

Building a Criminal Justice System Based on Artificial Intelligence in Indonesia

Diana Lukitasari¹, Hartiwiningsih², Jamal Wiwoho³
^{1,2,3}Universitas Sebelas Maret
Surakarta, Indonesia
Diana_lukita@staaf.uns.ac.id

Abstract-This research tries to seize the opportunity to improve corporate criminal justice. This process starts with bettering regulations and submitting punitive mediation possibilities, all while designing an Artificial Intelligence (AI) system by initially inputting supporting data. The findings indicate that companies can be classified as criminal law subjects and prosecuted in court. When carrying out prosecutions, it is preferable to use prison mediation as a means of resolving disputes. It is also creating online court system approaches using internet technology and AI aid in addition to that method. The use of AI activates a function in a variety of ways for various sorts of legal cases, courts, and administration, assisting justice officers in their work. In Indonesia, AI has proven to be effective. However, AI must still adhere to ethical norms in order to ensure that justice, as well as the emotional side, sentiments, and humanity, is upheld.

Keywords-Criminal Justice, Corporate, Artificial Intelligence, Penal Mediation.

I. INTRODUCTION

It is impossible to separate all actions in diverse sectors, both private and public, from the application of binding laws and regulations. One of them is in the area of economic activity execution. Economic activities also contribute to the state's budget via supplying, purchasing, and selling goods and services. The primary goal of economic activity is to provide commodities and services that are available and accessible to consumers. These actions are carried out in exchange for material or other things with monetary worth in economic operations.[1]

The involvement of business actors or economic actors in the production, distribution, and consumption processes, which can be carried out by individuals or institutions, one of which is a legal entity of a corporation, cannot be isolated from the cycle of economic activity. Corporations, like persons, have rights and the ability to act, have their own assets, and can be sued. Filing a lawsuit in court is one of the legal matters. As a result, rules and regulations have the capacity to bind corporations and hold them liable for their conduct that violate the law.[2]

Corporations are one of the subjects that contribute significantly to a country's economic growth. Businesses'

effect on asset growth, as well as their business activities, produce revenues and enable corporations to wield economic, social, and political power. On the other hand, population growth, as well as the effects of globalization and technological advancement, have intensified corporate competitiveness amongst firms. As a result, continual production operations have occurred, causing significant environmental damage. Furthermore, the rapid development of companies is inextricably linked to the likelihood and opportunity for corporate criminal acts to have a major and long-term influence on future generations.[3]

The importance of corporations in the economy of a country cannot be overstated. However, certain firms, both domestic and international, have run afoul of the law. A corporation, in theory, can become the main stream axis in achieving general welfare in terms of the economy, because corporations, in carrying out their activities, can create jobs opportunities for society in addition to increasing state income in the form of taxes and even foreign exchange in order to boost economic growth. In practice, however, three corporations were embroiled in corruption cases during the 2017-2018 period. Face-to-face court proceedings are primarily used to prosecute corporations that commit illegal activities.[4]

The right application of technology is required today. The use and application of computers as a substitute for conducting a trial has proven to be beneficial. Other countries, such as China, have gone further in utilizing Artificial Intelligence (AI) technology to take use of technologies such as "smart courts." Conflicts and legal issues do not go away or diminish dramatically as time passes, but violations and criminal acts continue to occur. As a result, the government and the House of Representatives (DPR) have a number of tasks to perform, both in terms of monitoring corporate operations, which frequently contravene existing rules and regulations, and in terms of ensuring individuals' rights in order to attain general welfare.[5]

By defining human intellect as a measure of what AI can perform, this is vital to establish. Intelligence is defined as the ability to reason abstractly, logically, and consistently, to find, locate, and see through correlations, to solve problems, to find rules in seemingly disorganized material, to solve new problems and tasks, to adapt flexibly to new situations, and to learn independently without the need for face-to-face direct instruction.

II. FINDINGS AND DISCUSSION

I. Utilization of Penal Mediation to Achieve Justice for the Parties in Corporate Crimes

Corporations, as economic participants, play an important role in this. In order to improve efficiency, the firm performs required steps such as determining the best method of obtaining goods, conducting market price surveys to obtain a fair value, and reviewing offers that provide good value for money, which becomes the spirit of each of its activities. Corporations have existed since the 13th century AD. The Church Council founded the corporation purely as a civil law body at first. The concept of *societas delinquere non potest*, which asserts that a criminal justice system for corporations is not feasible, is applied to the subject. On the other hand, the concept of *societas delinquere non potest* is no longer a dogma in the secular justice system, therefore it cannot be employed as a legal theory to limit and bind corporate criminal liability.[6]

The old adage *societas delinquere non potest* affects the criminal justice system all over the world, including in Indonesia, where Article 59 of the Criminal Code states that "In cases where a criminal offense is determined against the board, members of the board of directors or commissioners, the board, members of the board of directors or commissioners who do not appear to have interfered in committing a violation are not subject to c As a result, corporate cases are almost always civil, and almost no one has ever been charged with a crime. Dominik Brodowski went on to say that countries with a common law legal system, such as the US, are leading the global trend toward corporate criminal liability. The US Supreme Court stated in the case of *Santa Clara County v Southern Railroad* in 1886 that businesses might be considered ordinary people (*natuurlijk person*). This has resulted in the establishment of norms in the sphere of corporate criminal law through establishing jurisprudence in the US court system.[7]

According to Article 1 paragraph (1) of Law Number 31 of 1999 on the Eradication of Criminal Acts of Corruption, as amended by Law Number 20 of 2001 on the Amendments to Law Number 31 of 1999 on the Eradication of Criminal Acts of Corruption, a corporation is defined as an organized collection of people and/or assets, both legal and non-legal entities. The explanation includes individuals who are not legal entities as well as those who have the status of a legal entity.[8]

A corporation, according to numerous expert definitions, is a group of people who share a same aim in the areas of trade, production, and services, namely to make money, and who have the same rights and obligations as individuals, including the ability to be held liable for their conduct.[9]

The spirit of capitalism emerged in the modern age, particularly during the industrial revolution, and this has resulted in a tremendous growth of businesses. Finally, corporations are fast embracing the mindset of "maximizing profit at any costs" while ignoring human values. Corporations' role in environmental damage is clear

today, ranging from clearing production land through forest burning, deforestation, illegal logging, not reclaiming mining areas, producing environmentally unfriendly products by using materials that are not easily decomposed in nature, and failing to properly reprocess waste, resulting in pollution.[10]

Bribery and corruption are two behaviors regularly carried out by corporations that are linked to criminal law. Corporate criminals frequently engage in corruption in order to enhance profits. Corruption is expected to cost the world 1-1.6 trillion dollars each year, with underdeveloped countries losing 40 billion dollars. The socioeconomic situation of a developing country deteriorates as a result of this circumstance. Corporations can participate in bribery and corruption in a number of ways: First, businesses fall prey to unscrupulous officials who take advantage of the situation by asking bribes in exchange for assistance with commercial ventures. Second, businesses take the initiative to pay bribes to government officials in order to influence them to make strategic decisions in their favor.[9]

Another notion is that businesses pay bribes to government officials in order to expedite the licensing process and win bids in government project auctions. Corporate management or anyone in the corporation who, in accordance with applicable regulations, bribes for and/or on behalf of the corporation, gives or promises something to state officials for the purpose of influencing their duties and authorities in accordance with the Corruption Eradication Act, commits this corporate bribery offense (UU PTPK). A long and complicated licensing and bureaucratic process, a lack of internal company transparency, and a lack of accountability for the use of corporate assets led to this situation. The motivation for these steps was supposed to be survival in the commercial war as a result of the impact. On several instances, the government has attempted to solve this issue. Corporate offenses, on the other hand, do not evaporate overnight; in fact, as a result of technological improvements and globalization, some violations have been transformed into crimes.[11]

Sanctions that may look insignificant to some may have a substantial impact on corporations and the livelihoods of many people, particularly those who have been implicated. Criminal punishments for businesses may have a good impact in that they can be lead into a system that society and the state wish and aspire to, such as encouraging corporations to manufacture environmentally friendly products and safely process manufacturing waste to avoid harming the environment. However, the negative influence that the state's punishment of companies may have on the business's stability is a huge loss that will, of course, harm not just the corporation but also the persons who work for it or collaborate with it. Not only will those who commit illegal crimes suffer, but so will innocent people such as workers, stockholders, and product buyers.[12]

Mediation has the advantage of establishing a fair agreement between opposing parties, which is what the parties seek. Furthermore, addressing disputes through mediation takes less time and costs less money than going to court. Rather than focusing on legal rights, mediation

focuses on real-life issues such as emotional and psychological needs. Mediation can also assist in resolving issues that virtually always occur when making decisions in court. Despite the fact that there is presently no unified law in one body governing the settlement of corporate criminal cases, the author stated that criminal cases involving corporations can be resolved using the penal mediation approach, which takes into consideration the parties' interests.[13]

Penal mediation is preferred in corporate cases since it is less time consuming and costly than going to court. In Indonesia, penal mediation is governed briefly by Law Number 30 of 1999 on Arbitration and Alternative Dispute Resolution; nevertheless, the regulation in this Law regulates primarily about arbitration, and mediation is only mentioned twice in the Act. Mediation arrangements are governed by Supreme Court Regulation (PERMA) Number 2 of 2003 on Mediation Procedures in Courts, which has been modified twice by PERMA Number 1 of 2008 and PERMA Number 1 of 2016. Aside from these two institutions, the State Police of the Republic of Indonesia issued Circular Letter Number: SE/8/VII/2018 concerning the Application of Restorative Justice in the Settlement of Criminal Cases, and the Attorney General's Office uses it through Attorney General's Regulation Number 15 of 2020 concerning the Termination of Prosecution Based on Restorative Justice, both of which regulate alternative dispute resolution or case settlement.

II. The Usage of AI in the Alternative Criminal Justice System Penal Mediation in Corporate Crime Cases

Artificial Intelligence (AI) is a system designed to make human work easier, particularly in professions that are repetitive or unique to a task. Thinking Humanly Approach, Acting Humanly Approach, Thinking Rationally Approach, and Acting Rationally Approach are the four approaches to AI. AI can speed up the completion of a task, improving the efficiency of human labor. However, AI's main flaw is that it is still constrained to specific tasks. AI works by continuously learning to spot errors and gaps, then analyzing and solving them in a short amount of time without the need of emotions or awareness that people have. Many countries are now developing AI in a variety of fields, one of which is the creation of administrative and judicial systems. Some governments have employed AI to do simple to sophisticated tasks. Countries including the United States, the United Kingdom, the European Union, Japan, and China are all concerned about the advancement of artificial intelligence in court issues.[14]

The Chinese government attempted to set up an AI court in 2015. The Chinese government has successfully constructed an AI Court system three years later. Some of the things China has done to capitalize on AI advancements. Collaboration between the deployment of penal mediation for corporate offenses and artificial intelligence media would undoubtedly be advantageous. AI may be trained to consider a variety of aspects from a socioeconomic and environmental standpoint, and then issue recommendations to opposing parties in order to

arrive at judgments that are more favorable to both parties. AI can be shaped and guided in accordance with the Government of the Republic of Indonesia's ideals, such as by instilling Pancasila values and national understanding in the expectation that AI will be able to work alongside people. However, AI can pose a threat to society if it is programmed just for people who possess and have specific political interests.[12]

AI can be utilized in a variety of ways to work in a variety of situations. In many nations, there is a lot of talk concerning AI for courts. Most say that AI can "do justice," and that, unlike human judges, AI is steadfast in its performance. Although AI has demonstrated its utility in alleviating practical problems such as court administration, it does not yet have the ability to judge. In common law countries, the jury system still plays a part in adjudication. According to Dory Reiling, AI can help courts organize information, provide advise or a rapid remedy, and make predictions.[15]

Technology plays an important role in our lives, but how we use it is still up for debate. The Institute of Electrical and Electronics Engineers (IEEE), the European Union, and the Council of Europe have all published statements outlining ethical standards for the use of AI. The Council of Europe's Commission for the Efficiency of Justice (CEPEJ) has looked into this. The CEPEJ Working Party on Quality (GTQUAL) issued ethical guidelines for the use of artificial intelligence in the administration of justice in 2018. Furthermore, in practice, AI must adhere to a number of ethical norms, including protecting fundamental rights such as the right to privacy, equal treatment, data security, transparency, and user control (human).[16]

In Indonesia, Supreme Court Regulation Number 3 of 2018 on the Administration of Cases in Courts Electronically, which has been revoked by Supreme Court Regulation Number 1 of 2019 on the Case Administration and Trials in Courts, regulates the use of online systems, including AI, in the legal, court, and administrative fields. Electronically. Although the procedure of resolving cases in court is not always done face to face, it has progressed. On July 13, 2018, the first milestone in Indonesia's online court system was reached with the launch of the e-court application.[17]

The idea of e-court is to make online case services and functions more accessible, allowing users to save time and money when registering cases. The Supreme Court of the Republic of Indonesia's idea of e-court is a court instrument that serves as a type of service for case registration, case payments, delivering files (replicas, duplicates, conclusions, and answers), and summons, all of which are completed online using an application. The Supreme Court of the Republic of Indonesia also switched from manual to electronic systems, including Case Search Information System (SIPP), SIAP, SIKEP, KOMDANAS, SIMARI, SIWAS, e-LLK, SIMAK, PNBPN, Correspondence Information System, Library Information System, Portal Information System, Decision Directory, Case Information, New Decision Directory, Online Lawsuit, E-

SKUM, ATR, SPPT, Electronic Court Call Assistance, and online trial/e-trial.[18]

However, not all courts across the country have implemented e-court services since the Supreme Court Regulation Number 3 of 2018 on Electronic Court Case Administration was enacted. The service is currently only available in Class I District Courts. This is due to issues with network service system installation in each District Court, internet network limits that aren't uniform across the country, insufficient facilities and infrastructure across the country, and operational constraints for advocates, principals, and administrators. Human resources aren't used to using e-court and e-litigation, and the community has socialization issues. Another potential roadblock to AI application in Indonesia is the lack of legislation and the need for thorough regulatory change, particularly in the rules and regulations controlling the criminal justice system. The government's concentration on mining investment is an issue in and of itself. The government must quickly accept the International Plan for the Development of Science and Technology (IPTEK) and be willing to invest in science development.[19]

More structured and meaningful legal information is required. For the time being, it is not feasible to explain how AI produces results. Individuals, plaintiffs, and judges have already benefited from AI's ability to organize data. Artificial intelligence can assist with guidance and ideas when legal information is enriched. To make effective use of AI, courts must first grasp how it works. To make their information more useable for artificial intelligence systems, courts must digitize their records and give legal interpretation. Courts should keep an eye on their system's efficacy and make adjustments as needed. The process of building and transitioning from manual HR to this type of technology is a massive new undertaking for the greater benefit.[20]

The utilization of human resources and the change to the use of technology and AI can be contentious. Because it is feared that the transition will increase the number of unemployed, the government may be faced with a new task. The transfer of human power to machine power has obvious economic benefits, especially in terms of reduced budget burdens for both the government and the private sector; however, as a result of Indonesia's demographic bonus, the government must develop a replacement plan in case the dreaded event occurs. Farmers who previously plowed fields, cared for livestock, and gardened then went to factories to work from morning to nightfall as a result of the agricultural revolution, and farmers who previously plowed fields, cared for livestock, and gardened then went to factories to work from morning to nightfall as a result of the industrial revolution. Currently, employment shifts cannot be short-lived, and technical advances that are becoming more complex are not well-known or simple to master.[21]

III. CONCLUSION

Limited liability businesses, foundations, cooperatives, state-owned enterprises, regional-owned enterprises, and the like. In this instance, the corporation may be deemed a

criminal law subject and prosecuted using criminal justice. The penal mediation technique is suited for carrying out prosecutions because the flow is swift and the cost is low, and the method does not have to be face-to-face but can be conducted online utilizing internet technology and AI aid. AI, which is also an information technology, can be used in a variety of ways for different types of situations in the legal, court, and administrative domains, making the job of justice officers easier. In practice, certain AIs have shown to be effective. However, AI must adhere to ethical norms in order to uphold pure justice by paying attention to the emotional side, sentiments, and humanity. Before AI can fulfill this criterion, there is still a lot of work to be done.

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