legal liability in the event of errors. A new legal approach is needed, including specific regulations, liability schemes, and oversight systems. The use of AI must continue to uphold the principles of justice, transparency, and human rights. Algorithms must be free from bias and auditable, and defendants must have the right to reject AI-generated analyses. Therefore, AI should be positioned as a tool to assist judges, not as a replacement, supported by comprehensive regulation and training for legal practitioners.

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