

# Legal Liability of AI Developers for Individual Interactions with Chatbots Resulting in Death: A Comparative Study

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**Submission**

2025-Oct-11

**Review**

2025-Nov-08

**Accepted**

2025-Dec-04

**Published**

2026-Jan-03

## **Abstract**

*The development and use of Artificial Intelligence (AI) in platforms such as chatbots has raised ethical and legal concerns. This study aims to examine the legal responsibilities of AI developers, focusing on the case of Garcia Vs. Character Technologies, in which a teenager's death was allegedly influenced by interaction with an AI chatbot. This study compares Indonesian and European Union legal frameworks on AI developer liability for harms arising from chatbot interactions. This study is a legal study that uses a normative juridical approach by conducting a review of legislation and comparing laws with other countries to answer the research questions. The results show that the regulation of AI ethics in Indonesia is still developing and relies on the Electronic Information and Transactions Law and the Personal Data Protection Law, which do not specifically regulate AI, while the European Union already has more comprehensive regulations. The responsibilities of AI developers, such as those in chatbot platforms, include ensuring system security from physical or psychological impacts, protecting personal data, and ensuring fair and transparent algorithms. Universally, both in Indonesia and the European Union, developers are required to comply with the principles of safety, fairness, and human rights by conducting testing to avoid bias and negative impacts on users.*

**Keywords:** AI Developer, Artificial Intelligence, Character.AI, Chatbot, Legal Liability.

**How to Cite:** Khairunnisa Maharani, Sinta Dewi Rosadi, Nella Sumika Putri. "Legal Liability of AI Developers for Individual Interactions with Chatbots Resulting in Death: A Comparative Study." *Jurnal Ilmiah Dunia Hukum*, 10 no. 1 (2025): 427-447. DOI: 10.35973/jidh.v10i1.6768.

## **1. Introduction**

Artificial Intelligence (AI) is a technology designed to replicate human abilities in thinking, learning, and problem-solving. AI is used in a wide range of applications, from virtual assistants to advanced predictive systems.<sup>1</sup> One example of AI implementation can be found on platforms such as Character.AI, which allow users to interact with chatbots. A chatbot is a computer program designed to simulate conversations with humans through text or voice. It uses artificial intelligence technology to understand questions and provide relevant responses, and is therefore widely used in customer service, entertainment, and

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<sup>1</sup> Haroon Sheikh, Corien Prins, and Erik Schrijvers, *Artificial intelligence: definition and background*, In *Mission AI: The new system technology*, (Cham: Springer International Publishing, 2023), 34.

virtual assistance.<sup>2</sup> Character.AI is a web-based artificial intelligence chatbot application that utilizes Large Language Models (LLMs), machine learning, and Natural Language Processing (NLP) to generate text responses. It enables users to create and develop their own characters and interact with fictional, historical, and celebrity figures in conversational settings. Unlike other AI chatbots, such as ChatGPT, Character.AI produces more human-like outputs and allows users to interact with multiple bots simultaneously. Character.AI offers increasingly realistic and personalized interaction experiences, making it a growing tool across various sectors, including education, customer service, and even digital therapy.<sup>3</sup>

The phenomenon of AI usage, including Character.AI, has attracted increasing attention in both Indonesia and Europe. Although there is no comprehensive statistical data indicating the total number of AI visits across the European Union (EU), several countries such as the United Kingdom and Germany are ranked among the top ten countries with the highest AI visit numbers. The United Kingdom ranks sixth with approximately 665 million visits, while Germany ranks eighth with around 630 million visits. Meanwhile, Indonesia ranks third globally, with visits reaching approximately 1.4 billion.<sup>4</sup> In Europe, AI regulation has become increasingly stringent with the implementation of policies such as the Artificial Intelligence Act, which aims to enhance user protection and regulate the development of AI technologies.<sup>5</sup> Several AI platforms, including Character.AI, have been utilized across various sectors, ranging from customer service to mental health, despite concerns regarding their negative impacts, such as user dependency and privacy risks. In Indonesia, although AI adoption is still relatively new, public attention to the potential risks posed by this technology has begun to grow. Cases of AI misuse, including the spread of misinformation and the inappropriate use of chatbots in health-related contexts, have drawn public concern and stimulated discussions on the necessity of adequate regulatory frameworks to protect society.<sup>6</sup>

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<sup>2</sup> Joanna J. Bryson, "The past decade and future of AI's impact on society," In *Towards a new enlightenment? A transcendent decade*, (Tennessee: Turner, 2019), 23.

<sup>3</sup> Louise Wilsdon, "Carissa véliz, privacy is power: Why and how you should take back control of your data," *Oxford Academic* 12, no. 3 (2022): 256.

<sup>4</sup> Nur Aini Rasyid, "10 Negara Pengguna AI Terbanyak, Indonesia Salah Satunya," *Goodstate*, Februari 22, 2024. Retrieved in October 23, 2025 from <https://data.goodstats.id/statistic/10-negara-pengguna-ai-terbanyak-indonesia-salah-satunya-RLlmC>.

<sup>5</sup> Resilience Act, "Regulation (EU) 2024/2847 of the European Parliament and of the Council, Artificial Intelligence Act. (Eu) 2024/1689," *Regulation (eu)* (2024).

<sup>6</sup> Louise Wilsdon, "Carissa véliz, privacy is power: Why and how you should take back control of your data," *Oxford Academic* 12, no. 3 (2022): 257.

One notable case involving Character.AI is *Garcia Vs. Character Technologies* (2024), a lawsuit filed by Megan Garcia, the mother of Sewell Setzer, a 14-year-old teenager who died by suicide after interacting with a chatbot developed by Character.AI. Sewell Setzer used a chatbot on the Character.AI platform and interacted with a character designed to resemble Daenerys Targaryen from *Game of Thrones*. In their final conversation, the chatbot reportedly stated, “Please do my sweet king,” which was alleged to be one of the factors influencing Setzer’s decision to end his life. Megan Garcia sued Character.AI on the grounds of negligence and product liability, arguing that the chatbot emotionally burdened Setzer and potentially encouraged suicidal behavior. Garcia contends that the developers of Character.AI should be held responsible for the psychological harm resulting from interactions with the chatbot. This case highlights critical ethical concerns and legal accountability issues surrounding the use of AI, particularly in highly personal and emotionally sensitive interactions.

A chatbot is essentially an artificial intelligence system designed to interact with users through text- or voice-based conversations. The system operates by processing user input and generating responses that are considered relevant. However, in practice, chatbots may provide answers or suggestions that are potentially harmful, including encouraging unlawful actions or self-harm, such as suicidal behavior. This situation raises questions about who should be held accountable. Since a chatbot is not a legal subject, responsibility is attributed to the developer or service provider. This liability is based on the fact that developers have control over the design, training, and security mechanisms of the chatbot, and therefore bear the obligation to ensure that the product released to the public does not cause harm or legal risks to its users.

Liability in this case may be considered between the chatbot itself and its developer, given that it is the developer who designs and controls the interactive features that can influence users’ emotional conditions. Developers are therefore expected to implement measures to protect users from potential psychological risks, such as emotional dependency or other negative impacts. In the European Union, regulations such as the EU Artificial Intelligence Act<sup>7</sup> provide a legal basis for governing developer responsibility in the development of AI technologies. The European Union is chosen as a point of comparison because it has stringent

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<sup>7</sup> Resilience Act, “Regulation (EU) 2024/2847 of the European Parliament and of the Council, Artificial Intelligence Act. (Eu) 2024/1689,” *Regulation (eu)* (2024).

AI regulations,<sup>8</sup> particularly the EU AI Act, which aims to protect users' rights and ensure effective oversight of the potential risks posed by AI technologies.

Based on observations of artificial intelligence ethics, AI regulations in Indonesia and the European Union, and an analysis of the Garcia Vs. Character Technologies case, the following research questions are formulated:

1. How are the concepts and principles of artificial intelligence ethics applied to the development and use of AI chatbots?
2. How do the AI regulatory arrangements in positive law in Indonesia and the European Union differ regarding the responsibilities of AI developers?
3. How is the legal application of the Garcia Vs. Character Technologies case related to the supervision and responsibilities of AI chatbot developers?

This study aims to investigate the legal obligations of AI developers, focusing on the Garcia Vs. Character Technologies case, where a teenager's death was reportedly linked to interactions with an AI chatbot. It compares the legal frameworks of Indonesia and the EU regarding AI developer liability for harms resulting from chatbot interactions.

## **2. Research Method**

This research adopts a normative-comparative juridical approach using statutory analysis and comparative law methods. The normative analysis is conducted by examining relevant Indonesian laws and regulations, including Law Number 11 of 2008 on Electronic Information and Transactions as amended by Law Number 19 of 2016, the Indonesian Criminal Code (KUHP), and Minister of Communication and Informatics Regulation Number 5 of 2020 concerning Private Electronic System Operators. In addition, this study refers to the Circular Letter of the Minister of Communication and Informatics Number 9 of 2023 on Artificial Intelligence Ethics to examine the ethical regulation of Artificial Intelligence (AI) development in Indonesia.

This research also conducts a comparative analysis of Artificial Intelligence (AI) regulations in Indonesia and the European Union. In this context, the analysis focuses on the European Union Artificial Intelligence Act (EU AI Act) Regulation Number 2024/1689, which serves as the primary legal instrument governing and supervising the development and deployment of AI technologies in the

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<sup>8</sup> Giovanni Sartor, *The impact of the General Data Protection Regulation (GDPR) on artificial intelligence: Study*, (Starsbourg: European Parliament, 2020), 23.

European Union. The comparative analysis is carried out through a statutory approach by examining all relevant laws and regulations.<sup>9</sup> This approach aims to compare the existing regulatory frameworks in Indonesia and the European Union concerning the legal liability of AI developers, as well as to assess how both legal systems address the risks posed by AI technologies to users.

### 3. Research Results and Discussion

#### 3.1. Ethics of Artificial Intelligence

Artificial Intelligence (AI) ethics refers to the moral principles that govern the development and use of AI technologies to ensure that their impacts remain beneficial to society as a whole. The core concepts of AI ethics include several key aspects such as safety, transparency, privacy, fairness, and social responsibility.<sup>10</sup> AI systems must be designed with user safety in mind by minimizing potential risks and avoiding bias or discrimination in algorithmic decision-making.<sup>11</sup> AI ethics also emphasizes the importance of transparency in the development and deployment of AI, so that users and the wider public can understand how decisions are made by these systems. Furthermore, AI ethics highlights the responsibility of developers and users to ensure that the technology is used wisely, with due consideration for humanitarian values, and in a manner that does not violate fundamental human rights.<sup>12</sup>

In Indonesia, the regulation of Artificial Intelligence (AI) ethics is still at a relatively early stage of development.<sup>13</sup> Although AI technology is advancing rapidly, regulations that directly govern the ethical use of AI remain underdeveloped and insufficiently detailed. One regulation that can be applied in this context is Law Number 11 of 2008 on Electronic Information and Transactions (*Undang Undang Informasi dan Transaksi Elektronik/ITE Law*),

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<sup>9</sup> Depri Liber Sonata, "Metode Penelitian Hukum Normatif dan Empiris: Karakteristik Khas dari Metode Meneliti Hukum," *FIAT JUSTISIA: Jurnal Ilmu Hukum*, 8 no. 1 (2015): 23.

<sup>10</sup> Budi Raharjo, *Teori Etika Dalam Kecerdasan Buatan (AI)*, (Semarang: Penerbit Yayasan Prima Agus Teknik, 2023), 32.

<sup>11</sup> Tri Setia Ningrum, Vika Dias Anspratiwi and Muhamad Wahyudi, "Etika Dan Dampak Sosial Dari Penerapan Artificial Intelligence Dalam Sistem Informasi Manajemen," *Jurnal Riset Sistem Informasi* 2, (2025): 13.

<sup>12</sup> E. Haikcal Firdan El-Hady, and M. Fauzan Zenrif, "Pandangan Islam Terhadap Etika Kecerdasan Buatan (Artificial Intelligence) dalam Kehidupan Sehari-hari," *Nuansa: Jurnal Penelitian Ilmu Sosial Dan Keagamaan Islam* 21, no. 2 (2024): 89. See too, Musa Darwin Pane, and Moch Zein Surya Permana, "Pertanggungjawaban pidana terhadap pengembang artificial intelligence pada kasus pelanggaran privasi dan data pribadi," *Judge: Jurnal Hukum* 6, no. 03 (2025): 469.

<sup>13</sup> Muhammad Tan Abdul Rahman Haris, and Tantimin Tantimin, "Analisis Pertanggungjawaban Hukum Pidana Terhadap Pemanfaatan Artificial Intelligence Di Indonesia," *Jurnal Komunikasi Hukum (JKH)* 8, no. 1 (2022): 311.

as amended by Law Number 19 of 2016.<sup>14</sup> The ITE Law primarily regulates electronic transactions and the use of information technology in Indonesia and provides a legal basis for the operation of electronic systems. It includes provisions on the protection of personal data in the digital space, although it does not specifically address AI ethics. One important aspect that remains inadequately regulated under the ITE Law is the mechanism for protecting user privacy against algorithms or AI systems that may influence significant decisions, such as those in the fields of finance, employment, and public services.

In addition, the Regulation of the Minister of Communication and Informatics Number 5 of 2020 on Private Electronic System Operators is also one of the regulations relevant to the governance of AI in Indonesia.<sup>15</sup> This regulation places greater emphasis on the responsibilities of electronic system operators, particularly in the provision of technology-based services. However, it remains limited in regulating more substantive aspects of AI ethics, such as algorithmic transparency, data bias, and fairness in the application of automated systems. Moreover, Indonesia faces challenges related to inadequate infrastructure readiness to implement stricter data security standards, which is closely linked to the use of AI across various sectors.<sup>16</sup> Furthermore, the Circular Letter of the Minister of Communication and Informatics of the Republic of Indonesia Number 9 of 2023 on Artificial Intelligence Ethics states that the implementation of artificial intelligence technology must adhere to core ethical values, including inclusivity, humanity, security, accessibility, transparency, credibility and accountability, personal data protection, sustainable development and environmental protection, as well as intellectual property.<sup>17</sup>

Meanwhile, the European Union has emerged as one of the leading regions in regulating Artificial Intelligence (AI) ethics, with the aim of creating a safe, transparent, and fair environment for the use of this technology. The European Union recognizes that AI has significant potential to enhance efficiency and quality of life, but it also poses substantial risks, such as the misuse of personal

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<sup>14</sup> Undang-Undang Republik Indonesia Nomor 19 Tahun 2016. *Undang-Undang Republik Indonesia 19 Tahun 2016 Tentang Atas Undang-Undang 11 Tahun 2008 Informasi Dan Transaksi Elektronik*. (2016).

<sup>15</sup> Kemenkominfo. *Peraturan Menteri Komunikasi Dan Informatika Indonesia 5 Tahun 2020 Sistem Elektronik Lingkup Privat*. (2020).

<sup>16</sup> Xiongbiao Ye, Yuhong Yan, Jia Li, and Bo Jiang, "Privacy and personal data risk governance for generative artificial intelligence: A Chinese perspective," *Telecommunications Policy* 48, no. 10 (2024): 1028.

<sup>17</sup> Menteri Komunikasi Dan Informatika Republik Indonesia. *Surat Edaran Komunikasi Dan Informatika Indonesia 9 Tahun 2023 Kecerdasan Artifisial*. (2023).

data, algorithmic discrimination, and threats to human rights. Therefore, the EU has developed various policies and regulatory frameworks to ensure that AI technologies are used responsibly and for the benefit of society.<sup>18</sup>

In 2021, the European Commission proposed the Artificial Intelligence Act (AI Act), which aims to establish a clear legal framework for regulating the use of AI in the European Union.<sup>19</sup> The AI Act classifies AI systems into four risk categories: low risk, limited risk, high risk, and very high risk. For high-risk categories, such as AI used in decision-making processes that affect individual rights (for example, in the legal sector or credit assessment), the regulation requires companies to comply with a series of strict obligations. These include ensuring transparency in the use of algorithms, providing sufficient information to users about how AI systems operate, and ensuring that AI systems are free from bias and discrimination. In addition, the AI Act emphasizes the importance of protecting human rights by affirming that AI technologies must not be used to threaten individual privacy or to create discrimination based on race, gender, or other factors.

With the AI Act, the European Union seeks to balance technological innovation with the protection of fundamental individual rights, while also providing clarity for developers and users regarding the ethical standards and regulatory requirements that must be complied with. Based on the explanation of AI ethics in Indonesia and the European Union, a comparison of AI ethical regulation in both jurisdictions reveals significant differences in the level of regulation and policy implementation. The European Union has established a highly comprehensive legal framework for AI through the EU AI Act, which addresses ethical considerations and the security of AI use. Through this detailed regulation, the European Union positions itself at the forefront of managing the social and ethical impacts of AI technology, ensuring that AI systems are not only safe but also fair and non-discriminatory. The risk-based approach adopted in the AI Act enables stricter oversight of AI applications in high-risk contexts, particularly in decision-making processes that may directly affect individuals' lives.<sup>20</sup>

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<sup>18</sup> Giovanni Sartor, *The impact of the General Data Protection Regulation (GDPR) on artificial intelligence: Study*, (Starsbourg: European Parliament, 2020), 24.

<sup>19</sup> Resilience Act, "Regulation (EU) 2024/2847 of the European Parliament and of the Council, Artificial Intelligence Act. (Eu) 2024/1689," *Regulation (eu)* (2024).

<sup>20</sup> Corinne Cath, "Governing artificial intelligence: ethical, legal and technical opportunities and challenges," *Philosophical Transactions of the Royal Society A: Mathematical, Physical and Engineering Sciences* 376, no. 2133 (2018): 2180.

Furthermore, AI platform developers in both Indonesia and the European Union bear significant responsibility to ensure that their technologies are used ethically and responsibly. They must prioritize the principles of transparency and accountability in designing and developing AI systems, ensuring that users can understand how the systems operate and how decisions are made by algorithms. Developers are also required to implement robust personal data protection mechanisms in accordance with applicable regulations.<sup>21</sup> In addition, it is essential for developers to ensure that AI platforms are free from bias, discrimination, or other potential negative impacts by conducting regular testing and system verification to ensure fairness and security.<sup>22</sup> At the same time, developers should be committed to involving relevant stakeholders including policymakers, academics, and the wider public in the development process in order to create a more just, sustainable, and responsible AI ecosystem. Developers must also be prepared to take responsibility for the social impacts generated by their AI systems and to undertake corrective measures if problems or injustices are identified in their implementation.<sup>23</sup>

Overall, this comparison shows that the European Union has established clearer and more comprehensive regulations to govern the ethical use of AI, while Indonesia still needs to develop a more robust and in-depth legal framework. Accordingly, Indonesia should strengthen its AI-related regulations by paying greater attention to social, ethical, and human rights implications, as well as by enhancing awareness and literacy regarding this technology among developers, policymakers, and the public.

### **3.2. AI Regulation in Positive Law in Indonesia and AI Regulation in the European Union**

In order to understand the legal liability of Artificial Intelligence (AI) developers, it is important first to examine the legal framework applicable in Indonesia. Although Indonesia has not yet enacted regulations that specifically govern artificial intelligence, a number of existing laws and regulations contain provisions relevant to the operation of information technology and digital activities that serve as the legal basis for AI regulation.

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<sup>21</sup> Vanessa Ayala-Rivera, A. Omar Portillo-Dominguez, and Liliana Pasquale, “GDPR compliance via software evolution: Weaving security controls in software design,” *Journal of Systems and Software* 216 (2024): 11214.

<sup>22</sup> P. S. Varsha, “How can we manage biases in artificial intelligence systems—A systematic literature review,” *International Journal of Information Management Data Insights* 3, no. 1 (2023): 1165.

<sup>23</sup> Ben Chester Cheong, “Transparency and accountability in AI systems: safeguarding wellbeing in the age of algorithmic decision-making,” *Frontiers in Human Dynamics* 6 (2024): 1421.

The following are several regulations that address AI and the legal responsibility of developers:<sup>24</sup>

**3.2.1.** Law Number 11 of 2008 in conjunction with Law Number 19 of 2016 concerning Electronic Information and Transactions (ITE)

Law Number 11 of 2008 on Electronic Information and Transactions (*Informasi dan Transaksi Elektronik/ITE*), as amended by Law Number 19 of 2016, regulates the implementation of information technology and electronic transactions in Indonesia.<sup>25</sup> This law covers various aspects related to the use of information technology, including electronic transactions, e-commerce, and the protection of user data and privacy. One aspect relevant to this case is the regulation of electronic information, which can be used to examine whether the Character.AI platform involves the unlawful use or collection of personal data during interactions with its chatbot. The provisions of the ITE Law also regulate the security of electronic systems and restrictions on the misuse of electronic information, which can be applied to assess whether companies developing AI platforms have fulfilled their obligations to safeguard user data security and privacy. If, in this case, the claimant alleges violations in the use of personal data or failures in maintaining data security, the ITE Law may serve as a legal basis for seeking accountability.<sup>26</sup>

**3.2.2.** Regulation of the Minister of Communication and Informatics Number 5 of 2020 concerning Private Electronic System Providers

This regulation governs electronic system operators in the private sector, including companies that provide information and communication technology services, such as AI platforms like Character Technologies.<sup>27</sup> It aims to ensure that electronic system operators comply with certain standards in managing and protecting personal data and maintaining the security of their electronic systems. In the context of this case, if there are allegations that the Character.AI system is insecure or inadequately protected, resulting in

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<sup>24</sup> Musa Darwin Pane, and Moch Zein Surya Permana, "Pertanggungjawaban pidana terhadap pengembang artificial intelligence pada kasus pelanggaran privasi dan data pribadi," *Judge: Jurnal Hukum* 6, no. 03 (2025): 470.

<sup>25</sup> Undang-Undang Republik Indonesia Nomor 19 Tahun 2016. *Undang-Undang Republik Indonesia 19 Tahun 2016 Tentang Atas Undang-Undang II Tahun 2008 Informasi Dan Transaksi Elektronik*. (2016). See too, Alicia Lumenta, "Tinjauan yuridis terhadap tindak pidana pencemaran nama baik menurut KUHP dan Undang-Undang Nomor 19 Tahun 2016 tentang ITE," *Lex Crimen* 9, no. 1 (2020): 343.

<sup>26</sup> Undang-Undang Republik Indonesia Nomor 19 Tahun 2016. *Undang-Undang Republik Indonesia 19 Tahun 2016 Tentang Atas Undang-Undang II Tahun 2008 Informasi Dan Transaksi Elektronik*. (2016).

<sup>27</sup> Kemenkominfo. *Peraturan Menteri Komunikasi Dan Informatika Indonesia 5 Tahun 2020 Sistem Elektronik Lingkup Privat*. (2020).

harm to users, this Ministerial Regulation may serve as a legal basis for assessing the company's legal responsibility. The regulation also imposes obligations to report incidents that may endanger or cause harm to users and the public, which is relevant in cases where losses or damages arise from interactions with AI chatbots.

### 3.2.3. Criminal Code (*Kitab Undang Undang Hukum Pidana/KUHP*)

There are articles in the Criminal Code that can be used in this case, namely Article 359 of the Criminal Code (Negligence Causing Death)

Article 359 of the Criminal Code regulates negligence resulting in death, which states:

*"Anyone who, due to negligence, causes the death of another person, shall be punished by a maximum imprisonment of five years or a maximum fine of nine hundred rupiah."*

In the context of AI chatbots, if a developer fails to ensure that their AI system is safe, and interaction with the chatbot results in the death of a user, this article can be used to analyze the developer's liability. Negligence can occur if the developer fails to adequately test the system, fails to monitor its use, or fails to consider the potential social and psychological impacts of the chatbot. If interaction with an AI chatbot leads to fatal harm, such as suicide or serious injury due to design or oversight failures, the developer may be held liable based on their negligence in designing and overseeing the platform.

### Article 462 of the Criminal Code (Encouraging or Assisting Suicide)

Article 462 of the Criminal Code regulates the act of encouraging, assisting, or providing the means for another person to commit suicide, which states:

*"Anyone who encourages, assists, or provides the means for another person to commit suicide shall be punished only if the person actually dies as a result of the suicide."*

In the context of AI chatbots, this article can be used to analyze liability if the chatbot actively encourages or assists a user in committing suicide. For example, when a chatbot provides encouragement, instructions, or information that directly leads a user to commit suicide. If the user dies as a result of this interaction, the developer or service provider may be held criminally liable. This is because they are responsible for designing, supervising, and controlling the system to prevent responses that could potentially endanger the user's life. Therefore, Article 462 of the Criminal

Code emphasizes the importance of developer vigilance in ensuring that chatbots do not become a means of encouraging suicide.

#### **3.2.4. Article 30 of Law No. 36 of 1999 concerning Telecommunications**

Article 30 of Law No. 36 of 1999 concerning Telecommunications regulates the misuse of information technology, which states:

*“Any person who intentionally or without authority commits an act that harms another party using information or communication technology may be subject to sanctions in accordance with applicable provisions.”*

In the case of AI chatbot platforms, this article can be invoked if the AI system they develop causes harm to society, such as misuse of personal data or interactions that harm users. Platform developers like Character Technologies can be held liable if the technology they develop causes social harm or misuse of personal information, or even potentially harms users psychologically.

The legal liability of AI chatbot developers in Indonesia can be analyzed through several articles in the Indonesian Criminal Code, including Article 359, which regulates negligence resulting in death or serious harm. If developers fail to exercise sufficient care in designing or supervising their systems, and interactions with the chatbot result in serious harm, they can be held liable. Furthermore, Article 30 of the Telecommunications Law can be used to assess misuse of technology that harms users or the public. AI chatbot developers have a responsibility to ensure that their technology is safe to use and does not cause harm or negative impacts to users.<sup>28</sup>

The European Union was chosen as a benchmark for Indonesia in terms of regulations regarding Artificial Intelligence (AI) because the region is a pioneer in establishing comprehensive, systematic, and ethically-based AI regulations. The EU AI Act is a regulation proposed by the European Commission in April 2021, which aims to regulate the use of artificial intelligence technology across all EU member states. This regulation is one of the most comprehensive efforts to regulate the safe and ethical use of AI in Europe, as well as to mitigate the potential risks posed by this technology. From a comparative approach, according to the European Parliament Resolution (2017) on Artificial Intelligence, legal responsibility for actions (or

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<sup>28</sup> Dewi Asri Puannandini, Raihan Fabian, Reival Andhika Putra Firdaus, M. Zaenal Mustopa, and Indra Herdiyana, “Liabilitas Produk Ai Dalam Sistem Hukum Indonesia: Implikasi Bagi Pengembang, Pengguna, Dan Penyedia Layanan,” *Iuris Studia: Jurnal Kajian Hukum* 6, no. 1 (2025): 26.

inaction) in Artificial Intelligence is usually assigned to human actors: for example, the owner, developer, manufacturer, or operator of Artificial Intelligence.<sup>29</sup> The AI Act classifies AI systems based on their risk level, ranging from low to very high risk, and provides different rules for each category.<sup>30</sup>

The risk categorization in the EU AI Act is divided into several levels. Low Risk includes AI applications that pose little or no risk to human rights or safety, such as AI used for content recommendation or spam filtering. High Risk refers to AI applications that have a significant impact on the rights and safety of individuals, particularly those used in sensitive sectors such as health, education, law, and employment. Meanwhile, Very High Risk includes AI applications that have the potential to have a significant impact on individuals, such as mass surveillance systems or AI used in decision-making in the legal and policing sectors.

The EU AI Act requires AI developers and platform providers, such as Character Technologies, to ensure that their AI systems meet stringent standards. These standards cover security and reliability, requiring developers to ensure AI systems are free from errors that could harm users, including through algorithm testing and transparency regarding how algorithms operate. Furthermore, there is a transparency obligation, requiring users to be informed when interacting with AI systems and to provide a clear explanation of how the system makes decisions. The EU AI Act also emphasizes oversight and accountability, particularly for high-risk AI systems, which must be subject to external oversight and equipped with mechanisms to assess and correct any failures or negative impacts. Finally, developers are required to prevent bias and discrimination, ensuring that AI systems are free from biases that could lead to discriminatory treatment against certain groups through rigorous testing of data and algorithms for fairness and inclusiveness.

If Character Technologies develops or provides an AI platform that poses a high risk, they must ensure that the system complies with the strict rules set out in the EU AI Act, including the obligation to conduct adequate risk assessments and continuous oversight of the use of their chatbots. If Character

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<sup>29</sup> Budi Raharjo, *Teori Etika Dalam Kecerdasan Buatan (AI)*, (Semarang: Penerbit Yayasan Prima Agus Teknik, 2023), 33.

<sup>30</sup> Resilience Act, “Regulation (EU) 2024/2847 of the European Parliament and of the Council, Artificial Intelligence Act. (Eu) 2024/1689,” *Regulation (eu)* (2024).

Technologies is proven to have failed to meet these obligations, they could be held liable for any negative impacts, whether in terms of data security, user privacy, or even psychological harm.

Indonesia's AI regulatory enforcement mechanisms tend to be ex-post or reactive, where legal action is taken after violations are proven through criminal and civil proceedings. This approach relies on victim complaints, investigations, and court proceedings, so intervention occurs after negative impacts are clearly evident. In contrast, the European Union uses an ex-ante mechanism, which is preventative in nature, with compliance pressure and oversight starting before AI systems are marketed or widely used. The EU AI Act requires developers to conduct risk assessments, conduct regular audits, and ensure the transparency and security of AI systems to minimize risks from the outset. EU regulators have the authority to conduct inspections, conduct independent audits, and can ban systems that do not meet marketing standards to prevent harm before it occurs. Thus, law enforcement mechanisms in Indonesia focus more on handling after a violation occurs, while in the EU they place more emphasis on risk prevention and ongoing compliance. The following differences in regulatory design in Indonesia and the EU are presented in Table 1.

**Table 1.** Differences in regulatory design in Indonesia and the European Union.

| Aspect                | Indonesia                                                                                                  | Uni Eropa                                                                                        |
|-----------------------|------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------|
| Regulatory Approach   | Fragmented, relying on the ITE Law and the PDP Law without a specific framework for AI.                    | Risk-based, with the EU AI Act's comprehensive framework categorizing the risks of AI systems    |
| Main Regulations      | Law No.11/2008 jo. Law No.19/2016 (ITE), Law No.27/2022 (PDP), Permenkominfo No.5/2020                     | EU AI Act 2024/1689, GDPR for data, and sectoral policies related to AI                          |
| Risk Category         | There is no specific risk categorization, AI risk handling is done reactively through general regulations. | Four categories: minimal, limited, high, and unacceptable risk, each with different obligations. |
| Enforcement Mechanism | Using general sanctions in the ITE Law/Criminal Code;                                                      | Systematic law enforcement sanctions                                                             |

| Aspect                     | Indonesia                                                                        | Uni Eropa                                                                                          |
|----------------------------|----------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------|
|                            | Enforcement that is less integrated and less specific to AI                      | according to risk category                                                                         |
| Predictability<br>Accuracy | Low, due to the unclear obligations and authorities of institutions handling AI. | High, due to the principle of proportionality and clarity of obligations based on risk categories. |

### 3.3. Case Analysis “Garcia Vs. Character Technologies” and Legal Responsibility

The case “Garcia Vs. Character Technologies” involves a lawsuit filed by Garcia against Character Technologies Inc., the developer of the Character.AI platform, which enables interaction between users and artificial intelligence-based chatbots. In this case, the plaintiff claims that interactions with the AI chatbot developed by the company caused serious psychological harm. The plaintiff alleges that the AI platform did not adequately supervise or design the chatbot in a safe manner for users, resulting in potential emotional or psychological harm.<sup>31</sup> One of the key issues in this case is negligence, in which the plaintiff argues that the company failed to ensure that the system they created did not cause harm or harm.<sup>32</sup> On July 15, 2025, a landmark legal decision was made regarding the case of Megan Garcia Vs. Character.AI, who sued the company Character.AI for allegedly linking its chatbot to the death of her son, Sewell Setzer III, who died by suicide in February 2024. Garcia claims that interactions with the Character.AI chatbot were a factor in influencing her son’s suicide. The case marks one of the first legal challenges involving an AI company regarding the psychological impact chatbot technology can have on minors.<sup>33</sup>

<sup>31</sup> Kevin Caridad, “When the Chatbot Becomes the Crisis: Understanding Ai-Induced Psychosis,” *Papsychotherapy.Org*. July 1, 2025. Retrieved in October 23, 2025 from <https://www.papsychotherapy.org/blog/when-the-chatbot-becomes-the-crisis-understanding-ai-induced-psychosis>.

<sup>32</sup> United States District Court Middle District of Florida Orlando Division. *Garcia Vs. Character Technologies, Inc. Case No. 6:24-Cv-1903-Acc-Dci*. (2024).

<sup>33</sup> United States District Court Middle District of Florida Orlando Division. *Garcia Vs. Character Technologies, Inc. Case No. 6:24-Cv-1903-Acc-Dci*. (2025).

In this trial, the plaintiffs argued that Character.AI was negligent in providing minors with access to interact with realistic digital companions, without adequate safeguards. Megan Garcia is seeking compensatory damages, covering medical expenses, funeral expenses, emotional harm, and potential future losses related to her son's future. She is also seeking punitive damages for Character.AI's negligence in protecting its users, particularly children, from potential negative psychological impacts. She is also seeking an injunction requiring Character.AI to implement more stringent safeguards, such as age verification and content moderation, and to provide a warning system for potentially harmful conversations, particularly those related to self-harm or suicide.<sup>34</sup>

Character.AI and Google attempted to dismiss the lawsuit, making various arguments, including that their chatbots are protected by the First Amendment's guarantee of free speech. However, Judge Anne Conway rejected these arguments, stating that the companies failed to demonstrate that their chatbot output was protected by constitutional free speech. This decision paved the way for Megan Garcia to pursue the lawsuit and fight for Character.AI's liability for the psychological harm caused by their chatbots.<sup>35</sup>

This case not only highlights the importance of AI companies' accountability for the social and psychological impacts of the technologies they develop, but also introduces potential new regulations related to the oversight of AI technology use, particularly involving vulnerable groups such as children. In the context of cases like "Garcia Vs. Character Technologies," several Indonesian laws and regulations can be used to analyze the responsibilities of AI platform developers like Character Technologies.

Meanwhile, in the European Union, several laws and regulations govern the responsibilities of AI developers (such as Character Technologies Inc.) in managing the risks and implications posed by artificial intelligence technology, particularly regarding user security, data privacy, and social responsibility. Two key laws relevant to cases like "Garcia Vs. Character Technologies" are the European Union AI Act (EU AI Act 2024/1689).

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<sup>34</sup> Siti Fatimah Goro, and Chisa Belinda Harahap, "Chatbot Dituntut: Analisis Sosiologi Hukum terhadap Gugatan Character. AI dalam Kasus Kematian Remaja," *Dimensia: Jurnal Kajian Sosiologi* 14, no. 2 (2025): 16.

<sup>35</sup> Muh Firdaus Rasyid, Muhammad Zuhud Al-Khaer Zahir, and Burhanuddin Burhanuddin, "Peran Teknologi Kecerdasan Buatan Dalam Mendeteksi Dan Mencegah Tindak Pidana Penculikan Anak Perempuan Ditinjau Dari Perspektif Hukum Dan Teknologi (Studi Kasus Nomor. 60/Pid. Sus/2017/Pn. Makassar)," *Jurnal To Ciung: Jurnal Ilmu Hukum* 4, no. 2 (2024): 88.

In the context of “Garcia Vs. Character Technologies,” the European Union AI Act provides a clear legal framework for how AI developers like Character Technologies must manage their technology safely and ethically. The EU AI Act emphasizes developers’ responsibility to ensure that AI platforms are safe, transparent, and free from discrimination.

The legal liability of AI chatbot developers involves several important aspects, such as negligence, product liability, privacy violations, and oversight.<sup>36</sup> Relevant liability theories in the context of AI chatbot developers include negligence and product liability. First, in the context of negligence, developers have a legal duty (duty of care) to carefully design, supervise, and test AI systems to ensure their safe use. In the case of negligence, AI chatbot developers have a duty to carefully design, supervise, and test their AI systems to ensure that the chatbots function safely. If developers fail to conduct adequate testing or allow the system to operate with defects that could harm users, they may be considered negligent.<sup>37</sup> If the failure of testing or oversight results in the system causing physical or psychological harm, developers may be considered negligent and held liable under criminal or civil law.

Second, product responsibility. AI developers are obligated to ensure that the AI products they create are safe to use.<sup>38</sup> Developers must ensure that the chatbots they create do not have design flaws that could cause harm to users. For example, if a chatbot has a flaw in its algorithm that leads to bias or discrimination in decision-making, the developer may be held liable for any harm arising from that product flaw. Products that pose a risk of causing physical or psychological harm must be tested and verified to a higher standard to ensure their safety and security. AI chatbot developers also have a responsibility to oversee interactions between users and chatbots to ensure that the technology they develop does not harm users. Developers need to provide adequate oversight mechanisms to identify and correct errors or potential harm that may arise during chatbot use.<sup>39</sup> AI chatbot developers also have a responsibility to monitor interactions between users and their chatbots

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<sup>36</sup> Bart Custers, Henning Lahmann, and Benjamyn I. Scott, “From liability gaps to liability overlaps: shared responsibilities and fiduciary duties in AI and other complex technologies,” *AI & society* (2025): 13.

<sup>37</sup> Sundararipurnan Narayanan, and Mark Potkewitz, “A risk-based approach to assessing liability risk for AI-driven harms considering EU liability directive,” *arXiv preprint arXiv:2401.11697* (2023).

<sup>38</sup> Marc J. Pfeiffer, “First, Do No Harm: Algorithms, AI, and Digital Product Liability,” *arXiv preprint arXiv:2311.10861* (2023).

<sup>39</sup> Markus Langer, Veronika Lazar, and Kevin Baum, “How to Test for Compliance with Human Oversight Requirements in AI Regulation?” *arXiv preprint arXiv:2504.03300* (2025).

to ensure that the technology they develop does not harm them. Developers must provide adequate oversight mechanisms to identify and correct errors or potential harm that may arise during chatbot use.<sup>40</sup> If a chatbot provides misleading or harmful responses, developers must have procedures in place to correct the error and ensure that the interaction remains safe. This oversight responsibility is crucial because AI technology can operate autonomously, and developers are responsible for ensuring that the system operates in accordance with ethical values and is safe for users.

All of this demonstrates that AI chatbot developers have a significant responsibility to ensure that the systems they create are safe, fair, and do not cause harm to users. Developers are responsible not only for the technical performance of the AI systems they create, but also for the impacts they cause.<sup>41</sup> Therefore, developers must ensure that the AI systems they create operate with transparency, fairness, and in accordance with ethical principles that safeguard the interests and well-being of users.

## 4. Closing

**4.1. Conclusions** The ethics of artificial intelligence (AI) are governed by principles emphasizing safety, transparency, fairness, and the protection of human rights. In Indonesia, AI regulation is still in its infancy, with the Electronic Information and Transactions Law (ITE) and the Personal Data Protection Law governing personal data and electronic transactions, but not yet specifically addressing the ethics and social impacts of AI. Unlike the European Union, which has implemented comprehensive regulations through the EU AI Act, conditions in Indonesia indicate that specific and comprehensive regulations regarding the ethics and social risks of AI are still very limited.

**4.2. Suggestions** Therefore, Indonesia needs to consider a risk-based approach, similar to that adopted by the European Union, to proactively minimize the risks of AI technology through more structured and comprehensive regulations, including by accelerating the development of a national AI Act specifically governing chatbot platforms and other AI systems. The responsibilities of AI developers, particularly those of chatbot platforms like

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<sup>40</sup> Inioluwa Deborah Raji, Peggy Xu, Colleen Honigsberg, and Daniel Ho, "Outsider oversight: Designing a third-party audit ecosystem for ai governance," In *Proceedings of the 2022 AAAI/ACM Conference on AI, Ethics, and Society*, 2022, 556.

<sup>41</sup> Hendri Khuan, Darmawati, Meyer Tendean, and Dadin Solihin, "Innovation and regulation: legal challenges in indonesia in responding to the development of generative Artificial Intelligences," *Jurnal Penelitian Multidisiplin Internasional*, 3, no. 6 (2025): 56.

Character.AI, include the obligation to design secure systems, protect personal data, and monitor interactions that could potentially cause physical or psychological harm. Developers in both regions must ensure AI systems are free from bias, transparent in their algorithms, and conduct testing to avoid negative impacts on users. Furthermore, they are required to comply with regulations regarding personal data and uphold fairness in the development and use of this technology. Academically, this effort contributes to the technology law literature related to risk-based regulatory models and the regulation of advanced technologies, while practically, these recommendations can help regulators and industry carry out technological innovation responsibly without neglecting social, ethical, and human rights protection aspects.

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