

Legal Implications Of Software Abuse Artificial Intelligence in Photo and Video Editing

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Abstract. *The rapid advancement of knowledge and information technology has reshaped the perspectives and lifestyles of Indonesian citizens, particularly through innovations like Artificial Intelligence (AI), which automates various tasks and simplifies human activities. However, the misuse of AI has become a critical issue in 2023, especially in spreading sophisticated fake information. To address this, Law No. 1 of 2024, amending Law No. 11 of 2008 on Information and Electronic Transactions, is expected to combat AI software misuse effectively. This study investigates the legal implications of AI misuse, particularly concerning privacy and personal data security, and examines its interpretation under Articles 27 and 32 of the Information and Electronic Transactions Law to enhance law enforcement and safeguard individual privacy rights. Using a normative legal research approach, the findings reveal that AI misuse, such as manipulating photos and videos, violates data protection laws, including the GDPR in the European Union and Indonesia's Personal Data Protection Act. Such violations can lead to severe penalties, legal consequences, and reputational damage for companies. Recognized as a form of cybercrime, AI misuse is addressed under Article 35 of the Information and Electronic Transactions Law, which provides a specialized legal framework for handling such offenses comprehensively.*

Keywords: Artificial Intelligence, Legal Implications, Personal Data Security, ITE Law

1. BACKGROUND

The growth of current technology has resulted in various advances that make human activities easier, one of which is the use of artificial intelligence or what is known as AI (*Artificial Intelligence*). *Intelligence*), which can support humans in carrying out their tasks automatically through various computer software features. This artificial intelligence is able to perform analysis and decision making based on the data it collects. (Nurul Qamar, 2018) Along with the development of the era that continues to occur, the growth of AI has also developed. This can be seen in the development of *artificial intelligence systems intelligence* that can act autonomously without human interaction; in addition, *artificial intelligence* today is often related to legal issues. (Sihombing & Adi Syaputra, 2020)

In 2023, the misuse of AI will cause many fatal problems, such as the spread of increasingly widespread false information through the use of AI, then the creation of misleading content on AI platforms, such as: *Deepfake* , *Nude AI*, *Face Swap*, *Nudify.Online* , the results produced by these platforms are difficult to distinguish from the original. (Gandrova & Banke, 2023)

Law Number 1 of 2024 concerning the Second Amendment to Law Number 11 of 2008 concerning Electronic Information and Transactions (hereinafter referred to as the ITE Law)

applicable in Indonesia, should be able to be a solution in overcoming the problem of misuse of AI software and can be used as a further effort for law enforcement in Indonesia. However, there is no clear information in Article 27 and Article 32 of the ITE Law. Regarding the clarity of information that can answer the problem of misuse of AI software in terms of photo and video editing. Based on the legal provisions contained in the contents of these articles, it is important for us to understand the legal implications arising from the misuse of current AI technology. In addition, we can understand how to interpret these two articles in the context of AI misuse, in order to ensure that the law can also keep up with rapid technological developments.

2. THEORETICAL STUDY

Theory of Legal Application

The application of law is the application of the law itself where the law is created to be implemented. The law can no longer be said to be law if it has not been implemented. The application of law in a population is binding through prohibitions and regulations made against residents who carry out criminal acts in a country. According to Lili Rasjidi and Wyasa Putra, the application of law is a continuation of the process of forming law which includes institutions, apparatus, facilities, and procedures for implementing law. (Ishaq, 2022)

Theory of Law Enforcement

In its use, the law is present as a determinant in running the life of society. The law itself can protect society and is inseparable from society itself. According to Ronald L. Akers , law enforcement consists of three main aspects, namely preventive measures, restorative measures, and punitive measures. Preventive activities aim to avoid violations of the law. Restorative activities aim to restore losses that arise due to violations of the law, conversely punitive activities aim to impose sanctions on violators of the law. With the existence of law enforcement that functions as a protection of human interests. (Mertokusumo, 1999)

3. RESEARCH METHODS

This research is included in doctrinal research . Doctrinal research is legal research that bases its analysis on applicable laws and regulations that are relevant to the legal problems that are the focus of the research. (Benuf, Mahmudah, & Priyono, 2019)

The approach used in this study is the Conceptual Approach. The conceptual approach is an approach that stems from thoughts and doctrines that grow in legal science. By studying

the views and doctrines in legal science, researchers want to get ideas that give birth to legal understandings, legal concepts and legal principles that are relevant to the issues experienced. (Marzuki, 2017)

4. RESULTS AND DISCUSSION

Legal Implications Regarding The Misuse Of Ai Software In The Context Of Privacy And Security Of User Personal Data

In the digital era, technology has developed significantly and has almost adorned all dimensions of the lives of people in the world. (Disemadi, 2021) The development of technology has produced various products, both simple and complex, one of which is *Artificial Intelligence* (AI). (Amboro, 2021) In general, AI is a system in the field of computer technology that is created to imitate behavioral patterns to the intelligence of the human brain in performing a skill or solving problems. (Farwati, Talitha Salsabila, Raihanun Navira, Sutabri, & Bina Darma Palembang, 2023) This uniqueness makes AI able to reason and solve problems quickly and accurately. (Fatmawati & Raihana, 2023)

Not infrequently, AI is able to outperform human abilities in answering a question or problem. As a result, new concerns arise if the actions "carried out" by AI actually lead to unlawful acts. This case also occurred in Indonesia, where a video of an interview between Najwa Shihab and celebrity Raffi Ahmad circulated, in which the video discussed online gambling as one of the new businesses of artist Raffi Ahmad, and invited the Indonesian people to join the business. However, it turned out that the video was edited by AI, where the voices of Raffi Ahmad and Najwa Shihab were used to promote online gambling . The original video discussed the importance of vaccines during the Covid-19 pandemic. (Facts, 2024)

Based on the previous case example, various questions arise. When AI is used to carry out illegal actions, the question arises as to who is responsible, whether it is the developer, the user, or even the AI entity itself. In the context of Indonesian law, there are no regulations that explicitly control legal responsibility for non-human entities such as AI, resulting in a legal vacuum that needs to be addressed. The lack of discussion regarding the use of AI in Indonesian state regulations raises concerns among the population about the increasing potential for violations of the law and criminal acts by these entities.

Danrivanto Budhijanto , explains about personal rights as human rights is the protection of individual rights and private rights , this is related to increasing human values, increasing bonds between people and their communities, increasing independence or autonomy to carry

out control and obtain appropriateness , and increasing tolerance and distancing from discriminatory treatment and obstructing government power. (Budhijanto, 2010)

The use of technology and the internet has become an inseparable part of the daily lives of people in the digital era. However, the increasing complexity of data security and privacy threats in the digital area requires a greater level of understanding and protection from the population.

Here are some risks of violations of privacy and security of user personal data: (VIDA, 2024)

1. Identity theft is one of the negative consequences of the internet which is very risky. Cybercriminals can steal individual data such as KTP numbers , addresses, dates of birth, and other sensitive data.
2. Phishing is a cyber attack that involves sending fake emails or reading messages to obtain sensitive data from victims. Many blogs, websites and applications collect personal user information without explicit permission, which can then be used to profile users and sold to third parties for marketing purposes.
3. biometric information (face, fingerprints, or retina). The growth of technology has resulted in the emergence of a new form of personal data theft, namely deepfake technology . This technology is used to create fake videos or audio that appear real, which can be used to access personal accounts, make transactions, or access personal data such as medical records.

The legal implications of misuse of AI software in the context of privacy and personal data security are significant and complex issues. There are challenges in enforcing existing privacy laws because AI technology can collect, analyze, and disseminate individual information quickly and in large quantities. Privacy breaches can occur without the user's knowledge, making detection and prevention difficult. This misuse of data can violate various regulations, such as the General Data Protection Act Regulation (GDPR) in the European Union or the Personal Data Protection Act in Indonesia, which sets strict standards for the collection and use of personal data.

Interpretation Of Ai Software Abuse Based On Article 27 And Article 32 Of The Ite Law

Article 27 of the ITE Law does not yet discuss the misuse of AI (artificial intelligence). Article 27 paragraph (1) only emphasizes the diction of actions (morality). The meaning of the diction "content that violates morality" can be interpreted as an action that leads to pornographic content. (Joint Decree of the Minister of Communication and Information of the Republic of Indonesia, Attorney General of the Republic of Indonesia, 2021) Where

pornographic content itself has been regulated in Law No. 4 of 2008 concerning pornography. In this case, the pornography law becomes *lex special*, but the focus of Article 27 of the ITE Law is on the diction of the act of "transmitting, distributing, and making accessible information that is indicated as an immoral act". (Joint Decree of the Minister of Communication and Information of the Republic of Indonesia, Attorney General of the Republic of Indonesia, 2021)

Article 27 paragraph (2) of the ITE Law. This article emphasizes the term "gambling" just as previously the actions emphasized were: "transmitting, distributing, making it accessible".

Article 27A emphasizes the diction of defamation in this article cannot be separated from the provisions of Article 310 and Article 311 of the Criminal Code. Where Article 310 discusses the crime of attacking someone's honor by accusing something so that it is known to the public. While Article 311 relates to the act of accusing someone whose accusation is known to be untrue by the perpetrator.

The criminal offense in Article 27A of the ITE Law is an absolute complaint offense, in which the victim must report or report to law enforcement officers, except for victims who are minors (through guardianship). The focus of criminalization in this article is not on the victim's feelings, but on the actions of the perpetrator who carries out the activity intentionally.

Article 27B, which focuses on acts of extortion and threats. The act of extortion can be an act that has the aim of benefiting oneself or others. While the act of threats is an act of threatening such as spreading the victim's secrets, personal data, photos and videos of the victim.

Article 32 paragraph (1) emphasizes more on the act of "removing, moving, hiding electronic information or electronic documents. So it does not anticipate other things such as perpetrators of AI abuse crimes can also take personal company data. The activities of AI criminals are usually in the form of changing a photo or video to achieve a certain goal. Therefore, cases of AI abuse related to photo and video editing are more related to the contents of Article 35 of the ITE Law. Article 35 of the ITE Law emphasizes the phrase "manipulating or changing" where a person's actions or actions change a photo or video, such as changing a photo or video of someone who is dressed to be undressed or naked.

Basically, the act of editing photos and videos using AI technology is not specifically regulated in the ITE Law. This is because the implementation of the Electronic Information and Transactions Law (UU ITE) also experiences challenges or obstacles because it is not easy to carry out legal evidence and obtain proper evidence to prosecute the perpetrators because

the complexity of the complicated technology can hide their digital footprints, making it difficult for law enforcement officers to identify and prosecute the perpetrators.

5. CONCLUSION AND SUGGESTIONS

Conclusion

Misuse of AI software in privacy and personal data security has serious legal implications, violating laws such as GDPR in the European Union or the Personal Data Protection Act in Indonesia, which can lead to fines, lawsuits, and reputational damage for companies. Companies are required to report data leaks to users and relevant authorities and take mitigation steps to prevent similar incidents. In Indonesia, misuse of AI is considered a cyber crime . crime because it is easily accessed and disseminated via the internet. The ITE Law is used as a lex specialist to handle this case, with Article 27 regulating criminal acts such as morality, defamation, and blackmail, while Article 32 focuses on the act of "removing, moving, hiding" electronic information. Article 35 of the ITE Law is more relevant to the misuse of AI related to photo and video manipulation because it emphasizes the act of "manipulating or changing."

Suggestion

To address the legal implications of AI misuse in privacy and data security, companies need to strengthen security systems with encryption and firewalls , provide regular training to employees on data privacy and ethical use of AI, and establish incident response teams to handle data breaches quickly. Compliance with regulations, collaboration with the government in developing AI policies, and transparency of data use to users are also important steps. On the other hand, the public must be careful to use applications from trusted sources and grant access permissions wisely. In addition, to effectively address AI misuse in Indonesia, special regulations are needed that explicitly regulate AI-related crimes, strengthen supervision, and enforce the law on violations of privacy and data security. A comprehensive approach through public education on the risks and ethics of AI use, as well as active cooperation between authorities, industry, and the public, is essential to prevent and prosecute violations, including the deletion and distribution of illegal data.

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