



Legal Protection Of Artificial Intelligence Design Artworks In Indonesia

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Abstract

In the midst of developments, many technologies are developing rapidly, one of which is artificial intelligence which was created to make human work easier. However, on the other side of the benefits for humans in using Artificial Intelligence technology, there is a problem that must be resolved in the future. One of them is a legal problem that is being faced all over the world. Even in Indonesia, several artists working in the field of design art still consider the use of Artificial Intelligence to violate copyright regulations. This is caused by the absence of strong regulations that specifically regulate Artificial Intelligence in Indonesia. Therefore, this research aims to see how moral responsibility is when the law makes actions that have a direct impact on society and how legal protection is for design art results that use artificial intelligence when linked to applicable regulations This research uses normative juridical research methods with a conceptual approach. The conceptual approach is based on the views and doctrines of various experts who have experienced developments in legal science. In Indonesia itself, there are no legal regulations that apply specifically to regulate Artificial Intelligence. In Law number 19 of 2016 concerning Information and electronic transactions, it is explained that Artificial Intelligence is categorized as a legal object, not a legal subject, but this does not rule out the possibility that Artificial Intelligence could become a legal subject. Meanwhile, Law no. 28 of 2014 concerning copyright explains that the person who can be held responsible before the law is the creator of the AI or the service provider for using Artificial Intelligence and for the results of the design artwork not violating copyright while taking data on the design artwork taken from the property. another person has obtained a license or permit by the person concerned. Therefore, it is immediately necessary to enact special laws that

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regulate Artificial Intelligence and to overcome further undesirable things, society needs to pay attention to moral responsibilities in using Artificial Intelligence, such as understanding how to use this technology in an ethical, responsible manner. and know the limits and need to ensure that no party is harmed

Keyword: Copyright, Artificial intelligence, Desain artworks

1. INTRODUCTION

The history of the birth of Intellectual Property Rights in Indonesia. Historically, legislation in the field of Indonesian IPR has existed since the 1840s. The Dutch colonial government introduced the first law regarding IPR (Intellectual Property Rights) in 1844. Furthermore, the Dutch government promulgated two regulations regarding brands and copyright, namely the trademark law in 1885, the patent law in 1910, and the -copyright law in 1912. At that time, Indonesia was still called Netherlads East-indies. At that time Indonesia had been a member of the Paris Convention for the Proction of Industrial Property since 1888 and a member of the Berne Convntion for the protection of Literary and Artistic Works since 1914.(Andry Novelino,,2022) After Indonesia became independent the Indonesian government promulgated law number 21 of 1961 concerning brands, which followed by law number 6 of 1982 concerning copyright.After undergoing several changes to international conventions, including TRIPs, the latest IPR laws from the three main branches are Law No. 19 of 2002 concerning Copyright, Law No. 14 of 2001 concerning Patents. To complement the existence of the IPR Law, the government has created 4 (four) other IPR Laws, namely the Plant Variety Protection Law (UU No. 29 of 2000), the Trade Secrets Law (UU No. 30 of 2000), the Industrial Design Law (UU No. 31 of 2000), and the Integrated Layout Design Law (UU No. 32 of 2000) and now the UUHC has undergone another change, namely the Law

Copyright Law Number 28 of 2014. Intellectual Property Rights are categorized as individual property rights, especially rights that are not realized. Basically Intellectual Property Rights melindungi hak eksekutif investor protects the rights of executive investors and creators over discoveries and creations in the fields of art, literature, science, technology and even trademarks. The regulations of Law No. 28 of 2014 concerning Copyright (UU HC) and Law No. 13 of 2016 concerning Patents (Patent Law) recognize that the exclusivity of IPR owners is protected and realized through the existence of moral and economic rights belonging to the subject of intellectual work creation. Copyright is one part of Intellectual Property Rights. Copyright is the exclusive right of the creator which arises automatically based on declarative principles after a work is realized in real form without specifying restrictions in accordance with statutory provisions.





Copyright itself has the broadest scope of protected objects, because it covers science, art and literature (art and literature), which also includes computer programs. Understanding Artificial Intelligence According to experts, including: According to H. A. Simon (1987) Artificial Intelligence (AI) is an area of research, applications and instructions related to computer programming to do things that in the human view are intelligence. Meanwhile, according to Rich and Knight (1991) Artificial Intelligence (AI) is the study of how to make computers do things that humans can currently do better. We can conclude that Artificial Intelligence (AI) concerns the study of human thought processes and is related to representing these thought processes through machines.(Bapeda Jabar,2022) In this case, science and technology, Artificial Intelligence (AI), has begun to develop over time, experiencing very rapid and significant changes. The existence of internet technology has been able to increase efforts to disseminate ideas. Such a wealth of information and knowledge can be accessed by all people throughout the world. The human ability to create something is the result of thought, effort and creativity which is called intellectual property. In this digital era, works that are usually in physical form can be transformed into digital form. Nowadays, digital works have become commonplace and cannot be separated from everyday life. At this time artificial intelligence has a function or also have the same function as humans, namely being able to solve problems, communicate and also produce works or digital products that already have their own consumers and are well known among the public. Here we will explain a little about the beginnings of Artificial Intelligence (AI) in art. The application of Artificial Intelligence (AI) in the field of art began in the 1960s when researchers and artists began experimenting with computers to create works of art. One example is the work of Michael Noll, a Bell Labs engineer who succeeded in creating a computer program that produces a geometric pattern similar to the artwork of Piet Mondrian. Since then, many researchers have started looking for ways to combine artificial intelligence with art. In the development of artificial intelligence there are 3 (three) levels of change or evolution, namely Artificial Narrow Intelligence (ANI) which is a form of weak AI, then there is Artificial General Intelligence (AGI) or better known as strong AI which has capabilities comparable to humans, and finally Artificial Super Intelligence (ASI) which is AI that was deliberately created to surpass human capabilities (Ashshidqi,2019).(Haris,2022)

With the increasing development of technology, especially artificial intelligence (AI), it is feared that the six basic principles of artificial intelligence (AI) will be out of control, namely, must comply with data privacy, must be transparent in providing information, must be fair to everyone, must be reliable in operation and carry out strict testing. , inclusive, that is, it can address various human needs and experiences and accountable, that is, the design must be responsible for how the system operates. In the end it all depends on how you design

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or apply artificial intelligence (AI). If we stick to these six principles then artificial intelligence (AI) can be used for good things. (Haris,2020)

With the existence of Artificial Intelligence (AI) makes many questions about the issue of infringement regarding copyright and increasingly difficult to identify anyone who committed infringement so it is not an easy thing to protect a work in the form of Artificial Intelligence (AI). Copyright infringement in Artificial Intelligence (AI) has disturbed creators and triggered a question over the creator's legal protection against actions that are not in accordance with RI Law No. 28 of 2014 concerning Copyright which asserts that a work is protected and its creator has exclusive rights. Exclusive rights are rights that are widely reserved for creators so that no other party can use these rights without permission (Ujang Badru Jaman et al., 2021).

The research that the author will examine later has differences with some previous research that may also have been discussed by some previous research, but here the author will try to complement and perfect this research that will be useful for the future with increasingly sophisticated technology. And it also answers unanswered questions from previous research. Here we will raise the title of the research "Legal Protection of Artificial Intelligence Design Art Works in Indonesia" why we chose the title of this study we ourselves want to know how the moral responsibility of the use of Artificial Intelligence (AI) and the extent of legal protection of Artificial Intelligence (AI) design artworks in Indonesia.

1.1 Problem Statement

1. What is the moral responsibility when artificial intelligence makes decisions that impact individuals or society?
2. What is the legal protection for Artificial Intelligence users from design artworks that use Artificial Intelligence in Indonesia?

1.2 Purpose

1. To know moral responsibility when artificial intelligence makes decisions that impact individuals or society.
2. To analyze and find out the legal protection of copyright on design artworks from the results of artificial intelligence (AI)

1.3 Benefit

- a. Theoretical Benefits
 - Expected to provide thoughts in the framework of efforts to develop science in the field of civil law, especially regarding the type of copyright protection in art design.





- It is expected to be used to provide insight and knowledge about intellectual property.
- b. Practical Benefits
 - It is expected to provide information to design holders regarding design protection carried out by someone who is not responsible.
 - It is expected to provide benefits and information to the general public regarding the application of the design law to violations.

2 RESEARCH METHODS

The research method used in this research is to use normative juridical research, which is a legal research conducted by examining library materials or secondary data to find out and understand the facts that are happening in society associated with current laws and regulations. This research will use a conceptual approach and a statutory approach. The conceptual approach refers to the principles that exist in views or doctrines that develop in legal science. While the legislative approach refers to laws and regulations in the form of legislation and related regulations and the principles that apply to the legislation. The approach is carried out by analyzing how the concept of AI in the perspective of existing regulations, as well as how legal developments against the events of the rapid development of artificial intelligence.

3. RESULTS AND DISCUSSION

3.1 Moral responsibility when artificial intelligence is able to make decisions that impact individuals or society

Artificial Intelligence (AI) is a clear evidence of rapid development in the world of technology. Artificial intelligence is a part of computer science that studies how to make computers do work like and as well as humans. (Luthfi, 2018) President Joko Widodo stated that Indonesia is in the world's Artificial Intelligence (AI) battlefield. Statement he made at the opening of the BPPT National working meeting on March 8, 2021 This technological change cannot be ignored by humans because humans need to adapt to the existence of AI that allows them to be able to carry out tasks as well as humans.

Changes that occur with the development of technology and the emergence of artificial intelligence can cause various debates about morals and laws related to the existence of artificial intelligence that is widely used by the people of Indonesia. Especially when Artificial Intelligence (AI) technology is able to make decisions that have a significant impact on the lives of individuals and society as a whole. Because of this, Artificial





Intelligence (AI) has enormous potential to change the way we work, communicate, interact, and make decisions.

AI users must understand how to work using this technology in an ethical, responsible way, and know its limits and need to ensure that no party is harmed either individuals or groups. The use of AI should be used with the aim of strengthening and improving social justice, not exacerbating existing inequalities, and ensuring that the benefits of artificial intelligence technology can be felt by all levels of society. Openness in the decision-making process made by AI should be done with public scrutiny, this transparency can increase public trust and ensure decisions made by AI can be accounted for.

Research conducted by Bullock (2019) concluded that in solving problems, computers are superior in high-level analysis with low levels of uncertainty and complexity, while humans are more effective in handling problems that are more complex, full of uncertainty, and require low-level analysis. "Moreover at the social level, as Artificial Intelligence (AI) continues to improve our decision-making processes, how can we ensure that Artificial Intelligence (AI) can treat everyone fairly? And how we can ensure every person and organization to remain accountable over systems driven by Artificial Intelligence (AI), which are not only becoming more widespread, but also smarter and stronger? These are some of the key questions that must be pondered, analyzed, and elaborated by every individual, business and government seeing the rapid development and proliferation of Artificial Intelligence (AI)," explained Haris Izmee, President Director of Microsoft Indonesia.(Microsoft,2018) The statement underlines several problems that arise along with technological advances in AI decision-making such as increasing efficiency and accuracy in decision making in various aspects of life. But with intelligence on the rise, it raises the question of how AI can be fair in making decisions for individuals. This raises concerns in algorithms and the possibility of unintentional discrimination. It is important to ensure that AI not only delivers accurate results but treats all individuals fairly. The increase in AI's ability to make decisions also raises questions about who is responsible for the decisions that AI makes. This needs to be considered, both users and AI development, and in terms of ethics, morals and social implications of the technology used and developed. Because of this, governments, laws, individuals, and businesses need to collaborate together to reflect, analyze and elaborate on the impact and implications of using artificial intelligence.

In several other sources, it was emphasized that ethics should be an important part in the development of AI technology, and society should play an important role in decision-making about how and when AI systems are deployed. Artificial Intelligence (AI) capabilities have advantages, especially in the process of searching, processing, processing data quickly





and presenting the right predictions. Thus, the process of AI in making decisions based on the data provided may not be suitable for the situation on the ground, which can be a weakness for AI compared to decisions taken by humans, because humans can consider a wider range of factors and more difficult to measure such as moral values, ethics and social context. Therefore, AI users need to consider moral and ethical principles to ensure that they protect privacy and do not harm individuals or society. Pancasila, as a framework of national moral values that is the basis for the development and civilization of the Indonesian nation, has a central role in directing the development of Artificial Intelligence (AI) technology in the country (Ramdhani et al., 2022). Thus, the integration of law and moral values will ensure the implementation of AI in various fields such as art, business, health, and research is not only beneficial practically, but also in accordance with the values of justice, usefulness, and unity. Thus, artificial ingenuity can contribute positively to The development of a more moral and ethical society in the digital era which is dominated by artificial intelligence.

3.2 Legal Protection for Users of Artificial Intelligence and Design Works Using Artificial Intelligence in Indonesia

Artificial intelligence (AI) first appeared in 1956 in a conference attended by Artificial intelligence researchers at Dartmouth by a professor named John McCarthy from the Massachusetts Institute of Technology. At the conference also explained the definition of the main purpose of Artificial Intelligence, namely: to know and model human thought processes and design machines to be able to imitate human behavior.

However, actually the concept of Artificial intelligence has been implanted long before the conference. Experts in the field of technology from time to time have conducted research after research to develop Artificial intelligence technology. Where in every period of the year Artificial intelligence technology continues to develop. The existence of Artificial intelligence also continues to experience memory in its use. This is due to the huge impact on human work, berinteraksi, interact, and make decisions. Where Artificial intelligence can ease human work and can even be faster and more efficient.

Based on the opinions of haag and keen experts that the understanding of Artificial intelligence is a field of study that deals with the capture, modeling, and storage of human intelligence in an information technology system so that the system can facilitate the decision-making process that is usually done by humans. According to H.A Simon (1987) artificial intelligence is an area of research, applications and instructions related to computer programming to do something that in the human view is intelligent. While according to Rich and Knight (1991) Artificial intelligence is a study of how to make computers do things that at this time can be done better than humans. Based on the opinions of these experts, it can





be interpreted that Artificial intelligence is a field of science that focuses on developing a system and is created that is able to perform tasks that usually require human intelligence. Significant changes in the order of human life have continued to occur since globalization, which affects from the outer side of human life to the intellectual side which is one of the most important sides of humans. Not only that, the development of technology and information in globalization also brings changes in human behavior and life so that it can change the pattern of people's lives in certain fields such as economics, social culture, and even the legal framework. Where Artificial intelligence is the most rapid progress in the use of technology, which relies on learning algorithms that can be equated with robotic machines that function to replace work that can be done by humans.

With technological advances, Artificial intelligence can now create works of art that meet the criteria of aesthetics and creativity (Miller, 2020). Artificial intelligence provides many changes in the field of art and design because it has the ability to be used to help humans to create works of art and can create works of art as independent creators of these works without any intervention from humans directly as independent creators of these works. Artificial intelligence (AI) can now be used in various branches of art including music, drawing, and graphic design.

Even in Indonesia itself, the use of Artificial Intelligence (AI) has been widely used by several structures of Indonesian society. The results of a populix survey in April 2023 of 530 respondents of workers and employers conducted online stated that almost half or around 45% of workers and employers in Indonesia have used Artificial Intelligence (AI) technology, and the most widely used is ChatGPT. Even this use of Artificial Intelligence (AI) occurs and has been widely witnessed by the Indonesian people such as an advertisement for one of the instant noodle brands, props for the 2024 election campaign, and so on.

One of the considered offenses using Artificial Intelligence (AI) in Indonesia is in the field of art design. The meaning of 'artwork' itself according to KBBI is a creation that can cause a sense of beauty for people who see, hear, or feel it. Some of the Indonesian people whose profession is in the field of design art who expressed their attitude did not support the existence of artificial intelligence in Indonesia and some also felt uneasy because they felt that the development of artificial intelligence in Indonesia could not be controlled both in terms of social society and in terms of existing regulations.

Artificial Intelligence (AI) technology can produce works of art that are often indistinguishable from those produced by humans (McCormack et al., 2020). However, this ability raises big questions about the intellectual ownership of artworks produced by Artificial Intelligence (AI) and the legal protection given to these works. Based on several internet sources and according to several artists in Indonesia, it is said that Artificial





Intelligence (AI) often takes the action of taking other people's work without the permission of the person concerned. This can certainly be a violation of the intellectual property rights regulations that have been implemented in Indonesia.

Before that we try to conclude first whether Artificial Intelligence (AI) is a legal object or legal subject. Judging from the developments that have occurred at this time the ability of Artificial Intelligence (AI) in running a program can already exceed the capabilities of humans, and again the developments that can be seen at this time Artificial Intelligence (AI) is able to perform all automatic actions as if like a human. Theoretically, the so-called legal subjects are those who can make a legal action or legal action and the legal subjects described in Indonesian positive law are "humans (natuurlijke persoon)" and "legal entities (rechts persoon)" (Jaya, Febri, and Wilton Goh, 2021)

However, according to Salmond, "So far as legal theory is concerned, a person is a being whom the law regards as capable of rights and duties. Any being that is so capable is a person, even though he may be a man". Based on Salmond's statement, it can be explained that what can be said as a legal subject has the capacity of a human or legal entity that has been determined by law. according to L. J. van Apeldoorn that "to be able to perform legal acts, certain conditions are required, namely legal subjects who have the ability to hold rights". According to L. J. van Apeldoorn, "the ability to hold the rights in question must be distinguished by capacity in legal acts as persons under age and people are in under guardianship are called legal subjects because these people have rights, which can only be determined by the law itself. (Jaya, Febri, and Wilton Goh, 2021)

In Article 1 Number 1 of Law 19/2016 concerning Amendments to Law Number 11 of 2008 concerning Electronic Information and Transactions, which are referred to as legal subjects, including:

1. "Pengirim"
2. "Receiver"
3. "Person"
4. "Business Entity"
5. "Government"

If reconsidered in point 3 of Law 19/2016 concerning Amendments to Law Number 11 of 2008 concerning Electronic Information and Transactions, which can now be interpreted as Artificial Intelligence (AI) can be said to be not a legal subject but a legal object, it can be used as a new thing for Law 19/2016 to make changes or adjust and follow technological developments. So the position of Artificial Intelligence (AI) as a legal subject is not a dream or fantasy, but the position of Artificial Intelligence (AI) as a legal subject is a change, development, breakthrough and allows for the law itself. In Indonesia, regulations on





intellectual property rights apply, which are legal rights related to the results of the discovery and creativity of a person or group. Where intellectual property rights are divided into several laws and regulations, one of which is copyright.

Copyright regulations contained in Act no. 28 of 2014 which states that the scope of copyright is science, art and literature. In Article 1 number 1 of the Copyright Act explains that copyright is an exclusive right granted to the creator automatically and also uses the declarative principle. In number 2 of Law no.28 of 2014 is also written that the creator is a person or several people who produce a creation, which in number 3 creation is the result of copyrighted works produced by the ability and mind which means it is the result of human thought.

The granting of copyright and royalties is an effort to provide legal protection to the creator. In addition, in Indonesia until now Artificial Intelligence (AI) has not been specifically regulated in any laws or regulations, but in law number 19 of 2016 concerning amendments to law number 11 of 2008 concerning Electronic Information and Transactions it can be said that Electronic Agents have similarities with Artificial Intelligence (AI). Electronic Agent is a device of an electronic system that is made to perform automatic actions like humans, which can also describe what Artificial Intelligence (AI) is Basically, Artificial Intelligence (AI) is also the result of man-made, so it cannot be said to be a legal subject but can be said to be a legal object. What can be investigated is the work of Artificial Intelligence (AI) that leads to duplication or plagiarism, and who can be held responsible before the law is the creator of the Artificial Intelligence (AI) or the service provider to use the Artificial Intelligence (AI). It is also inevitable that Artificial Intelligence (AI) takes the work of others to be reprocessed into new work. A an artist who draws inspiration from the work of others cannot be said to be plagiarizing. as long as the elements are present in the copyrighted work of art design is not exactly the same or does not contain the same elements as the copyrighted work of inspiration. The use of Artificial Intelligence (AI) technology to take another person's copyrighted work into a new copyrighted work is something that can violate the law.(Tanujaya, Calista Putri,2024)

The service provider or creator of the Artificial Intelligence (AI) program must give permission to the copyright owner. In accordance with Article 23 paragraph 5 of Law No. 28 of 2014 on copyright (copyright law) states that "Any person may make commercial use of a work in a performance without first asking permission from the creator by paying a fee to the creator through the Collective Management Institution", then if there is no submission of a request for permission to use the creator's works then everyone must pay a fee to the creator. Copyright is also a personal property that can be owned and treated the same as





other forms of wealth. In other words, if there is no application for permission and payment of compensation to the creator then it is an unlawful act.

Legal protection for creators whose works are plagiarized or copied by any party including Artificial Intelligence (AI) can be protected by article 112 of the Copyright Law which basically anyone who violates article 7 paragraph (3) and or article 52, can be subject to a sanction. The Artificial Intelligence (AI) service is responsible for all sanctions that will be given. Because in article 1 of the ITE Law, it is basically written that an electronic system service provider is included as a legal subject that is bound by applicable law. However, we cannot say that all violations committed by Artificial Intelligence (AI) can be resolved with the current law, because until now there is no law that specifically regulates how Artificial Intelligence technology works (Tanujaya, Calista Putri, 2024)

4. CONCLUSION

Based on the research conducted by the author can be concluded as follows:

1. Artificial intelligence has shown rapid progress. But its application poses moral and ethical challenges that need to be addressed. Users and developers of artificial intelligence must act ethically and responsibly to protect privacy and prevent harm. Governments and policymakers should develop relevant and consistent regulations to regulate artificial intelligence, ensuring decisions taken by the system are in line with prevailing ethical and moral values. Education and supervision are also needed to ensure a correct understanding of moral responsibility in the use of artificial intelligence. Artificial intelligence provides benefits in areas such as art, business, health and research. However, to ensure artificial intelligence contributes positively to the development of a more ethical and just society, it is necessary to integrate and moral values in its implementation. Thus, artificial intelligence can help create a society.
2. There needs to be a legal update or the formation of new laws to regulate specifically about AI. Although there is Law no. 28 of 2014 and Law number 19 of 2016 concerning Electronic Information and Transactions that can be a reference for the use of AI, it has not been fully aligned to handle the work of AI. To meet the requirements, a design artwork from AI must have its own character that can be a differentiator from the work of others. However, if there is no such distinction, the design artwork from AI can be imposed sanctions as stated in Law no. 28 of 2014 concerning copyright can be applied. And according to Law no. 28 of 2014 states that those who can be responsible before the law are the makers of the AI or the service provider to use the Artificial Intelligence.





In addition, uncertainty regarding the status of AI as a legal subject or legal object needs to be addressed urgently. The reason is based on .

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