

Imposing Civil Liability On Artificial Intelligence, Is It Possible?**Erma Defiana Putriyanti¹, Iqrimah Fauziah², Daniar Atika Utami³,
Teuku Muhammad Randi Rasya⁴**

Faculty of Law, Universitas Nasional

Correspondence Email:

erma.defiana@civitas.unas.ac.id

Abstract

This research aims to examine and analyze whether Artificial Intelligence (AI) can be used as a subject for civil litigation in court and what the concept of reforming the subject of civil procedural law will be in the future. This type of research is legal research with a legislative approach, a conceptual approach, and a comparative legal approach with Russia. The results of this research conclude that: 1). Based on fiction theory and organ theory, it is possible for AI to become an artificial legal subject or a derivative legal subject like a legal entity. However, AI has limitations, it cannot carry out its rights and obligations like a legal entity because it does not have consciousness and does not have an autonomous will, so AI can't act as a plaintiff in civil cases, because lawsuits are part of the rights; 2). Legal reform is needed by expanding the scope of civil legal responsibility for AI if errors occur and losses arise due to AI's actions. This autonomous imposition of legal responsibility can be applied to Artificial General Intelligence and Super Artificial Intelligence. Thus, legal responsibility is not only attached to the owner or producer and user of AI but can also be imposed on AI itself.

Keywords: Legal Reform, Legal Subjects, Artificial Intelligence.**Abstrak**

Penelitian ini bertujuan untuk mengkaji dan menganalisis apakah Artificial Intelligence (AI) dapat digunakan sebagai subjek dalam proses berperkara perdata di pengadilan dan bagaimana konsep pembaharuan subjek hukum acara perdata di masa depan. Jenis penelitian ini adalah penelitian hukum dengan pendekatan perundang-undangan, pendekatan konseptual, dan pendekatan perbandingan hukum dengan negara Rusia. Hasil penelitian ini menyimpulkan bahwa: 1). Berdasarkan teori fiksi dan teori organ, AI dimungkinkan untuk menjadi subjek hukum artifisial atau subjek hukum turunan seperti badan hukum. Akan tetapi AI memiliki keterbatasan, AI tidak dapat menjalankan hak dan kewajibannya layaknya badan hukum karena tidak memiliki kesadaran dan tidak memiliki kehendak yang mandiri, sehingga AI tidak dapat bertindak sebagai penggugat dalam perkara perdata, karena gugatan merupakan bagian dari hak; 2). Perlu dilakukan reformasi hukum dengan memperluas cakupan tanggung jawab hukum perdata bagi AI jika terjadi kesalahan dan timbul kerugian akibat perbuatan AI. Pembebanan tanggung jawab hukum secara otonom ini dapat diterapkan pada Artificial General Intelligence dan Super Artificial Intelligence. Dengan demikian, tanggung jawab hukum tidak hanya melekat pada pemilik atau produsen dan pengguna AI tetapi juga dapat dibebankan pada AI itu sendiri.

Kata kunci: Reformasi Hukum, Subjek Hukum, Kecerdasan Buatan.

A. Introduction

Legal terminology in Indonesia recognises the existence of two legal subjects, namely legal subjects of persons and legal subjects in the form of legal entities, such as bodies or associations. Sudikno Mertokusumo and Mochtar Kusumaatmadja, argue that legal subjects are bearers of rights and obligations obtained from the law, because they have characteristics attached to them. Legal subjects have the characteristics of being able to carry out their own legal actions because they have a will, have rights and obligations as a result of their actions, and have their own assets or wealth, and can litigate in court, in this case they can sue and can be sued. A legal subject can act as a plaintiff when his civil rights have been violated by others, so he can file a lawsuit in the District Court. Conversely, a legal subject can be sued by another person to the District Court when he has committed an act that violates the rights of another person and causes harm to that person.

Initially, humans were the only legal subjects because of their nature as natural persons and are living beings that can act independently, but nowadays legal subjects have developed not only humans but also legal entities (*Recht Persoon*). Legal entities are derived legal subjects or artificial legal subjects formed by humans who can act independently and have separate assets. In the viewpoint of international law, the subjects of international law are even broader, covering six categories, namely States; International Organisations; International Red Cross; Vatican Holy See; Individuals; Rebels. The subject of international law has even increased with the inclusion of "rivers" as subjects of international law.

Starting from this, it raises the idea that the expansion of legal subjects is not impossible, considering that law is dynamic following human development. One of the things that is currently becoming a global issue is the presence of Artificial Intelligence (AI). The discovery of Artificial Intelligence (AI) has affected changes in the social order in society. One of the things that currently has no unification is how AI is positioned in the legal system, either as a legal object or as a legal subject. The extensive utilisation of AI in various sectors has led to extensive legal consequences. As a computer system that processes big data and has been programmed with algorithmic formulas, AI can mimic the mindset and imitate human behaviour, so that AI can act like a human. This also raises the question of whether AI can be qualified as a legal subject that can be burdened with legal responsibility for its actions that harm others.

If qualified as legal subjects, AI in addition to having rights and obligations, can also act as plaintiffs and defendants in court as a result of their legal actions. The challenge in Indonesia is that there is no legal instrument that regulates the position of AI, how it is utilised, how it is supervised and how to resolve the legal consequences arising from the use of AI. Although Indonesia is not an AI developer country and is only a country that utilises AI, the establishment of regulations and updating of existing regulations to regulate these matters is urgent.

Some examples of cases of AI system failures such as the "Tay" Robot (AI chatter bot) which has posted bad and offensive tweets on the twitter application and the AI application "Alexa" which has violated other people's privacy by recording the owner's conversation and disseminating it to third parties. In 2023

there was a case in Brazil, where Brazil's National Judicial Council investigated a court judge named Jefferson Rodrigues for making mistakes in his judgement written using AI Chat *GPT*. (Media Indonesia, 2023). Japan has also experienced a case of the violent death of a 4-year-old child due to recommendations from AI used by the local government. (Detiknet, 2023). Some of these cases show that there is inappropriate decision-making by AI and the provision of incorrect input data by AI, causing harm and loss to others. On the other hand, the use of AI can also be misused as a tool to commit various violations of the law.

Some examples are *deepfakes* or creating fake content from real humans, a recent example being the case of President Jokowi speaking Mandarin. *Deepfake* targets are also common among women, such as cases where AI has turned photos of women into pornographic content. In the education sector, AI misuse occurs in the use of AI as a test jockey that can replace students to take and answer all exam questions correctly. Some examples of these actions give rise to legal liability, which raises the question of who the legal liability will be imposed on. Whether AI can be a party subject to legal liability and sued in the event of a loss, and conversely whether AI can also file a lawsuit in court if it is used as a tool to commit a crime.

The *Herziene Indonesisch Reglement (HIR)* and *Rechtreglement voor de Buitengewesten (RBg)* as the basis for the application of civil procedural law in Indonesia, explicitly only recognise that only legal subjects, namely persons or legal entities, can act as plaintiffs and defendants in civil cases. The determination of whether or not an *AI* can be a subject of litigation in court depends on whether or not the *AI* can be considered a legal subject.

B. Problem Statement

Based on the description in the background mentioned above, this paper aims to review and analyse about: 1). Whether Artificial Intelligence (AI) is possible as Plaintiff and Defendant in civil cases; and 2). How is the concept of renewal of the subject of civil procedural law in the future.

C. Methods

This type of research is legal research with a statutory approach, conceptual approach and comparative legal approach, in this case comparing the concept of AI in the legal system in Indonesia with the *Russian Draft Bill of The Grishin Law in Russia*. This research examines primary legal materials in the form of legislation such as Law Number 16 of 2016 on ITE, Civil Code, *Herziene Indonesisch Reglement (HIR)* and *Rechtreglement voor de Buitengewesten (RBg)* as well as legal doctrines obtained from library research. All data is then analysed in a qualitative deductive manner so as to produce conclusions that are answers to problems.

D. Results and Discussion

1. Development of Artificial Intelligence

Artificial intelligence (AI) is one of the major inventions born in the 5.0 era society, which is a computerised system developed by processing big

data that is programmed with algorithmic formulas, so that it can imitate human thinking and behaviour. The European Commission of 2018 defines AI as a system that displays intelligent behaviour by analysing its environment and taking action with a certain level of autonomy to achieve certain goals. AI systems have two categories, namely:

- 1) Systems that are purely software-based and act in the virtual world, e.g. voice assistant (*siri*), image analysis software, search engines, voice and face recognition systems;
- 2) AI embedded in hardware, e.g. advanced robots, autonomous cars, drones or Internet of Things applications (Budi Raharjo, 2023).

The history of the concept of AI has actually started since the ancient Greek civilisation before the 20th century AD, there is the myth of Hephaestus, which is the concept of making servants using mechanics. Furthermore, in medieval times, Al- Jazari developed the concept of Humanoid robots that can work mechanically. In addition, some philosophers such as Thomas Hobes and Rene Decrates have the concept that animals are nothing more than a series of complex machines (Zumaryah, 2021).

The birth of AI in the modern era began in 1943, through the publication of a scientific article written by Warren McCulloch and Walter Pitts entitled "A Logical Calculus of the Ideas Immanent in Nervous Activity". This publication became the basis for the formation of the concept of Neural Networks which is very important for the development of AI. Next, in 1950, British mathematician Alan Turing proposed a universal Turing machine using a calculation model. This concept became the basic concept of computer development.

The proposed concept was followed by the publication of an article entitled computer machines and intelligence. The article then became the basic concept of modern artificial intelligence, which is a machine that can display human-like capacities such as reasoning, learning, planning and creativity. The first new AI programme was conducted in 1955 by Allen Newell, Cliff Shaw, and Herbert Simon through a computer programme called Logic Theorist. The programme was presented at the DSRPAI scientific conference, at which time the name "Artificial Intelligence" was coined for the first time.

After the Logic Theorist, AI continued to develop, including the invention of deep learning algorithms by Jhon Hopfield and David Rumelhart, the Expert System programme by Edward Feigenbaum that can give certain advice to lay people, the AI Winter programme, and the Deep Blue programme by IBM. Along with the rapid development of computer technology such as Graphic Processing Units that are suitable for AI, AI has also experienced rapid development. By using data supported by Expert System, it can train AI to recognise certain objects. (Zumaryah, 2021)

The current level of AI is determined based on its intelligence capabilities. According to Mikhail Batin and Alexey Turchin, the AI ability category is divided into three groups, namely: Artificial Narrow (ANI), Artificial General Intelligence (AGI), and Artificial Superintelligence (ASI). ANI is the weakest level of AI, which is artificial intelligence that

only focuses on certain tasks, usually within a specific and narrow scope. ANI has the ability to learn and make decisions independently based on analysis and knowledge. Examples are chatbots in customer service, Siri at Apple, Google, Microsoft, etc. In addition, ANI also has a way of learning machine learning algorithms to learn user habits and provide content suggestions that match user preferences, for example in the Netflix streaming service.

Artificial General Intelligence (AGI) is a level above Narrow AI because it can behave like a human. AGI is the concept of highly intelligent machines that have the ability to learn and apply their intelligence to solve various problems. AGI has the ability to solve a variety of complex tasks. Thus, AGI can think, understand and act like humans. An example of AGI is an autonomous car.

The highest level of AI is Artificial Super Intelligence (ASI), which is AI that is described as having very advanced technology because it is able to make rational decisions and can build emotional relationships with other beings. ASI has the ability to process information quickly, and more accurately than human thought. Therefore, ASI is described in the form of a robot that is indistinguishable from humans and has intelligence that surpasses humans, because it has the ability to do everything. ASI is a future AI that is currently still in the hypothetical stage.

In addition to these three types of AI levels, based on its function there are six other AI categories, including: Reactive Machines, Theory of Mind, Limited Memory, Neural Networks, Robotics, and Self Awareness. 1). Reactive Machines AI is AI that can respond to current situations based on pre-programmed patterns, for example used for real-time analysis in stock trading; 2). Theory of Mind has a level of intelligence that can understand and predict the feelings, intentions, and thoughts of others; 3). Limited Memory AI has the ability to store and access data from past experiences (historical data); 4). Neural Network AI has a way of working that mimics the way the neurons of the human brain function which are interconnected and exchange information; 5). Robotics are intelligent machines that are programmed to perform specific tasks. AI allows robots to understand their environment, analyse data from sensors, and use that information to navigate, plan actions, and complete tasks autonomously; 6). Self Awareness AI is a level of artificial intelligence that is still in the research and exploration stage. AI with this level will have an understanding of its own existence and an awareness of the environment around it (Binus University, 2024)

2. Analysis of Artificial Intelligence as Plaintiff and Defendant in Civil Cases

As a computerised system developed by processing big data programmed with algorithmic formulas, AI has the ability to mimic human thinking and behaviour. However, as a machine that has been programmed, AI still has the risk of system failure. Several cases show the existence of system failures in AI, such as inappropriate decision making by AI and the provision of incorrect input data by AI, causing harm and causing harm to others. When such errors occur that cause harm to others both materially and immaterially, that is where legal responsibility arises. One of the legal efforts that can be made to recover these losses is to file a lawsuit in the

district court. Referring to Article 118 paragraph (1) HIR, it is determined that civil claims (lawsuits) at the first level including the scope of authority of the district court, must be filed with a request letter (*surat gugatan*) signed by the plaintiff or his attorney, to the chairman of the district court in the place of residence of the defendant, or if the place of residence of the defendant is unknown, the lawsuit is filed with the chairman of the district court in the place of residence of the plaintiff.

Based on the provisions of Article 118 paragraph (1) HIR, it can be seen that a civil lawsuit is filed by the plaintiff or his attorney and addressed to the defendant, thus the legal subjects in the examination of civil cases are the plaintiff and the defendant. The plaintiff is a legal subject whose rights are violated by the defendant. The plaintiff must be a person with *legal standing* and capacity (Harahap, 2007) Mistakes in acting as a plaintiff will result in the lawsuit becoming formally defective. If it is related to the misuse of AI as a tool to violate the law, then the legal responsibility is civilly attached to the perpetrator or the person who caused the loss. In this regard, the question arises whether AI has the capacity to act as a plaintiff, given the unlawful misuse and utilization of AI.

Next, if it is related to the failure and error of AI systems in making decisions and providing data input that causes harm to others, whether in this case legal responsibility can be imposed on AI and whether AI has the capacity to be sued in court. The answer to these thoughts depends on how AI is positioned in the legal system, whether it is viewed as an object of law or viewed as a subject of law. Given that the plaintiff and defendant must be legal subjects. Until now, there is no regulation that specifically regulates AI in Indonesia.

The legal basis that can be used as a foothold regarding the position of AI is found in Law Number 16 Year 2016 on Electronic Information and Technology (ITE). Through Article 1 point 28, there is a definition of an Electronic Agent, which is a device of an electronic system that is made to perform an action on certain electronic information automatically. The definition of electronic agent in Article 1.28 implicitly has the same characteristics as AI, which lies in the function of AI in the automation of information processing that can be equated with Electronic Agent. However, the Article has not been able to explain whether or not AI can be a subject of civil law. Therefore, the discussion on this matter will be examined based on legal theories.

The concept of positioning AI as a legal object and legal subject is still being debated. According to experts who view AI as a legal object, it would seem unethical to position a tool made by humans as a "human", (Amoro & Komarhana, 2021), because AI does not have natural elements like humans, especially in terms of ethics and empathy for others. However, those who view AI as a legal subject do not see AI biologically, but rather as a derivative or artificial legal subject such as a legal entity. A legal entity is actually a form of association formed under the law, can perform legal acts independently, has rights and obligations and has separate assets and can sue and be sued before the law. This shows that legal entities are artificial legal subjects that are likened to humans.

The expansion of artificial legal subjects other than legal entities actually already exists, namely with the recognition of "rivers" as one of the subjects of international law, such as the Ganga River in India and the Te Awa Tupua River (2017) in New Zealand. Therefore, to provide legal certainty with the emergence of AI today, the law should immediately be able to determine its status. The concept of establishing legal entities as artificial legal subjects is based on the discovery of two legal theories, namely the theory of fiction and the theory of organs. By relying on these two theories, it can help answer the question of whether or not AI can be qualified as artificial legal subjects. Based on the fiction theory initiated by Friedrich Carl van Savigny, the view is that legal entities are only fictions (non-existent) created by the state and brought to life in the image of legal subjects who can perform legal acts like humans. Based on the thinking of this theory, if it is connected to the form of AI, then AI itself is just a fiction or not real, but it is alive to be able to perform actions that are ordered to imitate patterns of behaviour, mindsets and make decisions like humans. (Putriyanti & Romainur, 2023)

The organ theory initiated by Otto van Gierke, views that legal entities are organs that are considered human-like because they have a will with the intermediary of their organs or administrators, just as humans have five senses). If it is related to AI, it can be stated that the actions taken by AI come from human will in the form of a computer system that has been programmed through algorithmic formulas and stored in its black box (Putriyani & Romainur, 2023). The intermediary in AI is the human who programmed the computer system in the AI black box. Thus it can be concluded that based on the fiction theory and organ theory, AI may become an artificial legal subject such as a legal entity.

The next analysis is whether with the possibility of being a legal subject, AI can also be a subject of civil litigation in its capacity as a Plaintiff or as a Defendant. To answer this question, there is a concept that analogises AI to animals and workers based on the similarities between animals and AI as entities that can move and act independently (Ravizki & Yudhantaka (2022). A growing body of legal literature globally also sees attempts to consider the nature of AI as analogous to the animal law regime. Although there are significant differences between animals and AI. Animals are considered as legal objects with respect to the principle of humane treatment of them. Unlike AI robots, some animals are capable of expressing emotions, but do not have free will and therefore cannot exercise their rights and obligations. (Vasilyev et al., 2019).

The analogy of AI as a worker or animal is based on the fact that AI is an intelligent computer device that has been programmed with algorithms and can perform certain actions as instructed. Thus, it can be determined how the legal responsibility attached to the worker or animal. Referring to Article 1367 paragraph (1) and paragraph (2) of the Civil Code, which stipulates that a person is not only responsible for losses caused by his own actions, but also for losses caused by the actions of those for whom he is responsible or caused by goods under his supervision." And Employers and persons who appoint others to represent their affairs are liable for damages incurred by their servants or subordinates in the performance of the work for which these persons are employed". Based on this provision, the legal responsibility for the wrongdoing committed by the AI and causing harm to

others, attaches to the AI owner in his capacity as an employer or order-giver. Thus, the lawsuit is directed to the employer, not to the AI, so the position as defendant is with the employer.

Furthermore, the analogy of AI as an animal is based on the provisions of Article 1368 of the Civil Code, which stipulates that "The owner of an animal, or whoever uses it, as long as the animal is used by him, is responsible for losses caused by the animal, whether the animal is under his supervision or the animal strays or escapes from his supervision". Based on this provision, it can be seen that legal responsibility for losses caused by the fault of AI is attached to the owner. The analogy between AI as a worker and an animal based on Article 1367 paragraph (1) and paragraph (2) and Article 1368 of the Civil Code shows that AI cannot act in its capacity as a defendant in a civil case.

In the opinion of the researcher, this analogy can be applied to Narrow AI which has limited capabilities and depends on human control. AI that has higher capabilities such as Artificial General Intelligence (AGI) and Super Intelligence AI should be able to be attached with independent legal responsibility for errors and losses due to its actions. This is based on the consideration that AGI and ASI are types of AI with a high level of ability that can think, understand and act like humans, are able to make rational decisions, and are more autonomous. Although the results of research conducted by A.A. Vasilyev, Zh I Ibragimov, and W V Gubernatorova in their publication entitled *The Russian Draft Bill of "The Grishin Law" in Terms of Improving The Legal Regulations In The Field of Robotics: Critical Analysis* revealed that imposing legal liability on AI would be problematic because AI producers and owners could avoid legal liability for the wrongful acts of AI (Vasilyev et al., 2019)

Member of the European Parliament J. Lebreton also shares his view that imposing legal liability on AI could eliminate all responsibility from the producers and users. Therefore, according to the researcher's opinion, the independent imposition of legal responsibility on AI should not eliminate the legal responsibility that is also attached to the producer or owner and the user. Thus, in the event of an error that causes harm due to the actions taken by AI, legal responsibility can be imposed on AI itself, its owner or producer and its users.

Regarding whether AI can act as a plaintiff, in the researcher's view this is difficult to do. Filing a lawsuit is a right and is done with the awareness and will of the legal subject. AI does not have consciousness and will, because all its actions have been programmed in the computer system. AI has no awareness of its rights and cannot act to exercise its rights without being pre-programmed in its computer system. Therefore, it is not possible to have awareness of its rights, so it is not possible to be a plaintiff in a civil case.

3. The Concept of Renewal of the Subject of Civil Procedure Law in the Future.

Thoughts and concepts regarding the legal status of AI are still being debated, positioning AI between legal objects and legal subjects. Some studies suggest that AI may be possible as limited subjects of civil law. In comparison, Japan and Saudi Arabia have determined the position of AI by

recognising AI as human legal subjects (Natuurlijk Persoon). This can be seen by the granting of citizenship status to the "Sophia Humanoid Robot" in Saudi Arabia which has the physical form of a woman. In addition, Japan has granted a residence permit to the "Shibuya Mirai Robot", this robot does not have a physical form but is a bot (computer programme) that can conduct written conversations through the LINE application. Russia, through the company Sberbank, has launched a robot lawyer that can file lawsuits against individuals and the company Glavstrah Control has launched a robot to help resolve insurance disputes.

Russia has now even drafted the Grishin Law, which amends the provisions of the Civil Code of the Russian Federation. The bill addresses AI, specifically defining AI, imposing legal liability on robot developers, operators or manufacturers and allowing robots as attorneys who can litigate in court. Grishin's bill qualifies AI robots into two types, namely:

- a. Robot as a property type; and
- b. A robot agent is an independent civilian member and is granted the status of a legal entity with a special legal personality.

Thus, the position of AI robots depends on their type. AI robots are seen as legal objects in their position as types of property and AI robots are seen as legal subjects who are given the status of legal entities with special personalities in their position as robot agents. The determination of qualifications for robot agents is based on the concept of legal subjects and the main characteristics that determine the existence of independent legal personality, which are conventionally developed in the fields of law, science and practice. However, until now it is still debated and raises pros and cons. Some of the things that are still debated in the Grishin Bill are:

- a. AI robots are defined as devices capable of acting, determining their actions, and evaluating their consequences based on information derived from the external environment, without full human control. But the fact is that robot independence at the current level of technological development is relative and still dependent on human control;
- b. AI robots lack the human-like traits of precision and emotion;
- c. Imposing legal liability on AI robots may eliminate legal liability on the manufacturer or owner of the robot and the user;
- d. Whether or not AI robots can fulfil compensation claims for damages.

Based on Grishin's bill, it can be concluded that granting legal entity status to AI is possible in the presence of criteria such as the independence of the robot from humans, the ability to exercise rights and obligations (will) and consideration of the interests of people who may suffer from the actions of the robot Vsiliev, A., et al. (2019).

There are differences in the concept of AI between Saudi Arabia and Japan and Russia. Saudi Arabia and Japan have a concept that views AI as a human legal subject (legal person), while the Russian concept of AI as a legal subject is given the status of a legal entity with a special personality. These concepts can be used as a comparison in determining the legal status of AI and in drafting AI regulations in Indonesia. Although Indonesia is

only a user of AI and has not yet developed AI, regulations related to its use and utilisation need to be formed immediately to provide legal certainty. In addition, the current laws and regulations also need to be updated and adjusted to the development of AI.

The researcher is of the view that the most feasible concept in giving AI legal status in Indonesia is the concept of the Russian Grishin Bill which qualifies AI as a legal subject given the status of a legal entity with special personality. Based on the fiction theory and organ theory discussed earlier, AI may become artificial legal subjects or derivative legal subjects such as legal entities (*Rechts Persoon*). AI cannot be qualified as an individual legal subject (*Naturlijk Persoon*), because AI is different from humans, lacks empathy and emotions and every action it takes is based on controls made by humans that have been programmed in AI's computerised system. In other words, AI in determining its actions does not come from consciousness like humans, but its actions come from commands that have been programmed in the computer system.

In order to ascertain whether AI can possibly become an artificial legal subject like a legal entity, it is necessary to identify whether AI is able to fulfil the qualifications of being able to perform legal acts independently, having rights and obligations, having independent assets, having clear goals and objectives, and being able to sue and be sued in court.

- a. A legal entity can perform legal acts by being represented by its organs or management, therefore involving humans as controllers who determine the actions of the legal entity. However, legal responsibility remains attached to the legal entity, due to the limited liability of the management. Unlike legal entities, AI cannot act autonomously because all of its actions are derived from computer programmes created by humans. Thus, all AI actions come from human control. However, if the determination of AI as a legal subject is determined using the parameter "without full human control" as mentioned in the Grishin Bill, then this element is not fulfilled;
- b. A legal entity has rights and obligations as a result of the legal acts it performs. In contrast, it is difficult to identify rights and obligations in AI, because AI does not have a will. The actions performed by AI are based on the will of the computer system that has been programmed into it, so it does not have the consciousness to have something as its right and does not have the consciousness to will (carry out obligations);
- c. A legal entity has assets that are independent and separate from the assets of its owners. AI may have independent assets or wealth, but because it does not have an independent will, it will be difficult to manage its wealth;
- d. A legal entity is established with clear purposes and objectives stated in its articles of association. All actions taken by a legal entity must not depart from the objectives set out in the articles of association. Meanwhile, the purpose and objectives of AI cannot be clearly determined, because all its actions come from a computer system that has been programmed. The law will find it difficult to restrict the use of

AI, even if it is deviant, because AI does not have independent consciousness and will. In addition, AI computer systems can malfunction, which can lead to decision-making errors or errors in providing data advice;

- e. A legal entity can sue and can be sued in a civil case in court, this is an inherent legal responsibility as a result of its legal actions. The imposition of legal responsibility on AI for its faults and losses can lead to the loss of legal responsibility of the owner or producer and its users. If we refer to the concept of analogy of AI as an animal, then based on the provisions of Article 1368 of the Civil Code, legal responsibility for errors and losses caused by AI will be imposed on the owner or producer. Therefore, the lawsuit is addressed to the owner/producer. The researcher is of the view that there is a need for legal reform related to the expansion of legal liability arising from AI's wrongful actions that cause harm to AI itself. Thus, there is an expansion of legal responsibility that is imposed not only on the producer or owner and user of AI, but also on AI. Thus, it is possible for AI to be sued before the law. Sanctions that can be applied can take the form of repressive sanctions such as the destruction of AI robots or the destruction of AI computer systems, sanctions prohibiting the creation and use of similar AI or fines. Fines can be applied to AI that has been given the status of an artificial legal subject that has independent wealth. As for its capacity as a plaintiff, this is difficult to apply to AI. Filing a lawsuit is a right and is done with the awareness and will of the legal subject. AI does not have consciousness and will, because all its actions have been programmed in the computer system. Therefore, it is not possible to have awareness of its rights, so it is not possible to be a plaintiff in a civil case.

E. Conclusion

1. Based on the fiction theory and organ theory, it can be concluded that it is possible for AI to become an artificial legal subject or a derivative legal subject such as a legal entity (Rechts Persoon). AI cannot be qualified as an individual legal subject (Natuurlijk Persoon), because AI is different from humans, lacks empathy and emotion and every action it takes is based on controls made by humans that have been programmed in AI's computerised system. It is possible for AI to qualify as a legal entity in a limited way, i.e. it can perform certain actions controlled by humans, it is possible to have independent wealth like a legal entity, and it is possible to be legally liable for the wrongdoing of its actions, including being sued before the law. However, AIs have the limitation of not being able to exercise their rights and obligations because they do not have independent consciousness and will, so it is not possible to act as a plaintiff, which is part of the exercise of rights.
2. Legal reform is needed by extending the scope of civil liability to AI in the event of wrongdoing and damages caused by AI actions. This independent imposition of legal liability can be applied to Artificial General

Intelligence (AGI) and Super Artificial Intelligence (ASI). This is based on the consideration that AGI and ASI are types of AI with a high level of ability that can think, understand and act like humans, are able to make rational decisions, and are more autonomous. Thus, the legal responsibility is not only attached to the owner or producer and user of the AI but can also be imposed on the AI itself.

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