

Perbandingan Pengaturan Undang-Undang Informasi dan Transaksi Elektronik dan European Union Artificial Intelligence Act Terkait Ancaman Penyalahgunaan Deepfake dalam Pembuktian = Comparison of the Undang-Undang Informasi dan Transaksi Elektronik and the European Union Artificial Intelligence Act Regarding the Threat of Deepfake Misuse in Evidence

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Abstrak

Perkembangan teknologi Artificial Intelligence Deepfake, menimbulkan ancaman terhadap sistem peradilan pidana, khususnya dalam pembuktian. Kemampuan Deepfake memanipulasi gambar atau video dapat mengelabui kemampuan manusia untuk mengenali bentuk yang asli ataupun yang telah dimanipulasi. Meskipun Undang-Undang Informasi dan Transaksi Elektronik telah mengalami perubahan kedua pada tahun 2024, regulasi ini belum secara spesifik mengatur tentang Deepfake. Di lain sisi European Union telah membentuk regulasi terkait Artificial Intelligence dan pencegahan penyalahgunaan Deepfake dalam Artificial Intelligence Act. Penelitian ini menganalisis (1) perlindungan hukum terhadap penyalahgunaan Deepfake di Indonesia menurut UU ITE, dan (2) ancaman penyalahgunaan Deepfake dalam proses pembuktian di sistem peradilan pidana Indonesia. Penelitian ini membandingkan UU ITE dan AIA untuk menemukan bentuk perlindungan yang efektif terhadap ancaman tersebut. Melalui penelitian doktrinal dan pendekatan kualitatif, ditemukan bahwa: Pertama, UU ITE memberikan perlindungan hukum secara represif terhadap penyalahgunaan Deepfake. Kedua, diperlukan perlindungan hukum preventif seperti yang diatur dalam AIA. Ketiga, ketidakjelasan definisi Deepfake menyebabkan ketidakpastian hukum sehingga manipulasi Deepfake masih dapat dianggap sebagai alat bukti elektronik yang sah menurut UU ITE. Keempat, ancaman penyalahgunaan Deepfake dalam pembuktian mencakup perlunya validasi otentisitas bukti digital dan penanganan tuduhan bukti palsu di pengadilan.

.....The development of Artificial Intelligence Deepfake technology poses a threat to the criminal justice system, particularly in the area of evidence. Deepfake's ability to manipulate images or videos can deceive humans into believing altered content is genuine. Although the Electronic Information and Transactions Law (UU ITE) was amended for the second time in 2024, it does not specifically address Deepfake technology. In contrast, the European Union has established regulations on Artificial Intelligence and the prevention of Deepfake misuse in the Artificial Intelligence Act (AIA). This study analyzes (1) the legal protection against Deepfake misuse in Indonesia according to UU ITE, and (2) the threat of Deepfake misuse in the evidence process within the Indonesian criminal justice system. This study compares UU ITE and AIA to identify effective protective measures against these threats. Through doctrinal research and a qualitative approach, the findings are as follows: First, UU ITE provides repressive legal protection against Deepfake misuse. Second, preventive legal protection, as outlined in the AIA, is necessary. Third, the lack of a clear definition of Deepfake results in legal uncertainty, allowing Deepfake manipulations to be considered valid electronic evidence under UU ITE. Fourth, the threat of Deepfake misuse in evidence includes the need for authenticity validation of digital evidence and handling allegations of falsified digital evidence in court.