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**| RESEARCH ARTICLE**

## **The Use of Artificial Intelligence in the Development of Indonesian Civil Procedure Law as a Legal Futuristic Study**

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**| ABSTRACT**

Artificial Intelligence (AI) has entered many areas of human life along with its development, and the field of civil procedural law is no exception. This study aims to see how Artificial Intelligence (AI) can be used to develop Indonesian civil procedural law. This research is normative legal research or secondary data based on what has been written, namely from previous research. Secondary data is from legal sources such as books, court decisions, and papers. The Civil Code, study journals of earlier studies, and laws are all examples of secondary legal sources used in this research. Based on the research results, the use of Artificial Intelligence in developing Indonesian civil procedural law, namely Artificial Intelligence (AI), can help prepare documents for examination if there are cases of appeal, cassation, and disputes. Legal due diligence reviews (LDD) can be used to look at data with the help of artificial intelligence (AI). AI can help judges make choices. Artificial intelligence can conduct legal studies in multiple languages and rank laws, regulations and court cases according to how they were resolved. Artificial intelligence allows us to make educated guesses about how judges will decide based on what we already know.

**| KEYWORDS**

Artificial Intelligence, Procedural, Law, Civil.

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### **1. Introduction**

Science can only grow with ways to share information and knowledge. The development of science has an impact on the development of technology. In the same way, the growth of science and technology affects the progress of human society. Several types of physical work and human tasks have been taken over by robots that have changed the way humans used to work. Modern computers are so advanced that they can change how the human brain works differently. Advances in science and technology have made life easier and more comfortable for people (IPTEK) (Dewi, 2017). Artificial Intelligence (AI) is a beneficial technology in the Industrial Revolution 4.0. AI stands for "artificial intelligence", a model of human intelligence used in machines to create intelligent devices. People can answer various kinds of problems not only because they have brains that can reason and analyze but also because they have databases, knowledge, and collections of information, all of which come from experience and learning (Tjahyanti et al., 2022). "Artificial intelligence" refers to computer systems that can perform jobs that generally require human intelligence. In Artificial Intelligence, things like learning, thinking and self-correction happen. This process is like what people do before making a choice (Lubis, 2021).

AI has entered many areas of human life as it has developed, and the field of law is no exception. China is one of the countries that has used AI technology as a judge in digital cases since 2017. However, this is still limited and still being tested. AI is also used in the legal field in the Netherlands, which gives people access to the rules and open agreements that apply in the Netherlands. AI is used in the legal field in other countries and Indonesia, where an online legal platform called LIA (Legal et al.) already uses AI to help users find legal knowledge (Haris & Tantimin, 2022). "Artificial intelligence" refers to computer systems that can perform

jobs that generally require human intelligence. In Artificial Intelligence, things like learning, thinking and self-correction happen. This process is like what people do before making a choice (Lubis, 2021). The emergence of e-courts is a clear example of how technology has changed the legal field. E-Court is one way for court cases to be held online. The community thinks this method affects an advocate's work, both directly and indirectly. If you look deeper, you will find that artificial intelligence tools have been created that work in legal technology and are proven to be better at their jobs than lawyers. Skilled lawyers need to catch up with the speed and accuracy of legal technology. Technology in law can be a golden ticket to a more advanced field of law. Through connectivity and digitalization, industrial revolution 4.0 can make manufacturing processes more efficient and improve product quality (Kurniawijaya et al., 2021).

Increasingly, the President's plan to reform the system to replace echelons 3 and 4 with artificial intelligence (AI) focuses on replacing people as the main focus of running institutions. It is possible that in the future, there will be many changes in other institutions so that all services needed by humans will be carried out by artificial intelligence, which humans also create. The main question is whether artificial intelligence can 100% or fully duplicate or replace the role of humans in operationalizing law. Operationalizing law aims to achieve legal certainty, justice and efficiency. The purpose of the law is to ensure that as many people as possible are happy. Writing laws alone will not be sufficient to do what laws are supposed to do. The AI method may only represent the law in text, not yet becoming a human decision-maker with a conscience (Anshori, 2022). Because of this, people have come up with various ways to discuss the problem: As a futuristic legal study, how does artificial intelligence work in the growth of Indonesian civil procedural law? As a future legal study, this study aims to see how artificial intelligence can be used to improve Indonesian civil procedural law. This study is intended to be used as a guide or reference by legal institutions wishing to use AI, especially in civil procedural law.

## **2. Literature Review**

Technology has changed very quickly, from uncomplicated things that help people in everyday life to more complicated things that help people in their work, such as the Internet of Things (IoT), blockchain, big data, artificial intelligence (AI) or artificial intelligence. The technology discussed earlier plays a vital role in today's society, leading to the Industrial Revolution 4.0 (Amboro & Komarhana, 2021). Artificial Intelligence, or AI, as it is called in Indonesia, is a new technology that worries many countries. AI is "technology in the form of a machine that can imitate human behaviour and is built with the knowledge of human thinking and can perform human thinking procedures". Artificial Intelligence technology made to do things like humans has become a concern for people's lives because they can do legal or legal things the same as humans can do (Jaya & Goh, 2021). Artificial intelligence, in general, can do one of the following four things: 1) A system that can act like a human; 2) A system that can think like humans; 3) Systems that can reason; and 4) Systems that can act rationally (Atsar & Sutrisno, 2022).

Artificial intelligence (AI) can be used in various fields, including civil process law. Civil law is the body of law that regulates relations between people. The purpose of civil law is to protect human interests. The influence of liberal political forces in the Netherlands who attempted to make significant changes to the colonial legal system through a strategy called "de best Recht Politik" was essential to why civil law was enacted in Indonesia. Based on the notion of concordance, the codification of Dutch civil law is an example of how European civil law is codified in Indonesia. Civil procedural law as formal law plays an essential and strategic role in the judiciary's efforts to implement civil law (material law). As formal law, civil procedural law is used to support, protect and ensure that civil law (material law) is complied with in court. So, civil and procedural laws go hand in hand and cannot be separated (Aprita, 2022).

## **3. Methodology**

This research is normative legal research or secondary data based on what has been written. Normative legal research is a type of legal research that looks at laws that are seen as social norms or rules that everyone must follow (Muhaimin, 2020). Secondary data is from legal sources such as books, court decisions, and papers. Civil Code, study journal of previous studies, Law no. 48 of 2009 concerning Justice, and Law no. 14 of 1985 concerning the Supreme Court, as amended by Law no. 5 of 2004 and finally with Law no. 3 of 2009, are all examples of secondary legal sources.

## **4. Results and Discussion**

There are many good reasons to think that artificial intelligence could help the legal field in just as important a way as the invention of the personal computer. The legal industry still relies heavily on the work of paralegals and researchers to search for data, index, find, and process information (Kurniawijaya et al., 2021). The Latin word "ius civile" is the origin of the term "civil law" and was used in Roman society (Putri et al., 2022). As for the scope of renewal or development of civil procedural law, at least three important things must be considered. It updates philosophical, legal (normative) and social content. The aim of renewing the philosophical content is to see how relevant the basic ideas and principles of civil procedural law are. The purpose of renewing the legal (or normative) content is to look at the current content of favourable legal rules or norms. The purpose of renewing the sociological content is to create laws and regulations. No one in town said they did not want to accept new invitations. Updating civil procedural

law needs to be based on thoughts that align with Indonesian society's views. If there is a principle of national civil procedural law, then any amendment to the law must be based on that principle. This is so that laws can be made that protect everyone without discrimination and also protect society from abuse of power, laws with dimensions of fairness and Justice. Also, rules respond to changes and conflicts that people experience in everyday life (Ismail, 2022).

In law, the purpose of the legal concept is to legitimize the law and ensure that the parties follow it. It is a valid law based on what the legislators and the courts say. In jurisprudence, the purpose of a legal concept is to explain and establish rules. Figure 1 shows what Poesoko (2015) said about the basic rules of Civil Procedure Law. It gives you more information.

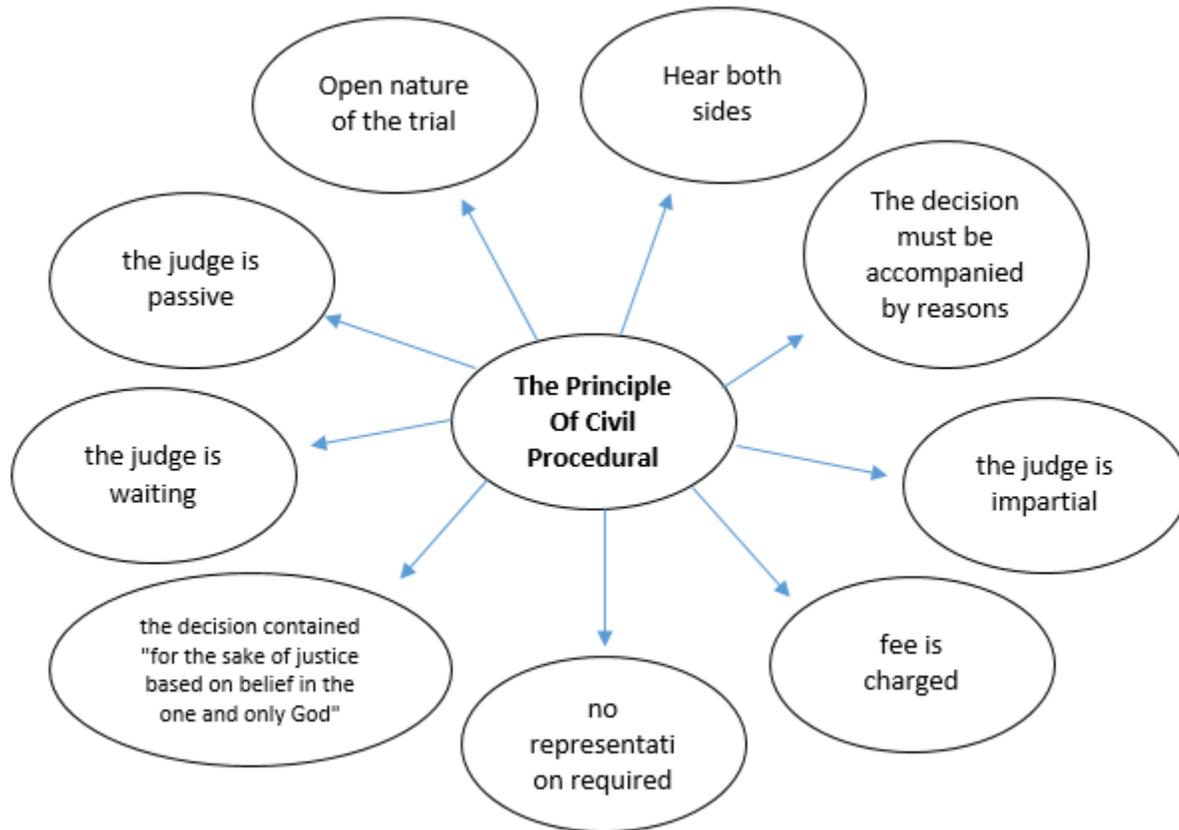


Figure 1. Principles of Civil Procedure Law

Based on the decision by decree "For the sake of Justice Based on Belief in One Almighty God", it is the principle that judicial power is exercised in court "For the sake of Justice Based on Belief in One Almighty God." According to the elucidation of Article 2 paragraph (1) of Law Number 48 of 2009 concerning Judicial Powers and Article 29 of the 1945 Constitution of the Republic of Indonesia, which reads: 1) The state is based on Belief in the One and Only God; 2) The state guarantees the freedom of every citizen to choose their religion and worship according to their religion and beliefs. The chairman of the judge is a sign or symbol that a decision can be carried out by force if the party who has to do what the decision says does not want to do it voluntarily. It is the executorial power of the judge's decision, which can only be stopped if it is done voluntarily. What is stated in the verdict According to the Principle of Administrative Power, the Attorney General's Office is the primary and general framework that determines the basis and principles of Justice and rules for the entire judiciary. In the District Court process, if one party considers the decision unfair, they can still use ordinary legal methods for appeal, cassation, etc., and unique legal methods, such as third-party resistance and judicial review. Artificial Intelligence (AI) can be used to help prepare papers for review. One of them is using good legal language when creating rules and standards. "thomsonreuters.com" can be used to examine cases against papers with the help of artificial intelligence. Fasttrack drafting can prepare and arrange papers according to the client's wishes. As a client, you can also choose the type of paper you want to use and process it quickly and automatically (Kurniawijaya et al., 2021).

Judges are waiting by nature, meaning that people who want to claim their rights must try. This is called the proverb (Wo kein Kläger ist, ist kein Richter, nemo iudex sine actor): "Where there are no complainants, there are no judges." The Criminal Procedure Code guides judges in carrying out their duties to try, examine, decide and resolve civil cases. One of the main principles is that judges are only passive, meaning that in a case, the party who feels their rights or interests have been violated or hurt by another party is the party who should lead. Based on the idea that trials are open to the public, meaning that anyone is welcome to come

to court and hear testimony. This principle aims to ensure that human rights are protected in court and that the justice system is fair and impartial so that it can be held accountable to the public for fair trials and fair decisions.

The principle that both parties must be heard is called "audi et alteram partem" or "one person's words are not the same as other people's words, everyone must hear them" (Article 5 paragraph 1 of Law No. 4 of 2004). This principle is also known as "one person's words are not the same as other people's words; everyone must hear them". That is, the judge can only believe what is said by one party if the other party is heard or allowed to say what he thinks. This means that evidence must also be presented in a trial attended by both parties (Article 132 letter a, Article 121 paragraph 2 HIR; Article 145 paragraph 2, Article 157 RBG; Article 47 Rv). This is done when the parties are being proven before a trial. As stated in Article 164 HIR/284 RBG, the Criminal Procedure Code states that letters, witnesses, judges' presumptions, confessions and oaths can all be used as evidence. The judge will use the evidence to determine how the legal event is related to the petite, which will be outlined in the decision. Evidence can be seen with the help of Artificial Intelligence (AI). A legal due diligence review (LDD) is an examination or study conducted from a legal perspective to obtain facts or data that can be used to describe the condition of a company, its assets, and its legal relationship. Artificial intelligence is primarily made up of big data and machine learning. With this feature, documents submitted to him can be immediately identified, and risk analysis of these documents can be carried out 20–60% faster than if an experienced judge had to do it by hand. In addition, mergers are costly and take a long time to complete because they require much information about the companies to be merged. This can be seen with the help of a program called "kirasystems", which can be used in the LDD process. "Kirasystems" may get this information from various places on the internet and track it; even "kirasystems" can tell you when a document is about to expire (Kurniawijaya et al., 2021).

Article 23 of Law Number 14 of 1970, Article 184 Paragraph 1, Article 319 HIR, and Articles 195 and 618 RBG state that a decision must be supported with reasons, namely the reasons for trial. As stated in Article 28, paragraph 1 of Law No. 4 of 2004, judges must observe, follow, and understand the legal beliefs of the community. In addition, seeking and finding the law is part of the concept *ius curia novit*, which says that judges know the law. Article 16, paragraph 1 of Law Number 4 of 2004 says, "A court cannot refuse to examine and decide a case with unclear or unclear legal reasons. He must see and judge the matter." This part can be interpreted that the judge, as a legal entity, is considered to know the law. People who wanted justice came to him and begged him. If he cannot find a written law, he must find an unwritten one and decide based on it as a wise man who is fully responsible to God Almighty, himself, society, nation and state. Regarding the idea of impartial judges (impartiality), which is mentioned in Article 4, paragraph 1 of Law Number 48 of 2009 concerning Judicial Power, which reads, "The court tries people according to the law impartially or harms anyone." With the principle of impartiality (not taking sides), judges must be objective and neutral in viewing and making decisions about a case. Judges may not side with anyone other than law and justice so that people involved in a case in court can be sure that the judge's decision is fair and in line with the law.

Artificial intelligence (AI) can help judges make better choices. Artificial intelligence can conduct legal studies in multiple languages and rank laws, regulations and court cases according to how they were resolved. Artificial intelligence allows us to make educated guesses about how judges will decide based on what we already know. The notion of "feature intelligence" is based on deep learning systems or techniques that use high-level abstraction modelling algorithms and non-linear transformation functions that are layered and deep to recognize images, sounds, and meta-based text classifications. -data so that this deep learning will automatically bring up a direct representation of the input data in images, videos, or text to support its duties as a Contract Generator System. By using profound learning ideas, the AI-based contract design feature can make it easier to write standard contract forms, analyze them, choose the right words, and create various types of contracts (Kurniawijaya et al., 2021).

On the procedural concept, there is a fee. Case costs include court costs, summoning parties, and stamp fees. Also, "not obliged to represent" says that civil procedural law does not oblige parties to represent other people. However, parties can ask their attorneys to assist or represent them (Article 123 HIR; 147 RBG). So, judges must know the law, especially the Criminal Procedure Code rules, to carry out their duties. They must provide a reflection of legal thinking that is valid, has normative weight, and is binding on the parties because it is based on what the legislators and judges say so that this choice is based on a legal way of thinking that leads to good, harmonious, practical, honest and fair law, as well as providing legal certainty for justice seekers.

## **5. Conclusion**

Based on the research results, it can be said that the use of Artificial Intelligence in the development of Indonesian civil procedural law, namely Artificial Intelligence (AI), can help prepare documents for examination if there are cases of appeal, cassation, and disputes. They can also use extraordinary legal remedies, such as third-party resistance and review returns. Legal due diligence reviews (LDD) can be used to look at data with the help of artificial intelligence (AI). AI can help judges make choices. Artificial intelligence can conduct legal studies in multiple languages and rank laws, regulations and court cases according to how they were resolved. In fact, artificial intelligence allows us to make educated guesses about how judges will decide based on what we already know.

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