Noting Ethical AI within Legal Framework: Perspectives from Indonesia

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Abstracts

As the development of technology in economic activities continue to forget ethical aspect, especially when carrying out economic activities in Indonesia, the problem of how ethics and its manifestations should be outlined in the legislative system that usually bias in the definition of discrimination or legal treatment continue to be an issue that must be seriously considered. In an effort to find the legal aspects of ethics, experts and academics start with fundamental questions such as what is meant by justice, utility, compatibility, abilities, egalitarianism, ideals, discrimination, etc. This this study is qualitatively researched aiming to understand and explore the meaning of ethics in digital economy activities, especially in the context of the use of artificial intelligence (AI). A holistic approach using complex interrelationship between various elements of ethics devinition, legal regulation, and technology to identify and analyze various dimensions of values in morality, transparency, and justice. The result shows that although AI has currently been enjoyed in Indonesia to perform tasks and used to enhance human capabilities, critical gaps in Indonesia's current laws are found wihin the absence of transparency requirements for AI systems and weak enforcement of data protection. Therefore, it is argued to have risk-based regulatory approach tailored to cultural context of collectivism and propose policy measures, including public awareness campaigns and algorithmic impact assessments.

Keywords: *Artifical intelligent; ethical morality; rule of law; Indonesia*

INTRODUCTION

In today's era of globalization and rapid technological development, ethical issues and aspects are sometimes forgotten in existing economic activities, although basically, ethical aspects are very important in efforts to improve welfare and prosperity, as well as the economic survival of the community as a whole [1] [2] [3]. In Indonesia, ethical problems are still commonly seen in problems involving legal or legislative perspectives, making all forms of business activities in the economy very complex. This often involves the interaction between laws, business practices, and prevailing social norms [4], [5]. To understand the situation, various aspects that affect the ethical and legal aspects in the business context should always be taken into consideration.

However, although there are many regulations regarding business practices, there are several loopholes that create confusion in regulations when it comes to the aspect of business ethics, which is still lack of specific regulations for it. This is exemplified in the activities of *Company Social Responsibility*-CSR is only carried out as an obligation but the value of transparency and existing rules is unclear. Law No. 40 of 2007 concerning Limited Liability Companies does list this CSR obligation, but its implementation in the field is still diverse and has not been regulated in more detail, and its commercial and economic value is often prioritized over its morality value [6]. Moreover supervision of business activities, Law enforcement against business ethics violations is still very minimal and the authorities often have difficulty in applying strict sanctions to ethical

violations which ultimately reduces the deterrent effect for business people [7]. At the level of opinion of legal experts themselves, other problems from this ethical aspect are still visible where they are still often seen Differences in Interpretation of Rules and Laws [8]. Interpretation which is subjective still often appears. Meaning of terms such as 'bribery', 'conflict of interest', etc are still interpreted differently so that the application of the law is inconsistent.

This picture does not only occur in Indonesia, but in business activities internationally and various parties have made efforts to build this regulatory framework and code of ethics, but challenges still exist [7]. One of the things that makes this problem still often seen is because The standardization of values used by business people is different from one another, and law enforcement regarding existing cases is handled differently [9].

One of the efforts made to complete and align business activities with existing legal provisions is to utilize intelligence technology known as *Artificial Intelligence*-AI. In recent years, the development of AI has been harnessed and drastically changed the global economic landscape [7]. From industrial automation to deep big data analytics, AI is driving innovation that promises efficiency and productivity. However, behind this great potential, various problems related to the use of AI in relation to ethics, especially in business and economic activities in Indonesia, should be seen as an urgency that needs to be anticipated. This is due to the many conflicts and gaps in morality or ethical values that are violated when AI is implemented in business activities, leading to a loss of sustainable economic responsibility. Basically, to see or find a violation in doing business easily can be done using AI technology, such as seeing a data protection violation, but in fact, making rules on AI itself in the form of legal provisions is still quite complicated and complex. In simple terms, this complexity is illustrated when making rules regarding the protection of public data, the community itself has personally and voluntarily provided access and must open access to its data in every existing economic transaction. In addition, if data protection must be carried out with the consideration of ethical reasons in economic activities, this would be contrary to the classical principles of economics, to seek maximum profits so that ethical practices should be set aside [9].

Therefore, this research proposal will analyze in determining what ethics mean in all business and business activities in Indonesia, including the ethics of current digital activities. This must be analyzed in order to identify and agree and determine the indicators of the assessment of the meaning of ethics, which will ultimately signal the determination of its legal and regulatory aspects. This will be the basic key so that the legal aspects of digital ethics can be achieved. In relation to the use of AI itself, especially in economic activities in Indonesia, proactive efforts must also be made, including how to increase public knowledge and training on ethics in AI applications, so that when appropriate and clear regulations and policies are formed, it will be ensured that the application of the principles of justice and the involvement of all government and community sectors must be carried out for the purpose of monitoring and evaluation. Based on this description, this research article formulates problems on what and how to determine the meaning of ethics in determining the legal AI in digital developments in Indonesia. Also, the study is keen to find out what are the characteristics and problems of the AI implementation, and how should policies and regulations be made in regulating AI in accordance with responsible ethics by economic actors in Indonesia?

METHOD

The type of research used in this study is qualitative, which aims to understand and explore the meaning of ethics in digital economy activities, especially in the context of the use of artificial intelligence (AI).

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Qualitative research was chosen because it can provide in-depth insights into complex and diverse phenomena, especially in capturing the nuances and context of ethical problems faced in rapid technological developments. The approach used is a holistic approach, which uses the complexity and interrelationship between various elements, such as ethics, legal regulation, and technology, specifically AI. Through this holistic approach, this research will identify and analyze various dimensions, including the values of morality, transparency, and justice, that need to be considered in building an appropriate legal and ethical framework. This approach will also involve input from various parties, including academics and practitioners, to formulate comprehensive policy recommendations.

The data used in this study consisted of primary data and secondary data. Primary data will be obtained through in-depth interviews with experts, academics, and policymakers who are knowledgeable about ethics and regulations in the context of the use of AI in the digital economy. Secondary data includes literature reviews from various sources, including articles, journals, and reports that discuss ethics, AI regulation, and technological developments in Indonesia and other countries. It also includes an analysis of regulations that have been implemented in other countries as a comparison.

Data analysis in this study will be carried out through thematic and narrative analysis. Thematic analysis will be used to identify key themes related to ethics in the digital economy and the use of AI, as well as the challenges faced in regulatory implementation. This theme will be generated from interviews and literature reviews conducted. Narrative analysis will be used to construct a story or narrative that illustrates the relationship between ethics, AI technology, and the law. Thus, this research will not only present data, but also provide an in-depth understanding of the social and cultural contexts that influence the development of ethics in the digital economy.

Thus, in summary, the research that aims to analyze the meaning of ethics in business activities and the current digital economy will formulate significant legal provisions by assessing the differences in ethical understandings and practices among business people, as well as the challenges of law enforcement in AI practices. This research seeks to provide better regulatory recommendations and support ethical values and highlights the importance of grounding the value of fairness in the application of AI technology and creating fair and transparent regulations to achieve ethical sustainable economic growth in Indonesia.

RESULT AND DISCUSSIONS
Indonesia's Economic into Artificial Intelligence Development

Currently, the easiest understanding of defining AI is that it is the development of computer systems and models that can perform tasks that usually require human intelligence, such as understanding communication, understanding situations, or making decisions. Whether it's deep learning or neural networks, or done using binary or quantum computing [10]. At the same time, AI is also seen as a tool created to enhance human capabilities and improve its social well-being. However, unlike ordinary machines that require human intervention to operate or improve them, AI has the capacity for improvement and learning autonomously, it can teach itself to solve mathematical guesses or understand native human speech, with all its nuances and cultural peculiarities [11]. As time goes by, the increase in computing power predicts that AI can also teach itself to make policy decisions [10].

Policymakers can benefit from advanced AI systems and hardware in executing policies. Pittsburgh, Pennsylvania in the US is one example of a city that implements AI policies related to transportation in its

traffic system to reduce travel time [13]. The technology detects cars through its radar devices, monitors traffic flow, creates AI models based on the collected data, and generates real-time signal timing plans. This then allows the traffic lights to adapt to specific traffic conditions. The implementation of this AI system has succeeded in reducing idle time by more than 40 percent, braking by around 30 percent, and travel time by around 25 percent. In addition, another example can be seen in the city of New Orleans, Louisiana, USA, where AI is being used to improve the implementation of emergency medical service systems [14]. This advanced analysis and software is open for use in reducing emergency medical service response times and ensuring equitable access to ambulance services throughout the community.

In China, the improvement of the maintenance and operation of highways and highways uses machines and data-driven analysis applied to improve defect detection capabilities, create road defect management systems, and classify found defects [15]. In Russia, to tackle fraud in Animal Control and Phytosanitation, it leverages AI technology to uncover counterfeit and counterfeit food products and strengthen traceability systems [16].

Legal Aspects and Implementation

In general, the widespread attention to the review of the legal aspects that govern technology today is because with the available technology, there are concerns that arise in the use of these technologies, especially in AI applications. This concern is partly due to the fact that technology users in carrying out their economic activities question the extent of the level of security of the data they provide and use, especially digital activities. In addition, economic activities that often disclose personal data are essential because by providing *Personal data* this, the data protection door becomes very risky [10].

The definition of digital data protection is any effort that includes the protection of sensitive information from acts of corruption, fraud, and/or unauthorized access, which is prevalent in this increasingly interconnected world economic activity [17]. This provide key challenges that all institutions and organizations must face by implementing comprehensive solutions [18]. With that, make provisions Data Protection Laws become Highly complex with a wide range of approaches taken from all Jurisdiction in the world [19]. China's Personal Information Protection Law, for example, was created to improve data protection in the context of digital health technology, although this still needs to go through further clarification on certain issues such as the definition of health data, or consent requirements [20].

Legal aspects of data protection this privacy globally is how to determine Enforcement mechanisms law that striving to balance technological progress with protection Individual privacy rights as well as how to address issues that arise in AI and biometrics [19]. Therefore, the provisions of the law in protection data effectively, especially those related to AI, requires a holistic approach that considers technological, legal, and ethical dimensions to ensure Presence Privacy in Upholding Human Dignity in the Digital Era [18], [20]

Application Artificial Intelligence (AI) Ini Raising Legal Challenges In addition to the problems ethics in various sectors. Main concerns in this case because of the desire to privacy protection, *Data Sharing* , and the liability of the existing data [21]. Characteristic AI system existing complicating the traditional liability paradigm so far, as it has the potential to shift responsibility from operators to producers [21]. Therefore, Risk criminological related to AI implementation Ini requires the establishment of a clear ethical framework and where The potential of AI should be viewed as source potential that can be danger [22]. Ssamapai currently, a character AI law remains a contentious issue, with proposals to use legal fiction to integrate AI into existing

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legal structures [22] . Over Progress AI technology, there is a growing need for a comprehensive legal framework that addresses these challenges while balancing innovation with the protection of fundamental rights [23]. This requires adapting existing laws that will govern the role of AI in economic transactions community.

Ethical Use of Indonesian AI

To see how ethical issues are in the development of technology, especially the current use of AI, experts and academics often start with some basic questions about what the basic meaning and meaning of ethics itself is. This will lead the discussion to questions about what is meant by the values of justice such as: usefulness, suitability, ability, egalitarianism, etc. in applying technology and its application to the economic activities of society. Another question is whether there is already 'justice', whether it must exist and be inherent from the beginning of a process or can it be separated from its use in other stages such as when it is operationalized or implemented, under certain conditions and places? Here it can be seen that the term 'justice' that everyone must be able to have in obtaining benefits becomes biased and disproportionate. This is when the purpose of an action considers its purpose in how to minimize losses for one of the parties. In addition, the term 'ideal' that always appears in answering how to fulfill the value of justice, often refers to alternative circumstances as an effort to answer the problem of 'social discrimination', egalitism, or other circumstances in search of the basis of values and ethics.

To answer the basic questions above as a starting point for determining the ethical value of AI and as part of technological developments, various Definition and Definitions in the literature Ini has been made in a A Variety of Approaches Answer what Meaning and The Meaning of the Term-The above terms. Question-The above question will be very interesting, especially for the philosopher moral and political, who are able to Issued Good policy in formalizing the concepts ethics [24]. Therefore, in an attempt to to formalize The meaning of ethics by prioritizing 'Justice' in such technological developments *Massive* Currently, it is necessary to see what the core and meaning of ethics are in the application of AI technology which is currently widely used in people's economic activities in Indonesia.

By In general, the purpose of seeking the value of justice in an effort to find ethical value, is to see what are the differences deep Treatment at group certain that 'protected' and the 'not protected'. This distinction is commonly used for Consider the percentage of positive/negative classification levels between existing groups. Failure Account results thus giving rise to the possibility of action discrimination like this will be also potential for discriminatory treatment. In simple terms, an example that shows that there is a difference between family men and women in Predict potential recidivism in them. Family man always considered has a level of Tendency to become recidivism higher elevation, so that this is a consideration that distinguishes her from women when determining period of time that should be given to them when they are in prison [24].

To anticipate the above, various More action oriented on how to determine the accuracy of predictions regarding differences for each group, How to determine based on equality of opportunity, treatment, or the result of existing differences [24]. For this reason, it is very necessary to have provisions that can regulate a system applications in technologies that are considered capable meets all measures of fairness by This makes sense.

For the purposes mentioned above, it does seem to be difficult because mathematically, steps to Meet simultaneously impossible can be done, except in rare circumstances Or a situation that is intentional. made for

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it [25]. This difficulty is added that to determine an indicator and Measurement value justice, must Was before the conduct of a technical work to detect and mitigate potential Injustice that will happen.

However, the above difficulties are usually overcome by a number of efforts aimed at providing an overview of some of the relevant philosophical reviews of the basis for the emergence of discrimination in order to achieve the value of justice and how to see an egalitarianism in placing the existing debate on the mode of AI technology in a fair manner. This, ultimately , will lead to conceptual insights that will discuss the differences that exist from terms that often appear in AI applications, including how to answer the terms 'discrimination' and 'justice' above. To continue the discussion of how to view ethics in technological developments, especially in the application of AI with economic activities in general, it is necessary to discuss and answer the problems described in terms of terms that are at the core of how to understand ethics. This means that there needs to be a discussion about what is meant by discrimination and what makes it wrong if it is not carefully analyzed.

One of the reasons why the term discrimination is important in the discussion and search for ethical meaning is because to implant Limitation-Limitation or indicators Justice in AI, need to make the term 'awareness of Presence discrimination' (*Discrimination-aware*) Compared to using the term 'Fair' [24]. This is necessary to be able to understand that what will be judged in AI activities as 'justice' is more appropriate when understood as 'algorithmic discrimination' (*Algorithmic Discrimination*), which is different when compared to the meaning of classical discrimination that has been understood. This will certainly be more understandable and accepted considering the meaning of the 'value' of justice which is intended as a 'counter-action' or different answers according to certain data and algorithms.

Another thing from the discussion of this discrimination is that 'the condition of the mental' perpetrator. The mental condition of the perpetrator that often leads to discrimination is often seen from the intention that exists in a person. This example can be seen that on many boss they prefer to accept worker applicants from men rather than women, even though they have same quality. The key to this discriminatory act is seen and starts from the intention when a decision will be made. This means that when a decision-maker who inadvertently and unknowingly and without the intention of doing the above actions so that create discrimination He was presumed not guilty of Presence existing discrimination [24]. Cases such as Ini in the UK or in the US it is often called indirect discrimination [24]. In addition, another thing that sometimes causes discrimination is due to failures in Treat somebody as individuals. A concern all this time about Discrimination, either directly or indirectly, is the existence of a decision or policy that is taken rashly and gives a conclusion in the form of an assessment generalization at group simply because the policymaker is part of this group [24].

In addition to the problem of discrimination, another thing that is also needed in the search for ethical values in the current development of AI is how to understand the meaning and consequences of 'egalitarianism'. The basis of the word egalitarian can be broadly interpreted as the idea that people should be treated equally, and for this then something that can be interpreted as valuable or valuable must be distributed equally. This understanding is possible Doesn't seem to wrong when connected with The concept of discrimination. However, with the understanding that egalitarianism, There is a debate [24]. On the one hand, that egalitarian relations as a form that can eliminate discrimination, perhaps surprisingly, rejected by many experts theory discrimination with claims that anti-discrimination laws cannot be equated with meaning equality, as well as not can counted as justification. While that, others argue otherwise, that only the norm-norm egalitarians who can used in explaining Satisfying About things Wrong on an action discrimination. Debate in egalitarianism Ini pull and

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significant to be discussed in answering how to determine ethical values in AI applications and technologies. Therefore, this can be done by looking at the impact of egalitarianism in the currency with respect to the value of justice How to Value Existing Luckand Deontic Justice (*Deontic Justice*) [24].

Regulating Artificial Intelligence

Currently, many countries have made efforts to regulate AI regulations. At 2021, European Commission has made A regulatory proposal on AI that aims to establish rules that aligned to Use AI in the European Union [26]. Proposal Ini adopt a risk-based approach, with a focus on AI systems that high risk and set obligation-obligation What to do by providers and users across activities related to AI [27]. Regulation This jointly emphasizes AI standardization and certification procedures include prohibited use of AI, provisions for the system that high-risk, and requirements for AI systems that Limited risk. Currently, the proposal This has received appreciation and praised for The provisions contained therein show Approach that comprehensive in its implementation, including requirements, transparency and human oversight. AIA Ini is expected to have a significant impact on companies, customers, and governments in the field of AI and can set global standards similar to GDPR [28].

However, there are some criticisms that highlighting concerns about the effects *Preemptive*, EU competences, and potential gaps deep Regulation aforementioned [27]. In addition, many criticisms of this regulation are of opinion that AIA fail Addressing ethical issues in a Significant including accurate recognition of hazards which can be caused by AI How to Shape allocation who is responsible answer and how it should be Enforcement of legal rights and obligations by effective [29]. This criticism relates to problems in the proposal that were previously expressed such as ambiguity scope of the proposal, Determination prohibited use of AI [27]. While there have been criticisms highlighting the need for further refinement of the AIA to comprehensively address ethical issues, overall the proposal is good and experts recommend socializing it to respect fundamental rights, the rule of law, and democracy, while ensuring transparency, accountability, and meaningful public participation [29].

Seeing the extent to which the value and aspect of ethical law is a concern in making the current AI provisions which are still actively discussed both in academia and the public, the outline of the existing AI provisions still concerns the aspect of the biased understanding of ethics and the meaning of the term discrimination, personal data protection, accountability provisions, lost jobs, transparency in the process, its use in military activities, as well as how a clear legal framework should be.

In Indonesia, which is currently heading towards an increasingly digital economy, data protection and ethical governance around the use of data and AI have also received great attention. With the advent of the digital economy, government and stakeholder concerns about privacy, security, and ethical implications of data have prompted efforts to establish a comprehensive regulatory framework at the national level. In relation to data protection and ethical issues, there have been several regulations enacted in Indonesia, although specific legal frameworks governing Data Protection such as the European Union's General Data Protection Regulation (GDPR), are not yet available. In contrast, data protection in Indonesia is currently regulated in a combination of several existing laws, decisions, and regulations. The legal provisions that are currently most commonly used in relation to data protection are:

1. Law No. 11 of 2008 concerning Information and Electronic Transactions (ITE Law), which establishes the basis for electronic information management and the legal framework for electronic transactions.

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2. Law No. 19 of 2016 (replacing Law No. 11 of 2008) aims to improve user protection against online threats and outlines specific penalties for personal data protection violations. These provisions highlight the need for companies to implement adequate measures to protect personal information.

3. Government Regulation No. 71 of 2019 concerning the Organization of Electronic Systems and Transactions which outlines the data protection measures that must be implemented by electronic system providers, advocating for the security, confidentiality, and integrity of personal data.

4. The 2023 Personal Data Protection Bill, in which Indonesia is in the process of finalizing the Personal Data Protection Bill, serves as a comprehensive data protection framework.

Despite the above legal provisions, law enforcement that considers ethical values is still a challenge due to the lack of a specific body that clearly regulates existing procedures, or the limited resources dedicated to this. To see the extent of the above provisions regarding ethical aspects, especially in an effort to protect personal data, Indonesia has treated several forms of actions that are also recognized globally such as:

1. *Informed consent*, or consent   consent which is based on ethical principles as a norm in data protection. The rules mentioned above emphasize *Informed consent*, although not all individuals fully understand what this *Informed Consent* means   . Many consumers are unaware of their rights related to the use of data and they are less aware of the data processing practices used by an institution.

2. *Data sovereignty and individualistic rights*. An ethical issue that is often questioned is the extent to which individual rights will be respected under current laws. An ordinary institution and often prioritizes the exploitation of individuals' private data, leading to potential misuse. The balance between the use of an organization's data for legitimate purposes and an individual's privacy rights often sides with economic interests.

3. *Data breach notification* or Notification of Data Breach The current provisions of the law do not have a comprehensive requirement for organizations to notify individuals in the event of a data breach. Ethically, organizations have a responsibility to disclose violations transparently and promptly to minimize harm to individuals. The absence of a robust breach notification protocol can undermine trust in digital platforms.

4. *Discrimination and automated decision-making*. This is important, because there is a wide use of algorithm-based AI . Currently, there are many ethical concerns about discrimination against certain individuals or groups so that a non-transparent algorithm system will tend to cause biased results in the assessment of the group in question. In addition, this aspect *of discrimination and automated decision-making* is also important during the process of recruiting workers, or other service provisions that can raise questions about justice and equality in society.

5. *Data retention policies*, where ethical aspects often also question how long data can be stored and for what purpose. As per the principle of limitation where data should only be stored for as long as the data is necessary is rarely respected in practice. An institution often stores public data indefinitely for an unclear reason.

Therefore, to improve data protection and ethical practices, several steps continue to be pursued, including the establishment of a special data protection authority tasked with overseeing compliance, enforcement, and data protection education. This authority will later ensure that individuals are informed of their rights and that each institution must comply with regulations related to data protection. In addition, Public Awareness campaigns to educate the public about their data rights and the implications of the practices when they disseminate information and data are important to be widely known. For this reason, the mechanism of *informed*

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consent must be made transparently and existing institutions must use clear and simple language when collecting informed consent *data*. This will ultimately have a great effect in sanctioning and punishing existing violations.

Thus, with the development of the use of AI in the activities of the Indonesian people, the promotion of the ethical use of AI will encourage relevant institutions to adopt the ethical principles of AI in reducing the risk of discrimination associated with this algorithmic machine.Governments and existing stakeholders should continue to pay attention to this issue by immediately implementing comprehensive legislation that prioritizes ethics and the rights of individuals where data can be used ethically and responsibly.

CONCLUSION

As AI is no longer just a futuristic concept that can shape how people work, communicate, and even make decisions, the technology is racing forward without having concern humanity issue. Then, the question of *Who protects our privacy? How do we prevent AI from reinforcing biases? And who is held accountable when things go wrong?* are important to be addressed by the world organisation and the Indonesian governments. The EU's AI Act intitiative as a leading regulation wotin the way to strict on rules for high-risk AI, still struggle with ethical gray areas. So, how do we enforce fairness in algorithms? How do we ensure AI respects human dignity rather than undermining it? These aren't just legal questions. In Indonesia, the issue is also being questioned, and laws like the ITE Law and the upcoming Personal Data Protection Bill were made as steps in to right pthways. However, they're not enough as without strong enforcement, public awareness, and real accountability, these are merely empty words. As AI influences everything from job applications to loan approvals, the stakes are too high to leave ethics as an afterthought.

Hence, the step need to tbe taken forward is how the people should think and act before the Technology, which is not just solved with more laws, but has to be taken the involvement of the policymakers, tech developers, and everyday citizens need to work together to shape an AI future that works for everyone. This could be form in the way of clear rules with real teeth where regulations should protect people, transparencies in AI decisions where algorithm affects has to be informed widely, and digital literacy action and socialization has to be widely opened for all the people to show their rights if they don't understand them.

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