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AI Transformative Law: The Urgency and Direction of AI Regulation in Indonesia

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Abstract

Background: Artificial intelligence (AI) adoption in Indonesia has expanded rapidly, while the national legal framework remains fragmented across general laws governing electronic information and personal data, as well as nonbinding ethical guidelines. This regulatory mismatch creates uncertainty regarding AI risk classification, accountability, transparency, and oversight.
Objective: This study examines the urgency and direction of AI regulation in Indonesia and evaluates its emerging legal character through the theoretical perspectives of responsive law, progressive law, and transformative law.
Methods: This normative juridical study employs a statutory approach to examine primary, secondary, and tertiary legal materials. The materials are analyzed descriptively and qualitatively, using the three legal perspectives as analytical frameworks. The analytical indicators include responsiveness to social needs, human-centered legal change, future-oriented regulatory steering, reliance on technical expertise, and cross-sectoral governance.
Results: Indonesia's two draft presidential regulations on the National AI Roadmap and AI Ethics and Governance constitute an initial framework for cross-sectoral governance rather than a comprehensive and binding legal regime. Their future-oriented targets, reliance on technical expertise, sustainability orientation, and integrated monitoring align most closely with transformative law. Responsive-law elements are evident in regulatory flexibility and attention to sociotechnological needs, whereas progressive-law characteristics remain limited because the approach is incremental and does not fundamentally transform the existing legal paradigm.
Conclusion: Indonesia requires binding AI regulation that combines risk-based safeguards, clear accountability, effective oversight, and meaningful public participation. The emerging framework is predominantly transformative, complemented by responsive-law elements, while its progressive dimension requires further strengthening.

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INTRODUCTION

Artificial intelligence (AI) has experienced significant growth and has expanded beyond the technology sector into economic, governmental, educational, health care, and everyday contexts. Despite its expanding role, a universally accepted definition of AI remains elusive because its capabilities, applications, and boundaries continue to evolve. Rather than treating definitional diversity as a merely terminological problem, this study conceptualizes AI in terms of its functional orientation toward automating tasks or replicating aspects of human intelligence,

while recognizing that its legal characterization may change as the technology develops (Ravizki & Yudhantaka, 2022).

The expansion of AI also raises complex legal questions. Indonesia has experienced rapid AI adoption, with the Ministry of Communication and Digital Affairs reporting an adoption figure of 92 percent in February 2026 (Kementerian Komunikasi dan Digital Republik Indonesia, 2026a). However, this development has not yet been accompanied by a comprehensive AI-specific regulatory framework. Existing legal issues are therefore addressed primarily through the Electronic Information and Transactions Law (*Undang-Undang Informasi dan Transaksi Elektronik*; UU ITE) and the Personal Data Protection Law (*Undang-Undang Pelindungan Data Pribadi*; UU PDP), although neither statute was designed specifically to address the autonomy, opacity, and rapidly evolving capabilities of contemporary AI systems. The cited government release does not specify the denominator, population, or sector used to calculate the 92 percent figure. Accordingly, this study treats it as a government-reported AI adoption indicator rather than evidence that 92 percent of Indonesia's entire population uses AI.

The growing use of AI across multiple sectors has generated legal challenges that conventional regulatory frameworks did not fully anticipate. The European Union (EU) provides a relevant comparative framework because the EU Artificial Intelligence Act (Regulation (EU) 2024/1689) adopts a risk-based approach that differentiates regulatory obligations according to the potential risks associated with AI systems. AI practices presenting unacceptable risks are prohibited, while other systems are subject to graduated requirements depending on their classification and applicable legal obligations. AI literacy obligations began to apply on February 2, 2025, followed by obligations for providers of general-purpose AI models on August 2, 2025 (Software Improvement Group, 2026). The implementation timetable for certain high-risk AI obligations was subsequently adjusted in response to delays in the development of technical standards and implementation guidance (Covington & Burling LLP, 2026). The EU experience therefore demonstrates both the value of risk-based regulation and the need for adaptive implementation when technological development outpaces regulatory detail. This comparison is not intended to transplant the EU model wholesale into Indonesia, but rather to identify regulatory design elements—particularly risk classification, differentiated obligations, and implementation flexibility—that are relevant to assessing the urgency and direction of AI regulation in Indonesia.

In Indonesia, AI adoption has expanded across journalism, financial services, health care, education, and government administration. The government-reported 92 percent adoption figure underscores the scale of the policy attention required, but it should not be interpreted as a population-wide penetration rate because the cited source does not identify the denominator used in its calculation. More importantly, rapid adoption has not been matched by a corresponding degree of legal certainty. Algorithmic bias, the use of personal data and copyrighted works as training data, deepfakes and disinformation, the legal status of AI-generated works, and uncertainty regarding liability for harm caused by AI systems all require more specific normative responses than those currently available under Indonesia's national legal framework.

This regulatory gap concerning AI in Indonesia is currently addressed, in part, through general legal instruments, namely Law Number 11 of 2008 concerning Electronic Information and Transactions, as last amended by Law Number 1 of 2024 (*Undang-Undang Informasi dan Transaksi Elektronik*; UU ITE); Law Number 27 of 2022 concerning Personal Data Protection (*Undang-Undang Pelindungan Data Pribadi*; UU PDP); and Circular Letter of the Minister of Communication and Informatics Number 9 of 2023 concerning Artificial Intelligence Ethics. The latter provides ethical guidance rather than legally binding obligations (Kementerian Komunikasi dan Informatika Republik Indonesia, 2023). Meanwhile, the government is preparing several draft regulatory instruments, including two draft presidential regulations concerning the National Artificial Intelligence Roadmap for 2026–2029 and AI ethics and governance, a draft ministerial regulation on mandatory labeling of generative AI content, and provisions concerning AI in the Draft Copyright Law, which is currently undergoing public consultation.

Against this background, this study employs normative juridical legal research using a statutory approach to examine the urgency, development, and direction of AI regulation in Indonesia. The analysis integrates three theoretical perspectives: responsive law, developed by

Philip Nonet and Philip Selznick; progressive law, developed by Satjipto Rahardjo; and transformative law, developed by Poul F. Kjaer. Previous scholarship has examined AI legal personality, intelligent and risk-based AI regulation, global AI ethics, and algorithmic accountability (Smuha, 2021). However, these strands of scholarship have generally been examined separately and have not systematically integrated responsive, progressive, and transformative law into a single framework for classifying the legal character of Indonesia's emerging AI governance instruments. The novelty of this study lies in applying these three perspectives within a unified analytical framework to distinguish the adaptive, human-centered, and future-oriented features of Indonesia's evolving approach to AI regulation.

Viewed through these three perspectives, Indonesia's emerging AI regulatory framework does not exhibit a single legal character. Responsive elements are evident in efforts to adapt regulation to technological developments and social needs, while progressive-law elements remain comparatively limited because the regulatory approach is cautious and incremental. The strongest tendency is transformative: the emerging regulatory framework is future-oriented, relies on technical expertise, connects domestic governance with global AI developments, and employs cross-sectoral administrative mechanisms to steer long-term technological change.

Based on a comparison of these three legal perspectives, this study concludes that future AI regulation must do more than determine what may and may not be done. It must also provide legal clarity regarding risk classification, the allocation of responsibility when harm occurs, supervisory mechanisms, and the extent to which the public can participate in the regulatory process and be adequately prepared for the changes that AI may bring.

METHOD

This research employed a normative juridical method focused on examining applicable legal norms, regulatory instruments, and legal doctrines relevant to AI governance (Ibrahim, 2006). The study relied on secondary data comprising primary, secondary, and tertiary legal materials.

Primary legal materials consisted of laws and regulations arranged according to the hierarchy of legislation, as well as other positive legal materials containing legally binding norms. In this research, the primary legal materials included Law Number 11 of 2008 concerning Electronic Information and Transactions, as last amended by Law Number 1 of 2024 (UU ITE); Law Number 27 of 2022 concerning Personal Data Protection (UU PDP); and Circular Letter of the Minister of Communication and Informatics Number 9 of 2023 concerning Artificial Intelligence Ethics.

Secondary legal materials comprised materials that supplemented and explained primary legal materials, including draft legislation, books written by prominent legal scholars, legal journals, scholarly opinions, legal cases, jurisprudence, proceedings of recent symposia related to the research topic, and other documents relevant to the issues under investigation.

Tertiary legal materials consisted of documented legal information presented through various media Mezak (2006), including legal dictionaries, encyclopedias, and other reference materials.

The study employed a statutory approach and used responsive, progressive, and transformative legal theories as analytical frameworks to assess the direction and character of AI regulation in Indonesia. The legal materials were examined through descriptive qualitative analysis to answer the research questions. To ensure analytical transparency, regulatory characteristics were classified according to explicit indicators. The indicators of responsive law included adaptability to social and technological needs, openness to feedback, and meaningful participation. The indicators of progressive law included a human-centered orientation, substantive justice, and a willingness to depart from rigid legal paradigms when necessary. The indicators of transformative law included future-oriented targets, reliance on specialized technical expertise, cross-sectoral administrative coordination, integrated monitoring, and links to broader societal or global transformations (Nonet & Selznick, 2017; Rahardjo, 2009). Each legal instrument was assessed against these indicators before its dominant and secondary legal tendencies were identified.

RESULTS AND DISCUSSION

Results

Existing Regulations Related to AI

As of the preparation of this study, Indonesia does not yet have a dedicated law regulating AI. The use of AI is currently governed by three general legal instruments, namely:

a. Law Number 11 of 2008 concerning Electronic Information and Transactions, as last amended by Law Number 1 of 2024 (UU ITE). This law introduces the concept of an "Electronic Agent" to refer to a system that operates automatically, with legal responsibility attached to the electronic system operator or other responsible parties, as provided by law. The UU ITE does not contain specific provisions governing algorithmic audits, model transparency, or risk classification for AI systems.
b. Law Number 27 of 2022 concerning Personal Data Protection (UU PDP). This law requires personal data processing to have a lawful basis and comply with purpose limitation and other data protection principles, which are directly relevant when AI systems process personal data on a large scale. Importantly, Article 10(1) recognizes data subjects' right to object to decisions based solely on automated processing, including profiling, when such decisions produce legal consequences or significant effects. The regulatory gap therefore does not lie in a complete absence of protection against automated decision-making, but rather in the limited operational detail concerning AI-specific algorithmic audits, explainability standards, model transparency, risk classification, and supervisory procedures (Republik Indonesia, 2022).
c. Circular Letter of the Minister of Communication and Informatics Number 9 of 2023 concerning Artificial Intelligence Ethics, issued on December 19, 2023, and addressed to business actors engaged in AI-based programming activities and electronic system operators in both the public and private sectors. This instrument establishes three main policy areas—AI ethical values, the implementation of ethical values, and accountability—and identifies nine ethical values. Because it takes the form of a circular letter, it does not constitute a binding regulation establishing generally applicable legal obligations and does not provide for sanctions.

Table 1

Draft Regulations Related to AI in Indonesia

No	Draft Regulation	Related Institution	Current Status
1.	Draft Presidential Regulation on National Artificial Intelligence Roadmap 2026-2029	Ministry of Communication and Digital (Komdigi)	As reported on May 6, 2026, the cross-ministerial discussion had been completed and the draft was subsequently submitted to the President for enactment (Kementerian Komunikasi dan Digital Republik Indonesia, 2026b).
2.	Draft Presidential Regulation on AI Ethics and Governance	Ministry of Communication and Digital (Komdigi)	As reported on May 6, 2026, the cross-ministerial discussion had been completed and the draft was subsequently submitted to the President for enactment (Kementerian Komunikasi dan Digital Republik Indonesia, 2026b).
3.	Draft Copyright Law (contains AI provisions and training data royalties)	DPR RI (Commission XIII) together with DJKI Ministry of Law	Still in the drafting stage; the government is preparing labeling/watermark obligations for generative AI content.
4.	Law on AI	Discourse in DPR RI (AI Working Committee of	Still at the discourse/legislative push stage; not yet in the form of an official

	BKSAP, Commission XIII)	draft with a Prolegnas number.

Principles Underpinning AI Regulation

Based on the emerging regulatory instruments, the dominant tendency is transformative rather than merely responsive or progressive. This classification rests on several cumulative features: future-oriented national targets, reliance on technical expertise, sustainability commitments, cross-sectoral administrative coordination, and monitoring mechanisms intended to steer technological development over time. Responsive-law characteristics are also present in the framework's flexibility and its attempt to address changing social and technological needs, whereas progressive-law characteristics are more limited because the current approach remains gradual and does not yet reconfigure the underlying legal paradigm. This classification is therefore comparative rather than absolute: an instrument is considered transformative when future-oriented steering, expert governance, and systemic coordination are more prominent than the participatory adaptability associated with responsive law or the paradigm-shifting, human-centered intervention associated with progressive law (Kjaer, 2022; Sukmana et al., 2023).

DISCUSSION

Global AI Regulation and the Need for an Indonesian AI Law

The European Union's experience under the EU AI Act provides a useful comparative framework for Indonesia. The Act does not subject all AI systems to the same level of restriction. AI practices classified as posing unacceptable risks are prohibited. High-risk AI systems may still be used, but only if specified obligations, including risk assessment and mitigation requirements, are satisfied. This differentiated approach demonstrates that AI regulation need not operate through a simple permitted-versus-prohibited model; regulatory intensity can instead be calibrated to the risks posed to safety, fundamental rights, and the public interest. For Indonesia, this framework offers a reference point for designing proportionate obligations that remain compatible with national institutional capacities and industrial conditions (Ebers, 2025; European Union, 2024; Veale & Zuiderveen Borgesius, 2021; Wachter, 2023).

In Indonesia, the expansion of AI use has not been accompanied by a dedicated legal framework with comparable coverage. The high level of AI adoption indicates that this technology is already widely used, while many of its associated legal challenges must still be addressed through regulations that were not originally designed specifically for AI. These challenges include algorithmic bias; the use of personal data and copyrighted works as training data; the misuse of generative AI to create deepfakes and disinformation; and uncertainty regarding which parties should bear responsibility when the use of AI causes harm. These issues demonstrate that the need for AI regulation is no longer merely anticipatory but is already connected to ongoing technological practices. Collectively, these problems confirm that AI use in Indonesia has reached a stage at which more specific legal responses are required than those provided by the general legal framework currently in force (Chesterman, 2021; Hacker, 2018; Kroll et al., 2017; Wachter et al., 2021).

AI Regulation in Indonesia under the UU ITE and UU PDP

At present, the use of AI in Indonesia is governed primarily by provisions in the UU ITE and the UU PDP, insofar as their respective scopes apply. The UU ITE, for example, recognizes the concept of an "Electronic Agent" for systems that operate automatically. This concept can provide a legal basis for identifying the party responsible for a system's operation, but it does not specifically address the challenges arising from AI systems that can learn, generate novel outputs, and operate with varying degrees of complexity and autonomy. The UU PDP is also relevant because AI use frequently involves large-scale personal data processing. Principles governing the lawful basis and purposes of processing, as well as the protection of data subjects' rights, are particularly important in this context. However, the UU PDP was not specifically designed to comprehensively address issues such as AI-specific algorithmic audits, model transparency, or automated decision-making that significantly affects individuals, although it does contain relevant protections for certain decisions based solely on automated processing (Edwards & Veale, 2017;

Kaminski, 2019; Malgieri & Comandé, 2017; Republik Indonesia, 2008, 2022; Wachter et al., 2017).

As an initial step, the government issued the Circular Letter of the Minister of Communication and Informatics Number 9 of 2023 concerning Artificial Intelligence Ethics on December 19, 2023. The letter is addressed to business actors engaged in AI-based programming activities and electronic system operators in both the public and private sectors (Kementerian Komunikasi dan Informatika Republik Indonesia, 2023). It establishes three main policy areas: AI ethical values, the implementation of those values, and accountability in AI use and development. It also identifies nine ethical values: inclusivity, accessibility, security, humanity, credibility and accountability, and respect for intellectual property. Nevertheless, because the instrument takes the form of a circular letter, its legal status and enforceability differ from those of binding legislation. It does not establish a comprehensive, generally binding AI regulatory regime or provide a dedicated sanctions framework. Its position is therefore more appropriately understood as that of an administrative ethical guideline than a comprehensive, enforceable AI regulatory instrument. This limitation underscores the urgent need for more comprehensive and binding AI regulation in Indonesia (Floridi et al., 2018; Jobin et al., 2019; Smuha, 2021).

Preparation of AI Regulation in Indonesia and Its Progress

Indonesia's policy initiatives in the field of AI began long before the current surge in generative AI use. This is reflected in the National Artificial Intelligence Strategy (*Strategi Nasional Kecerdasan Artifisial* or *Stranas KA*) 2020–2045, prepared by the Agency for the Assessment and Application of Technology (BPPT) in collaboration with stakeholders representing the quadruple helix—government, academia, industry, and civil society—and introduced during the commemoration of National Technology Awakening Day in August 2020. Stranas KA identifies five priority sectoral clusters, including health, bureaucratic reform, education and research, food security, and mobility and smart cities. These priorities provide an initial direction for national policy on AI ecosystem development through 2045 (Badan Pengkajian dan Penerapan Teknologi, 2020; Regulations, 2026; Smuha, 2021; Yeung, 2018).

The government's latest regulatory initiatives include two draft presidential regulations prepared by the Ministry of Communication and Digital (Komdigi): the Draft Presidential Regulation on the National Artificial Intelligence Roadmap for 2026–2029 and the Draft Presidential Regulation on AI Ethics and Governance. According to the latest developments cited in this study, the government had completed the preparation and harmonization of both drafts. The two drafts address distinct but complementary areas: the national AI development roadmap and the ethical governance of AI. However, at the latest stage documented in the available sources, both drafts were still awaiting further procedural steps before enactment. Substantively, the draft presidential regulation on the National Artificial Intelligence Roadmap is intended to establish a framework for developing the national AI ecosystem, including infrastructure, talent, risk management, and financing. Meanwhile, the draft regulation on AI Ethics and Governance focuses on the responsible use of AI, including through principles of transparency, accountability, security, public protection, and human oversight. Both draft regulations are also significant because the government regards them as an initial step toward more comprehensive AI regulation in the form of a dedicated law. Accordingly, the two drafts should be understood not as the final form of Indonesian AI regulation but as an initial stage in establishing a national AI governance framework (Buiten, 2019; Kementerian Komunikasi dan Digital Republik Indonesia, 2026b; Smuha, 2021).

The draft Guidelines on AI Ethics and Governance identify nine AI ethical values: inclusivity, humanity, security, accessibility, transparency, credibility and accountability, personal data protection, sustainable environmental development, and respect for intellectual property. The draft also introduces a risk mitigation and safeguard framework that establishes responsibilities for three groups of actors: users, sectoral actors, and government institutions. In addition, it provides for monitoring and evaluation mechanisms involving self-assessment, incident reporting, sectoral reporting, and an integrated monitoring system. This framework essentially continues and expands the ethical values previously articulated in Circular Letter of the Minister of Communication and Informatics Number 9 of 2023, while adding a more

structured approach to risk mitigation and monitoring. These developments can be understood as part of the preparatory process for elevating ethical guidance into a more formal regulatory framework through a Presidential Regulation (Mantelero, 2018).

At the same time, the House of Representatives of the Republic of Indonesia, through Commission XIII, approved the Draft Copyright Law as a legislative initiative of the DPR RI and included it in the 2026 Priority National Legislation Program (*Program Legislasi Nasional* or *Prolegnas*), reportedly beginning in September 2025. The Directorate General of Intellectual Property (DJKI) of the Ministry of Law held a public consultation on the draft on May 4, 2026. The draft reportedly addresses the recognition of AI-assisted works subject to a requirement of significant human intellectual contribution, the strengthening of collective management organization governance, and economic rights relating to the use of content as AI training data. It also introduces a test of human involvement, under which works generated entirely by AI without sufficient human intellectual contribution would not qualify for copyright protection, whereas collaborative works involving humans and AI could remain eligible for protection, subject to the applicable legal requirements (Gema, 2026). More broadly, the draft law represents an effort to modernize Indonesia's copyright regime in response to rapid advances in artificial intelligence and the growth of the creative digital economy (Chesterman, 2020; Republik Indonesia, 2014; Tyagi, 2024).

In addition, members of the Artificial Intelligence Working Committee (*Panitia Kerja Kecerdasan Artifisial* or *Panja AI*) of the Inter-Parliamentary Cooperation Body of the DPR RI emphasized the importance of adaptive and progressive AI regulation that nevertheless protects the interests of small-scale economic actors, including farmers. They also highlighted that, as of early 2026, Indonesia had a circular letter on AI ethics but no dedicated AI law (DPR RI, 2026). A similar position was expressed by a member of Commission XIII of the DPR RI, who argued that AI regulation should not be limited to provisions inserted into the Draft Copyright Law, particularly those concerning journalism, but should instead take the form of a separate AI law, given that AI development affects nearly every sector of society (MPR RI, 2026; Smuha, 2021; Wachter, 2023).

Taken together, these developments indicate that Indonesian AI regulation remains at the stage of establishing a foundational framework. Rather than adopting a single AI law that directly addresses all relevant issues, the government is pursuing a gradual regulatory approach through presidential regulations, technical regulations, and sector-specific rules. This strategy suggests a preference for incremental regulatory development. Presidential regulations are expected to serve as initial instruments for establishing cross-sectoral governance, while issues already covered by existing legislation continue to be addressed through the UU ITE, the UU PDP, and other sectoral regulations. This pattern provides an important basis for analysis through the theories of responsive, progressive, and transformative law (Yeung, 2018).

What Should Be Included in Future AI Regulation in Indonesia

In light of the regulatory gaps and developments described above, several elements should ideally be incorporated into future Indonesian AI regulation, both in the forthcoming Presidential Regulation and in the dedicated AI law envisaged for a later stage (Ebers, 2025):

a. Legal certainty regarding the definition and scope of AI. The regulation should establish clear definitions and a precise scope of application to avoid ambiguity and overlap with the terminology used in the UU ITE and the provisions governing automated personal data processing under the UU PDP (Buiten, 2019; Chesterman, 2021).
b. Proportionate risk classification. The regulation should establish a proportionate risk classification system, drawing on the tiered approach adopted under the EU AI Act while adapting its requirements to Indonesia's institutional capacity and industrial readiness. This approach should also be aligned with the three risk categories reportedly identified in the draft Presidential Regulation on AI Ethics and Governance (Veale & Zuiderveen Borgesius, 2021).
c. Clear accountability and liability mechanisms. The regulation should establish clear mechanisms for allocating accountability and legal liability among the parties

involved, including data providers, developers, electronic system operators, sectoral actors, and end users. It should also clarify how the burden of proof is allocated when an AI system causes harm (Kroll et al., 2017).

d. Regulatory harmonization. The regulation should ensure consistency among the Presidential Regulation on the National Artificial Intelligence Roadmap, the Presidential Regulation on AI Ethics and Governance, ministerial regulations on AI content labeling, the Draft Copyright Law, the UU ITE, and the UU PDP. These instruments should operate coherently as parts of a unified legal framework rather than as conflicting or overlapping rules (Tyagi, 2024).
e. Effective institutional supervision. The framework should provide for an adequately resourced supervisory institution, whether through a dedicated unit within Komdigi or a separate cross-sectoral AI supervisory authority. This institution should ensure that the proposed monitoring and evaluation mechanisms operate effectively rather than becoming mere administrative formalities (Casey et al., 2019; Kroll et al., 2017; Mantelero, 2018).
f. Meaningful public participation. The legislative process should incorporate substantive public participation rather than relying solely on ceremonial public consultations. Civil society organizations, academics, and business actors should have meaningful opportunities to influence the formulation of legal norms, thereby strengthening the legitimacy of the resulting legislation (Floridi et al., 2018; Jobin et al., 2019; Smuha, 2021).

Analysis of Indonesian AI Regulation from the Perspectives of Legal Theory

From the perspective of responsive law, the government appears to be moving away from an approach based exclusively on prohibition. The draft Presidential Regulation on AI Ethics and Governance incorporates several principles, including humanity, accountability, security, transparency, and risk-based governance. This approach suggests an effort to develop rules capable of adapting to technological change. The proposed incident-reporting and monitoring mechanisms reflect a similar orientation: rather than stopping at the establishment of legal norms, the framework creates channels for obtaining information about implementation in practice. These features are consistent with Nonet and Selznick's conception of law as capable of responding to changes in its social environment. Nevertheless, public participation remains a concern. Although community stakeholders have participated in the AI policymaking process, the more important question is the extent to which their input has influenced the substance of the resulting rules. Accordingly, the responsive character of Indonesian AI regulation cannot yet be considered fully developed. Regulatory flexibility is beginning to emerge, but the participatory dimension requires further strengthening and more in-depth assessment (Jobin et al., 2019; Sukmana et al., 2023; Sulaiman, 2014; Yeung, 2018).

From the perspective of progressive law, the principle of "law for humans" appears to be reflected in the emphasis on humanity and human oversight, which are among the central pillars of the draft Presidential Regulation on AI Ethics and Governance. This emphasis is consistent with Satjipto Rahardjo's argument that law should not be treated as an absolute institution but should instead be evaluated according to its capacity to serve humanity. Nevertheless, the norm-challenging character central to progressive law is not yet fully evident in the government's approach. The decision to develop a Presidential Regulation without a dedicated sanctions framework and to position it as an initial regulatory instrument suggests a cautious, incremental approach rather than a willingness to challenge the rigidity of the existing legal framework in the manner advocated by Rahardjo. In other words, Indonesian AI regulation is currently more appropriately characterized as a cautious adaptive response than as a progressive intervention that fundamentally challenges the conventional administrative-law paradigm (Floridi et al., 2018; Mantelero, 2018; Sukmana et al., 2023).

The most prominent characteristics, however, emerge from the perspective of transformative law as developed by Kjaer. First, with respect to the societal unit, Indonesian AI regulation cannot be separated from the broader context of global AI governance. Indonesia's participation in WAICO, or the World Artificial Intelligence Cooperation Organization, and its

position in relation to competing models of global AI governance reflect an orientation toward world society, a characteristic associated with transformative law. Second, with respect to legal instruments, the draft Presidential Regulation on the National Artificial Intelligence Roadmap for 2026–2029 and the environmental sustainability objectives among the nine ethical values in the draft AI Ethics and Governance framework reflect a future-oriented conception of law organized around long-term targets and objectives. Kjaer illustrates this characteristic through instruments such as the Paris Agreement and the European Green Deal. Third, with respect to the core of law, an approach that relies on ministerial regulations as technical instruments implementing presidential regulations, together with mandatory reporting and integrated monitoring mechanisms, reflects a strengthening of administrative governance that extends beyond the conventional public–private divide, as emphasized in Kjaer's account of transformative law.

Furthermore, from a transformative-law perspective, future stages of human civilization must be anticipated and considered in legal regulation, including the possibility of artificial intelligence eventually being recognized as a legal person (*rechtspersoon*) (Ravizki & Yudhantaka, 2022). Some scholars argue that AI may develop increasingly sophisticated capacities associated with sentience and could eventually surpass human intelligence in certain respects. Existing technological developments are also considered capable of expanding AI's functional autonomy and intelligence, while prompting broader philosophical debates about the nature and limits of AI autonomy. These developments may invite comparisons between AI systems and their human creators. However, increasing similarities between AI and humans do not, by themselves, establish that AI should be recognized as a legal subject. Rather, they raise questions about the legal criteria that should govern any future recognition of AI as a legal person (Ravizki & Yudhantaka, 2022). Accordingly, lawmakers should consider this possibility as part of a forward-looking regulatory strategy, while distinguishing technological capabilities from consciousness, moral status, and legal personality. Given the rapid development of AI, such anticipatory consideration is consistent with the future-oriented dimension of transformative law (Chesterman, 2021; Kjaer, 2022; Smuha, 2021).

CONCLUSION

Indonesia urgently requires a more comprehensive and binding AI regulatory framework because the rapid expansion of AI use is currently governed primarily through general legal instruments that were not designed to address the specific risks of contemporary AI. The UU ITE and the UU PDP provide important baseline protections, while the two draft Presidential Regulations on the National Artificial Intelligence Roadmap and AI Ethics and Governance represent significant steps toward a transitional governance framework. Assessed through the three legal-theoretical perspectives, the emerging regulatory direction is predominantly transformative because it is future-oriented, target-driven, informed by technical expertise, coordinated across sectors, and connected to global AI governance. Responsive elements are also evident in the framework's regulatory flexibility and attention to sociotechnological needs, whereas its progressive-law dimension remains comparatively weak because the approach is incremental and has not yet produced a fundamental shift in the prevailing legal paradigm.

This study contributes an integrated theoretical framework for distinguishing the adaptive, human-centered, and future-oriented characteristics of Indonesian AI governance. From a policy perspective, future binding regulations should establish proportionate risk categories, clear accountability and liability rules, AI-specific transparency and audit mechanisms, effective cross-sectoral supervision, harmonization with the UU ITE and the UU PDP, and meaningful public participation. Particular attention should also be given to vulnerable groups and to mechanisms that enable regulation to adapt to technological change without sacrificing legal certainty, fundamental rights, or opportunities for responsible innovation.

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AUTHOR CONTRIBUTION STATEMENT

Jemy Vestius Confido was solely responsible for the conceptualization of the study, development of the research framework, methodology, collection and examination of legal materials, formal analysis, interpretation of findings, and formulation of the theoretical analysis. The author also conducted the literature review, prepared the original manuscript, revised and edited the manuscript, and approved the final version for publication. The author takes full responsibility for the integrity, accuracy, and scholarly content of the article.

REFERENCES

Badan Pengkajian dan Penerapan Teknologi. (2020). *Strategi nasional kecerdasan artifisial Indonesia 2020–2045*. BPPT.

Buiten, M. C. (2019). Towards intelligent regulation of artificial intelligence. *European Journal of Risk Regulation*, *10*(1), 41–59. https://doi.org/10.1017/err.2019.8

Casey, B., Farhangi, A., & Vogl, R. (2019). Rethinking explainable machines: The GDPR's 'right to explanation' debate and the rise of algorithmic audits in enterprise. *Berkeley Technology Law Journal*, *34*(1), 143–188. https://doi.org/10.15779/Z38M32N986

Chesterman, S. (2020). Artificial intelligence and the limits of legal personality. *International & Comparative Law Quarterly*, *69*(4), 819–844. https://doi.org/10.1017/S0020589320000366

Chesterman, S. (2021). Through a glass, darkly: Artificial intelligence and the problem of opacity. *The American Journal of Comparative Law*, *69*(2), 271–294. https://doi.org/10.1093/ajcl/avab012

Covington & Burling LLP. (2026, May 18). *EU AI Act update: Timeline relief, targeted simplification, and new prohibitions*. Inside Privacy. https://www.insideprivacy.com/artificial-intelligence/eu-ai-act-update-timeline-relief-targeted-simplification-and-new-prohibitions/

DPR RI. (2026, February 3). *Indonesia butuh UU Artificial Intelligence guna perkuat ketahanan nasional berkelanjutan*. https://www.dpr.go.id/kegiatan-dpr/berita/Indonesia-Butuh-UU-Artifical-Intelligence-Guna-Perkuat-Ketahanan-Nasional-Berkelanjutan-62953

Ebers, M. (2025). Truly risk-based regulation of artificial intelligence: How to implement the EU's AI Act. *European Journal of Risk Regulation*, *16*(2), 684–703. https://doi.org/10.1017/err.2024.78

Edwards, L., & Veale, M. (2017). Slave to the algorithm? Why a 'right to an explanation' is probably not the remedy you are looking for. *Duke Law & Technology Review*, *16*(1), 18–84.

European Union. (2024). *Regulation (EU) 2024/1689 of the European Parliament and of the Council laying down harmonised rules on artificial intelligence (Artificial Intelligence Act)*.

Floridi, L., Cowls, J., Beltrametti, M., Chatila, R., Chazerand, P., Dignum, V., Luetge, C., Madelin, R., Pagallo, U., Rossi, F., Schafer, B., Valcke, P., & Vayena, E. (2018). AI4People—An ethical framework for a good AI society: Opportunities, risks, principles, and recommendations. *Minds and Machines*, *28*(4), 689–707. https://doi.org/10.1007/s11023-018-9482-5

Gema, A. J. (2026, June 12). *RUU Hak Cipta dan pemanfaatan AI*. Hukumonline. https://www.hukumonline.com/berita/a/ruu-hak-cipta-dan-pemanfaatan-ai-lt6a2bc2e3d24b2/

Hacker, P. (2018). Teaching fairness to artificial intelligence: Existing and novel strategies against algorithmic discrimination under EU law. *Common Market Law Review*, *55*(4), 1143–1186. https://doi.org/10.54648/COLA2018095

Ibrahim, J. (2006). Teori dan metodologi penelitian hukum normatif. *Malang: Bayumedia Publishing*, *57*(11), 295.

Jobin, A., Ienca, M., & Vayena, E. (2019). The global landscape of AI ethics guidelines. *Nature Machine Intelligence*, *1*, 389–399. https://doi.org/10.1038/s42256-019-0088-2

Kaminski, M. E. (2019). The right to explanation, explained. *Berkeley Technology Law Journal*, *34*(1), 189–218. https://doi.org/10.15779/Z38TD9N83H

Kementerian Komunikasi dan Digital Republik Indonesia. (2026a, February 24). *Adopsi AI 92 persen, pemerintah jadikan AI pilar produktivitas nasional*. https://portal.komdigi.go.id/kanal-publik/berita-kini/10049

Kementerian Komunikasi dan Digital Republik Indonesia. (2026b, May 6). *Bangun tata kelola AI yang etis dan bertanggung jawab, pemerintah rampungkan pembahasan RPerpres*. JDIH Kemkomdigi. https://jdih.komdigi.go.id/berita/view/116

Kementerian Komunikasi dan Informatika Republik Indonesia. (2023, December 19). *Surat Edaran Menteri Komunikasi dan Informatika Nomor 9 Tahun 2023 tentang Etika Kecerdasan Artifisial*. https://jdih.komdigi.go.id/produk_hukum/view/id/883

Kjaer, P. F. (2022). What is transformative law? *European Law Open*, *1*, 760–780. https://doi.org/10.1017/elo.2023.1

Kroll, J. A., Huey, J., Barocas, S., Felten, E. W., Reidenberg, J. R., Robinson, D. G., & Yu, H. (2017). Accountable algorithms. *University of Pennsylvania Law Review*, *165*(3), 633–705.

Malgieri, G., & Comandé, G. (2017). Why a right to legibility of automated decision-making exists in the General Data Protection Regulation. *International Data Privacy Law*, *7*(4), 243–265. https://doi.org/10.1093/idpl/ipx019

Mantelero, A. (2018). AI and big data: A blueprint for a human rights, social and ethical impact assessment. *Computer Law & Security Review*, *34*(4), 754–772. https://doi.org/10.1016/j.clsr.2018.05.017

Mezak, M. H. (2006). Metode dan pendekatan penelitian hukum. *Law Review Fakultas Hukum Pelita Harapan*.

MPR RI. (2026, July 22). *Marinus Gea usul Undang-Undang AI Indonesia*. https://www.mpr.go.id/berita/marinus-gea-usul-undang-undang-ai-indonesia

Nonet, P., Selznick, P., & Kagan, R. A. (2017). *Law and society in transition: Toward responsive law*. Taylor & Francis.

Rahardjo, S. (2009). *Hukum progresif: Sebuah sintesa hukum Indonesia*. Genta Publishing.

Ravizki, E. N., & Yudhantaka, L. (2022). Artificial intelligence sebagai subjek hukum: Tinjauan konseptual dan tantangan pengaturan di Indonesia. *Notaire*, *5*(3), 351–376. https://doi.org/10.20473/ntr.v5i3.39063

Regulations.AI. (2026, June 13). *Strategi Nasional Kecerdasan Artifisial Indonesia (National Strategy for Artificial Intelligence) 2020–2045*. https://regulations.ai/regulations/RAI-ID-NA-SNKAIXX-2020

Republik Indonesia. (2008). *Undang-Undang Nomor 11 Tahun 2008 tentang Informasi dan Transaksi Elektronik sebagaimana diubah dengan Undang-Undang Nomor 19 Tahun 2016 dan terakhir dengan Undang-Undang Nomor 1 Tahun 2024*.

Republik Indonesia. (2014). *Undang-Undang Nomor 28 Tahun 2014 tentang Hak Cipta*.

Republik Indonesia. (2022). *Undang-Undang Nomor 27 Tahun 2022 tentang Pelindungan Data Pribadi*.

Smuha, N. A. (2021). From a 'race to AI' to a 'race to AI regulation': Regulatory competition for artificial intelligence. *Law, Innovation and Technology*, *13*(1), 57–84. https://doi.org/10.1080/17579961.2021.1898300

Software Improvement Group. (2026, August). *A comprehensive EU AI Act summary [August 2026 update]*. https://www.softwareimprovementgroup.com/blog/eu-ai-act-summary/

Sukmana, T., Ashari, Z. S., & Darmawan, Y. (2023). Responsive law and progressive law: Examining the legal ideas of Philip Nonet, Philip Selznick, and Sadjipto Raharjo. *Peradaban Journal of Law and Society*, *2*(1), 92–106. https://doi.org/10.59001/pjls.v2i1.82

Sulaiman. (2014). Hukum responsif: Hukum sebagai institusi sosial melayani kebutuhan sosial dalam masa transisi. *Jurnal Hukum Samudera Keadilan*, *9*(2), 1–16.

Tyagi, K. (2024). Copyright, text & data mining and the innovation dimension of generative AI. *Journal of Intellectual Property Law & Practice*, *19*(7), 557–570. https://doi.org/10.1093/jiplp/jpae028

Veale, M., & Zuiderveen Borgesius, F. (2021). Demystifying the draft EU Artificial Intelligence Act. *Computer Law Review International*, *22*(4), 97–112. https://doi.org/10.9785/cri-2021-

220402
Wachter, S. (2023). Limitations and loopholes in the EU AI Act and AI Liability Directives: what this means for the European Union, the United States, and beyond. *Yale JL & Tech.*, *26*, 671.
Wachter, S., Mittelstadt, B., & Floridi, L. (2017). Why a right to explanation of automated decision-making does not exist in the General Data Protection Regulation. *International Data Privacy Law*, *7*(2), 76–99. https://doi.org/10.1093/idpl/ipx005
Wachter, S., Mittelstadt, B., & Russell, C. (2021). Why fairness cannot be automated: Bridging the gap between EU non-discrimination law and AI. *Computer Law & Security Review*, *41*, 105567. https://doi.org/10.1016/j.clsr.2021.105567
Yeung, K. (2018). Algorithmic regulation: A critical interrogation. *Regulation & Governance*, *12*(4), 505–523. https://doi.org/10.1111/rego.12158