POLEMIC OF ARTIFICIAL INTELLIGENCE (AI) TECHNOLOGY ON THE DEVELOPMENT OF HUMAN RESOURCES, ESPECIALLY IN LEGAL PRACTITIONERS

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ABSTRACT

Abstract: This concern arises because of a new technology that has become a phenomenon known as artificial intelligence machines or Artificial Intelligence (AI) which can be used in various activities, one of which is in the field of law because it can perform artificial intelligence like humans such as thinking, learning, and also self-development. This makes the role of the legal profession in providing legal services questionable. This study aims to determine the results of analysis of Artificial Intelligence (AI) machines that can potentially or not replace the role of legal practitioners and legal responsibility in the use of AI. The writing of this article uses normative research and uses conceptual and legislative approaches. Based on the results of the analysis conducted currently there is no special regulation that expressly regulates AI according to Indonesian law, AI itself is only a machine used in facilitating the work of legal practitioners and AI responsibility is imposed on the creator or user of AI because it is not a legal subject who can carry out legal actions consciously according to applicable provisions in Indonesia.
Keywords: Artificial Intelligence (AI); Legal Practitioner

Introduction

The shift of Revolution 4.0 to the era of Society 5.0, of course, caused many changes, namely in technological changes that are growing rapidly and sophisticated. So, if you cannot keep up with the shift in the era, it can have a direct impact on yourself and the country because you feel left behind, backward, and become not innovative. Therefore, sophisticated technology can indeed facilitate various aspects of life, but also be accompanied by the emergence of new challenges in the future.

The emergence of new technologies, a phenomenon known as artificial intelligence machines or Artificial Intelligence (AI) in the opinion of one expert, John McCarthy, gives the view that: Artificial Intelligence (AI) is to be known by modeling the way humans process thinking and designing a machine so that it can mimic human behavior. So artificial intelligence (Rayendra, Perdana, & Yendrizal, 2022) Artifical Intelligence (AI) can be interpreted as technology that contains computer programs by researching and applying computers to perform artificial intelligence like humans such as thinking, learning, and also self-development.

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The development of a new technology that began to penetrate various areas of life such as the existence of Robotic Process Automation (RPA), a technology system Blockchain, and so on, which will be studied in depth, namely related to the emergence of artificial intelligence machines or known as technology Artificial Intelligence (AI) which is associated with the role of legal practitioners. This has become a topic of discussion due to the circulation of the issue that later technology Artifical Intelligence (AI) can replace the role of legal practitioners, especially lawyers, due to the system Artifical Intelligence (AI) has developed a system that can act by predicting a court process when issuing a verdict with a level of accuracy reaching 79%.

One example of a law firm that has used technology Artificial Intelligence (AI) is a law firm called Baker Hostetler from the United States. Technology Artificial Intelligence (AI) itself is used in supporting court work called the ROSS robot. ROSS was designed by International Business Machines Corporation (IBM) to be used in analyzing and understanding language, making hypotheses, providing answers to users, and being able to answer various questions by examining available documents (Putra, 2021).

With The rise of technological advances in the digital field, currently, job vacancies for informatics engineers and programmers are more needed and made the center of attention than vice versa with law graduates. In general, it is easier for the wider public to know and access articles and regulations through Google than to ask directly legal scholars whose capacity is also limited. Then there is the ChatGPT application which is used as a legal consultation with fast response facilities and can be accessed anytime and anywhere without relying on humans with limited time. This has become a phenomenon of shifting the role of legal practitioners with significant technological advancement, especially artificial intelligence or Artificial Intelligence (AI) can be utilized to estimate, analyze, and measure legal principles systematically and regularly (Marwan, 2023).

Based on the description above, there is anxiety in the legal profession, namely lawyers who become questionable also make employment for legal scholars increasingly thin with the development of technology Artificial Intelligence (AI) that uses software with the use of machines is faster, more precise and cheaper. Technology companies have also made humanoid robots like Sophia, whose emotional intelligence level matches humans, it cannot rule out the possibility that if the development of humanoid robot technology continues to be improved Sophia can become a lawyer, advocate, public prosecutor, or even prosecutor.

It is mIt is of particular interest for the author to study more deeply related to Artificial Intelligence (AI) Technology in the Development of Human Resources, Especially in Legal Practitioners with the following main problems:
1. Can artificial intelligence (AI) potentially replace the role of legal practitioners?

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2. How is accountability in the use of artificial intelligence machines or artificial intelligence (AI) legal?

Research Method

The preparation of this article uses normative research methods by analyzing juridical or normative elements associated with the problems raised in this article by visualizing the problems systematically and accurately, then data obtained through literature studies (Library Research) which includes primary legal material as well as secondary. As a supporter of obtaining data and other findings, the author realizes this research through a conceptual approach and a statutory approach. Furthermore, the data is processed with a qualitative method, namely by analyzing literature data, observations, and literature data in depth and then concluding with a deductive mindset (Soekanto, 2006).

Result and Discussion

The Impact of Artificial Intelligence (AI) Technology on the Role of Practitioners in the Legal Field.

The development of information technology in the era of digitalization development can facilitate mobility and human work also raises the existence of artificial intelligence which is often known as Artificial Intelligence (AI) which can now be used in various activities of human life such as the economic sector, legal sector and so on. In the economic sector, artificial intelligence machines or Artificial Intelligence (AI) is used as a digital-based payment system with the designation Blockchain, then evolves into smart contracts or known Smart Contracts as the creation and implementation of an agreement that has been made based on the agreement of the user parties Blockchain (Cate, Kuner, Lynskey, Millard, & Loideain, 2018).

A smart Contract is a contract or agreement of the parties programmatically, where later each agreement will be recorded in the form of computer code in Blockchain. So, if the conditions stated in the contract have been met, then the Smart Contract automatically executes commands be it for Ethereum token transfers or to make other transactions. The purpose of a Smart Contract itself is designed as general contract fulfillment such as payment terms, liens, confidentiality, and enforcement. Surely Smart Contract is different from conventional contracts because a Smart Contract itself contains a cryptographic code that is used a determine the relationship between the parties (Firdaus, 2020).

A smart Contract is a human artificial intelligence or AI that impacts the development of technology by having the privilege of the contract security system compared to contracts in general (conventional). So that the guideline in the implementation of Smart Contracts to be recognized as a form of agreement that has been recognized in the Indonesian treaty legal system is the application of a principle of freedom of

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contract in Article 1338 paragraph (1) of the Civil Code which reads: "All legally made agreements are valid as law for those who make them."

The characteristic of Artifical Intelligence (AI) technology itself being able to perform actions and actions like humans is one of the concerns about the future of the legal profession such as advocates, notaries, and legal consultants as facilitators in providing legal services with the emergence of Artifical Intelligence (AI) technology that can be developed and utilized in the provision of legal services.

The use of artificial intelligence or AI has also been used for the first time by the law firm Baker Hostetler in Washington in handling bankruptcy cases where the ROSS robot acts as an artificial intelligence robot lawyer whose job is to help and facilitate the lawyer's task so that the time the lawyer has becomes more effective than having to take a very long time to open an internet link and having to read cases where the case is more than hundreds of pages without producing maximum results (Putro, 2020).

The responsibility of the ROSS robot is to sort thousands of legal documents as a support for cases that are being handled by companies and usually, this task is handled by new law graduates when interning or new lawyer graduates. With the existence of a legal robot, Ross, the work of lawyers can be more focused. Then there was a test or experiment on the Law Geex robot in 2018 that tested legal robots (lawyers) and 20 top lawyers in the United States in conducting a review of 30 legal cases as the test results proved the accuracy of AI is above 94% compared to the accuracy of human lawyers of 85%. Estimating the time in completing the task, the Law Geex robot succeeded in a percentage of time of 26 minutes which is 66 minutes more practical than the average percentage time as a human lawyer (Simanjuntak, 2023).

The next technology Artificial Intelligence (AI) also applied in Hangzhou, China in 2017 by releasing AI judges even though handling legal disputes it is still limited to digital aspects of legal cases such as online buying and selling cases, job copyrights, and product liability claims e-commerce. So, the digital court procedure will be carried out first by litigants by registering their complaints online and then logging in to undergo a hearing. With this virtual judge, it is considered that it can facilitate and ease the burden of a human judge in supervising the process and making the main decisions in each case he handles, therefore digital court procedures with AI Judges have served cases as many as Rp.118,764 and resolved Rp.88,401 cases (Suriawati, 2019).

In Indonesia, although there has been no creation of legal robot programs or AI judges practicing in court, Hukum Online has released the first legal chatbot as a platform, namely called Legal Intelligence Assistant (LIA) with Artificial Intelligence (AI) technology which is used to educate the public about the law in Indonesia regarding marriage law, divorce law, inheritance law, and so on. Even today there has been a

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discourse or discussion in the formation of laws and regulations, one of which is Regional Regulations using AI technology and juridically the use of artificial intelligence technology or Artificial Intelligence (AI) has received recognition in Article 28 C of the Constitution of the Republic of Indonesia in 1945 which reads: "Everyone has the right to develop himself through the fulfillment of his basic needs, the right to education and to benefit from science and technology, art and culture, to improve the quality of his life and for the welfare of mankind (2001)."

Then in the general explanation of Law Number 11 of 2019 concerning the National System of Science and Technology which states: "To ensure that everyone has the right to benefit from Science and Technology, the government advances Science and Technology (Nomor, 11AD). The promotion of Science and Technology is carried out by upholding religious values and national unity for the advancement of civilization, as well as the welfare of mankind."

The enactment of the principle of regional autonomy in the Indonesian state gives authority that a region is a unit as a legal community that has autonomy so that it obtains the authority to regulate and manage its region according to the input and needs of the community as long as it does not conflict with the principles and order of applicable national law.

From what has been described earlier, the emergence of the development of artificial intelligence technology or Artificial Intelligence (AI) can be used or do various things that can be done by humans and most likely can do better than what is done by humans. However, there is a limitation that not all legal work can be solved only by working with a machine, as legal work when handling a legal case in which there are struggles that contain elements of expediency, certainty, and justice.

Even so, the sophistication of new technology becomes an innovation and a new challenge as we have to adjust to civilization that is shifting to digital and new technological findings, of course, this is a concern for legal scholars and other legal practitioners. According to the opinion of the law firm BakerHostetler which has directly used the use of Artificial Intelligence (AI) technology through the ROSS robot, human lawyers do not need to worry about their role being replaced with machines or robots because the use of Artificial Intelligence (AI) technology is only a tool that can help lawyers move, learn, and develop faster and more efficiently and their central systems Stay with human lawyers.

So in the author's opinion, overall lawyers and other legal practitioners remain the main pawns as legal service providers in upholding justice. Artificial intelligence machines are only a tool to help and facilitate the task of law enforcement, not to take the expert role of the entire legal practitioner. Artificial intelligence machines do have the possibility of producing legal certainty with a high level of accuracy, but artificial

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intelligence machines have a limited scope compared to human legal professionals because they do not have the morals and sense of conscience possessed by humans to ensure the solidity of laws related to elements of certainty and justice which cannot be estimated by anything else.

Legal Responsibility from the Use of Artificial Intelligence (AI) Machines
Artificial intelligence machines or Artificial Intelligence (AI) can have a great influence on society, therefore either AI itself or the owner of the system can be held legally responsible if the system Artificial Intelligence (AI) causes harm to humans or individuals who are declared as legal subjects. Even though artificial intelligence (AI) can perform legal actions, Artificial Intelligence (AI) is not subject to law. Alternatively, it remains related to deeds Artifical Intelligence (AI) be the legal subject of the owner Artifical Intelligence (AI) of these.

The relationship between systems Artificial Intelligence (AI) with its owner can be analogized to the relationship between a pet and its owner, as this statement is contained in Article 1368 of the Civil Code which reads: "That the owner of the animal, or whoever wears it, during the time the animal is in his possession, is liable for any harm caused by the animal, whether the animal is under his care or the animal is lost or escaped his care."In the sound of the Article contained if the pet star causes losses, then the losses will be assigned and is the responsibility of the owner of the animal or its wearer. The parable is in harmony with Artificial Intelligence (AI) which is autonomous and can be analogous to a kind of pet that is under the auspices of the owner or wearer. So, if Artificial Intelligence (AI) does various things that juridically cause losses, then the owner has civil liability for the AI's actions.

Next relationship between Artificial Intelligence (AI) with its owner can also be analogous to the relationship between workers and employers as stated in Article 1367 paragraph (1) of the Civil Code: "A person is not only responsible for damages caused by his actions but also for damages caused by the actions of those for whom he is responsible or caused by goods under his control" Article 1367 paragraph (3) of the Civil Code: "Masters and those who appoint others to represent their affairs are liable for the losses incurred by their servants or subordinates in doing the work for which these persons are used (Subekti & Tjitrosudibio, 1999)."

This article gives the meaning that in the use and utilization of technology, artificial intelligence (AI) is to do various things that can be done by humans, so if Artificial Intelligence (AI) is analogous to "worker", the legal responsibility will be imposed on the owner who is analogous to "employer". Because the Indonesian legal system has not explicitly regulated Artificial Intelligence (AI) therefore uses analogical interpretation that functions in giving an interpretation of legal regulations through giving allusions to the series of words based on legal principles (Christiawan, 2022)

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Technology Artificial Intelligence (AI) can be done in carrying out human work which is undeniable to do human actions, one of which is committing a criminal act like a human. Currently, in Indonesia, there is no special arrangement that discusses and regulates the existence of artificial intelligence or technology Artificial Intelligence (AI) AI itself according to Indonesian positive law is not a subject of law in the sense of being a stakeholder of rights and obligations but AI is a legal object because AI is interpreted as a technology that in its implementation is applied by humans (Haris & Tantimin, 2022).

In response to the rapid development of technology, regulations on technology are regulated in Law Number 19 of 2016 concerning Amendments to Law Number 11 of 2008 concerning Electronic Information and Transactions, known as the ITE Law as a guideline related to technology problems (Rajab, 2018). When associated with the emergence of Artificial Intelligence (AI) technology, the ITE Law does not regulate Artificial Intelligence (AI) but AI is classified as an electronic system and electronic agent. Based on Article 1 number 5 of the ITE Law which reads: "Electronic System is a set of electronic devices and procedures that function to prepare, collect, process, analyze, store, display, announce, transmit, and/or disseminate Electronic Information."

From this article, there is a conformity with the understanding of the electronic system in the ITE Law with Artificial Intelligence (AI) that the working system of AI technology itself is used to collect, manage, and analyze data then can be displayed and sent into the form of electronic information. The classification of Artificial Intelligence (AI) as an electronic agent is contained in Article 1 point 8 of the ITE Law states: "Electronic Agent means a device of an Electronic System created to perform an action on a particular Electronic Information automatically held by a Person." Based on the explanation in the ITE Law above, Artificial Intelligence (AI) is an electronic system and electronic agent where in carrying out all actions and actions of technology Artificial. Intelligence (AI) is an order from humans which in the ITE Law the order is given by the operator of the electronic system consisting of several legal subjects. Therefore, based on this, AI cannot be said to be an independent legal subject or equated with legal subjects in general. Because one of the concepts of criminal responsibility is the independent ability possessed by the subject of the law, and the AI proficiency possessed is not independent competence but an automatic condition created by humans.

Criminal liability in this case is also known as Criminal Liability, which in the concept of criminal liability not only looks at legal aspects that apply in a country but also has something to do with moral values and justice in society. The concept of criminal liability regulation has a purpose, namely as a determinant of the suitability of a legal subject and whether it is valid in imposing a crime against him. Because not all actions can be categorized as criminal acts, an act and action that can be said to be criminal can

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be said to be so if it contains elements of illegality in it, and these actions contain elements of guilt which consists of intentionality and negligence (Tanjung, 2018).

The existence of a fault is a form of accountability itself. Relating to intentionality, conventionally intentionality is the will of the perpetrator who has awareness of the actions he committed, which can then be distinguished into intentionality as intent, intentionality with definite awareness, and intentionality with possibility. In the concept of criminal liability to legal subjects in this case will be imposed on the perpetrator of the act. The basis for imposing a crime on the perpetrator for the actions he committed must contain elements against the law. The perpetrator can only be held criminally responsible for his actions. However, criminal liability can disappear to the perpetrator if elements are found in the perpetrator that result in the loss of the ability to take responsibility.

Relating to Artifical Intelligence (AI) to the concept of criminal responsibility in its utilization, considering the principle of responsibility in criminal law, namely (Geen strap zonder schuld; Actus non facit reum nisi men's sit rea) which means that no crime applies if no error is found. It is important to note that the subject of criminal law in force in Indonesia is an individual (Naturalijk Persoon) and by the expansion of the subject of criminal law, legal entities (corporations) can be made as subjects of criminal law in Indonesia.

So, related to accountability in utilizing artificial intelligence machines or AI, in this case, if you look at the view of criminal law in force in Indonesia, if AI is proven to have committed an act or act against the law, the concept of responsibility from the perspective of criminal law, the responsibility will be charged as a whole to the makers and users of artificial intelligence machines or AI itself. This is supported by the opinion according to Simons that criminal offenders are required to be aware and know to be able to determine the will in their actions, which is not owned by artificial intelligence machines or AI where they do not have awareness in their actions because they are carried out based on orders and are also limited in determining the will by the aims and objectives of the maker so that those who have awareness in doing the actions of the artificial intelligence machine (AI) itself are users of artificial intelligence machines or AI.

Conclusion

Although in the rapid development of technology, artificial intelligence machines or AI can be used in various activities by humans, potentially even better than those done by humans, including solving problems or more complex tasks artificial intelligence machines or artificial intelligence (AI) itself has limitations in completing work or legal cases because machines are just a tool that does not have empathy from their conscience, talking about law will certainly be related to the fate of someone who is litigant by considering elements of certainty and justice that are not only determined

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based on data but also by seeing what happens using logic and sensitivity from conscience. So the role of legal practitioners cannot be replaced by the existence of artificial intelligence (AI) machines, but the technology can help and facilitate the role of legal practitioners themselves.

Seeing legal responsibility in the use of artificial intelligence (AI) machines both in civil and criminal terms will be charged as a whole against the makers and users of Artifical Intelligence (AI) technology, because AI itself is not a subject of applicable law in Indonesian law so that it cannot be held accountable independently but only as an electronic system and agent according to the Law ITE and because there is currently no special regulation that expressly regulates the implementation of artificial intelligence machines or Artificial Intelligence (AI), According to the applicable law in Indonesia, absolute legal subjects are individuals and legal entities who have awareness of the element of intentionality in carrying out the use of AI technology, which is on the contrary that artificial intelligence machines or AI do not have awareness of actions that Doing.

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