

The Use of Artificial Intelligence in Assigning and Appointing Judicial Panels in Indonesian Courts

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Abstract

The development of 5.0 technology, which facilitates the integration of virtual and physical spaces, has significantly impacted various aspects of human life by incorporating Artificial Intelligence (AI). This influence extends to the legal field. The purpose of this study is to examine and understand the use of AI in the assignment and appointment of judicial panels in the Indonesian judiciary's case handling processes. The research conducted is a type of library research employing a normative legal approach with a qualitative methodology. The approach utilized in this study is both juridical-normative and conceptual or analytical. The data sources used include primary and secondary data. The findings of this study indicate that the use of AI in the assignment and appointment of judicial panels is an effort towards greater transparency in case handling. This approach can potentially reduce or eliminate suspicions among parties involved in litigation or the public that a judicial panel could be influenced to favor a particular outcome. Additionally, assigning and appointing judicial panels based on the type and qualifications of cases, as well as workload, can improve the efficiency of judicial performance.

I. Introduction

In recent years, Indonesia has faced various issues related to conflicts of interest in case resolution and a decline in public trust in legal institutions. Conflicts of interest often come under scrutiny in legal cases involving officials or institutions perceived as lacking independence, leading to a decline in public confidence in the integrity of the legal process in the country. This decline in trust is reflected in surveys showing that the public is increasingly concerned about the objectivity and transparency of judicial proceedings (Sulistiyono & Isharyanto, 2018)

This was exemplified by a high-profile case in late 2022 involving actions taken by the Corruption Eradication Commission (KPK) against several employees and substitute clerks at the Supreme Court regarding case handling. This case resulted in the indictment of two Supreme Court Justices, three substitute clerks, and five employees. This incident had a significant impact on public trust in the Supreme Court, particularly concerning the integrity of judges and judicial officers under the Supreme Court's purview, as well as related judicial bodies. The decline in public trust was confirmed through the results of the Integrity Assessment Survey conducted by the KPK regarding the Supreme Court. In a survey conducted in 2021, the Supreme Court received an integrity score of 82.72. However, by 2022, that score had significantly dropped to 74.61 (Azizah, 2023).

Although the Supreme Court's integrity score, based on the KPK's Integrity Assessment Survey, remained higher than Indonesia's national integrity index of 72 in 2022, the Supreme Court was ranked as the most trusted institution by the public, according to a survey conducted by Charta Politika Indonesia, with a score of 71.5 (announced on November 26). This public expectation arises from the need to maintain credibility and ensure that the highest judicial institution in Indonesia continues to operate honestly, fairly, and transparently, thereby restoring the trust that had eroded due to the aforementioned incident (Azizah, 2023).

In response to the growing public demand for the Supreme Court (MA) to reform, there is an urgent need to improve integrity and restore public trust. The public's hope is for the Supreme Court to enhance its credibility and ensure that legal processes are conducted fairly and transparently, thereby restoring public confidence in the judiciary system (Taqiyuddin et al., 2023). This goal can be achieved through targeted communication, one of which can be realized by leveraging the era of digitalization. The development of digital technology, also known as the digitalization era, has had a significant impact on various sectors, including the legal field (Wheaton, 2016).

In the digitalization era, legal institutions must keep up with technological developments and possess the necessary technological infrastructure, which must be further developed within these institutions. With comprehensive technological

infrastructure in legal institutions, legal tasks in this digital era will undoubtedly be easier for legal practitioners such as lawyers, judges, prosecutors, and other professionals in the legal field (Pnkoba, 2023).

The ongoing and inevitable advancement of technology brings us into an era where the utilization of smarter technologies is becoming increasingly dominant, making a significant contribution to simplifying tasks and human work, better known as Artificial Intelligence (AI). AI is one of the most rapidly developed and prominent advancements in information and communication technology over the past decade (Pnkoba, 2023). AI has already begun to be applied to increase efficiency and transparency in the judicial system. AI enables faster and more accurate data processing compared to traditional methods, thus improving legal processes and minimizing the potential for bias (Haris & Tantimin, 2022). AI technology, designed to perform complex tasks previously carried out by humans, can make a significant contribution to simplifying human work while increasing accuracy and efficiency (Kusumasari, 2019).

The development of AI in recent years can be examined through the levels of AI provided by Mikhail Batin and Alexey Turchin: (Batin et al., 2017). Narrow AI, Artificial General Intelligence (AGI), and Superintelligence. Of these categories, Narrow AI is the most used today. Narrow AI (Weak AI) refers to computer programs that outperform humans in specific, narrow tasks (Bostrom, 2014).

The use of large-scale digital data storage (Big Data) and the development of robotic technology aim to improve the quality of human life. Hence, Society 5.0 can be understood as a concept of a human-centered society based on technology (Andryanto, 2021). Unlike other computer programs, AI can perform tasks typically done by humans and even outperform humans in completing more complex tasks. (Yudoprakoso, 2018). This has led to the perception that AI can mimic human-like intelligence. Hayes argues that "in their complexity and operating principles, certain software programs imitate certain processes of the human brain, the functioning of which is based on an artificial neural network." (Hayes, 1988). Based on this statement, it can be concluded that AI today is an advanced and complex technology that can operate independently through processes of thinking, learning, and decision-making, mimicking behaviors exhibited by human intelligence (Ravizki & Lintang Yudhantaka, 2022).

The use of AI technology has been adopted by the Supreme Court to promote transparency in case handling. In this regard, the Supreme Court has developed an application to assign Supreme Court Justices in cassation and judicial review cases using AI technology (Fachri, 2023). The increasingly widespread use of AI to meet societal needs has also extended to the legal realm. One of the early adoptions in this area is the E-Court application, which was launched in 2018 by the Supreme Court of Indonesia. Furthermore, on August 18, 2023, coinciding with the 78th anniversary of the Supreme Court, five AI-based applications were introduced. These applications are Smart Majelis, Court Live Streaming, Satu Jari, Lentera 2.0, and e-IPLANS. The Chief Justice of the Supreme Court of Indonesia, Syarifuddin, stated, "These applications demonstrate a

commitment towards an esteemed and modern judiciary, as mandated by the 2010-2035 Judicial Reform Blueprint."(Medianti, 2023).

The purpose of this development is to create transparency in case handling. When determining the panel of Supreme Court Justices for cassation or judicial review cases, the AI system calculates the assignment based on competence and workload, which is then processed by the system to ensure that the assignments are not easily predictable by the justices handling the case (Rusdiah, 2020).

Considering the explanation above, the author is keen to delve deeper into the use of AI in the development of the SMART MAJELIS application and whether it can address the concerns that are the primary goals of AI implementation within the judiciary (Ravizki & Lintang Yudhantaka, 2022).

2. Research Method

In this study, the author uses a normative and empirical juridical approach.

a. Normative Juridical Approach

The approach is based on the main legal material by the application of artificial intelligence in the assignment and appointment of judicial panels in case handling within the Indonesian judiciary.

b. Normative Legal Approach and Qualitative Methodology

The approach utilized in this study involves a juridical- normative approach and a conceptual or analytical approach. The data sources used include primary and secondary data specifically focused on issues related to the use of AI in determining and appointing judicial panels in case handling within the Indonesian judiciary.

3. Results and Discussion

Development of Artificial Intelligence (AI) in the Selection of Judicial Panels Based on the Principle of Impartiality

Referring to Article 24 of the 1945 Constitution ("Undang-Undang Dasar 1945"), the state institution authorized to carry out the function of enforcing justice and law is the judiciary or commonly known as the Supreme Court. The power of this institution is independent and autonomous. In order to realize a sense of justice in society, one of the important principles that must exist in a state governed by law is the guarantee of an independent judiciary, free from the influence of other powers, commonly referred to as the Ethics of Judicial Profession (Haris & Tantimin, 2022).

In Article 1 paragraph 1 of the Joint Regulation of the Chief Justice of the Supreme Court of the Republic of Indonesia and the Chairman of the Judicial Commission of the Republic of Indonesia ("Peraturan Bersama Ketua Mahkamah Agung Republik

Indonesia dan Ketua Komisi Yudisial Republik Indonesia”) Number: 02/PB/MA/IX/2012-02/PB/P.KY/09/2012 concerning the Guidelines for the Enforcement of the Code of Ethics and Guidelines for Judicial Conduct, the Code of Ethics and Guidelines for Judicial Conduct (“Panduan Penegakan Kode Etik Dan Pedoman Perilaku Hakim, Kode Etik dan Pedoman Perilaku Hakim”) are defined as moral guidelines for every judge, both inside and outside their official duties, as regulated in the Joint Decree of the Chief Justice of the Supreme Court of the Republic of Indonesia and the Chairman of the Judicial Commission of the Republic of Indonesia (“Surat Keputusan Bersama Ketua Mahkamah Agung Republik Indonesia dan Ketua Komisi Yudisial Republik Indonesia”) Number: 047/KMA/SKB/IV/2009 – 02/SKB/P.KY/IV/2009 dated April 8, 2009 concerning the Code of Ethics and Guidelines for Judicial Conduct. The regulation states that the Code of Ethics and Guidelines for Judicial Conduct must be implemented with basic principles such as fairness, honesty, wisdom, independence, high integrity, responsibility, upholding dignity, high discipline, humility, and professionalism. (Mahkamah Agung Republik Indonesia, 2012).

In the judicial process, there are general principles, one of which is the principle of independence and impartiality. This means that in examining and adjudicating a case, it must be done objectively and fairly. Judges and judicial institutions must be independent, meaning they cannot be influenced by any interests, and impartial, meaning they do not favor one party over another. This independence and impartiality have three dimensions: functional, structural, and personal. The functional dimension implies a prohibition on other state institutions and all parties from influencing or intervening in the process of examining, adjudicating, and deciding a case. This functional independence must be supported by structural and personal independence and impartiality. From a structural perspective, the judiciary must also be independent and impartial to ensure that it is not influenced or intervened in and does not take sides. From a personal perspective, judges must be independent based on their expertise, accountability, and adherence to the code of ethics and guidelines for judicial conduct (Taqiyuddin et al., 2023).

Judicial power, as part of a system that upholds the principles of the rule of law, plays a very significant role. In exercising judicial power, judges are required to adhere to the following principles:

1) Independence

Judicial power must not be bound by unauthorized parties, such as the executive and legislative branches. This principle must be maintained to ensure that judges can perform their duties objectively and make decisions based on justice and honesty (Kira, 2023). Judicial independence is understood as the full freedom from any interference in judicial power. The judiciary is an independent or autonomous institution of state power, meaning there is no interference from any party in the execution of its duties and authority (Koswara & Megawati, 2023).

In certain conditions, a judge's independence can indeed be influenced, as judges are as human as the rest of us. However, as professionals, judges are statesmen who cannot be swayed. Even so, political interest groups' friction with Constitutional Court Judges is still unlikely. While this can influence public opinion and trust in the nation's highest institution, its impact remains minimal (Hastie et al., 2015).

2) Neutrality

This principle states that judges must be neutral and prohibited from taking sides during legal proceedings. Judges must evaluate cases based on applicable laws and facts without prioritizing personal or group interests.

These principles serve as benchmarks for the administration of judicial power to ensure that the legal mechanisms and systems function properly and that legal decisions are made fairly and according to the law, ensuring that judicial power is carried out justly, effectively, and in accordance with the law. Public trust in the judicial system will increase, ensuring that court decisions are respected and properly implemented. However, continuous oversight of the judicial system is also necessary to ensure that the principles of the rule of law in judicial power are respected and properly implemented. Evaluation and supervision of the judicial system will improve the quality and fairness of the system, ensuring that the rule of law is applied correctly in judicial power (Kira, 2023)

Despite being constitutionally recognized, several problems and challenges still exist in practicing the principles of the rule of law in judicial power in Indonesia, such as political interference in legal procedures, corruption in the judicial system, and legal uncertainty. Therefore, efforts are still needed to consolidate the practice of the rule of law principles, especially in the judicial power system, so that society and the state can benefit from the application of these principles, which are significant in maintaining justice and public trust in the legal system (Nuryadi, 2016).

The use of technology cannot be denied as an alternative to help realize the rule of law principles long desired. This aligns with the theory of progressive law, which refers to something oriented toward progress. Progressive law refers to laws that tend to move forward. (Oxford Learner's Pocket Dictionary). In literal terms, "favoring new, modern ideas, happening or developing steadily" means supporting new and modern ideas and steadily developing toward a new and more advanced direction. It can also be interpreted as having a spirit of progress, always striving to advance and develop (Partanto & Barry, 2001).

Law is established to govern social interactions, ensure justice, and preserve order by individuals. In enforcing the law, fresh perspectives are required, one of which is the implementation of progressive legal principles, a theory introduced by Satjipto Raharjo (Rahardjo, 2006). which suggests that law

evolves along with changes in time (Kusumasari, 2019). The ultimate goal is to create happiness, welfare, and honor for all humanity as a whole (Rahardjo, 2006). Simply put, progressive law is a law that seeks to free itself through thinking and acting based on the law so that the law can fully serve society and humanity. Thus, there is no manipulation or partiality in law enforcement (Rahardjo, 2004).

In this context, progressive law has characteristics related to the basic paradigm that law exists for the benefit of humans. Law revolves around and functions for humans as its center. Law exists to serve humans, not the other way around, where humans are forced to fit into schemes and manipulations created by the law if it views that humans exist to serve the law (Nuryadi, 2016) Technological development has now reached the point where we have artificial intelligence (AI). The use of AI as a pathway for citizens to access various regulations and agreements makes it possible for the legal world, particularly in Indonesia, to be affected, considering the time efficiency and accuracy that AI can provide.

AI works through computer programs by combining large amounts of data quickly and repeatedly, applying intelligent algorithms. In this way, software and programs can learn automatically from patterns and features in the data. AI can also understand and analyze various problems by learning data algorithms systematically designed with programming languages. If we observe AI's work patterns, they can be explained as tendencies to anthropomorphize, involving the following human activities and senses: (Rusdiah, 2020)

- a. Learning: AI can acquire and process new and current information.
- b. Reasoning: AI can manipulate information in various ways.
- c. Single Source of Truth: AI can determine the validity of manipulated information.
- d. Seeing Relationships: AI can predict how data connects and interacts with other data.
- e. Considering Meaning: AI can consistently determine the truth of a situation sourced from data.
- f. Separating Fact from Belief: AI can distinguish between fact and belief

Given these tendencies, AI has great potential to improve the judicial system by increasing accuracy and efficiency in the judge selection process (Batin et al., 2017). The development of more advanced AI models, such as machine learning and deep learning, allows for more in-depth data analysis and a better understanding of patterns in judicial decisions (Pnkoba, 2023). This is essential to ensure that the selection of judges is done objectively and based on meritocracy, without interventions that could undermine the principle of impartiality (Azizah, 2023)

AI systems are set to revolutionize legal services by increasing efficiency, reducing costs, and enhancing access to justice. These are key areas of impact offered by AI:

Automation and Efficiency:

- 1) AI can automate routine legal tasks like contract management, document review, and billing, which reduces costs and increases efficiency. Predictive analytics and natural language processing (NLP) capabilities enhance legal research, case analysis, and decision-making.
- 2) Accessibility and Cost Reduction:
AI tools provide 24/7 availability, making legal advice more accessible and affordable for the general public. Automated legal services, such as chatbots and document preparation, offer consistent and quick responses.
- 3) Transformation of Legal Professions:
Legal roles in areas like document review, contract drafting, and compliance monitoring are susceptible to automation. New opportunities will arise for professionals specializing in AI applications, legal tech, and related fields.

The legal system is faced with an ever-growing amount of data, including laws, court decisions, evidence, and criminal records. AI can quickly and efficiently analyze big data to identify patterns, trends, and relevant information in legal cases. Moreover, AI can automate routine tasks such as drafting legal documents, searching precedents, and contract analysis. This allows lawyers and legal professionals, in this context judges, to focus on more complex issues requiring critical thinking. In the legal profession, AI can be used as a tool to simplify tasks such as document analysis and provision quickly.

By leveraging AI technology judiciously and adhering to legal principles, the enforcement of the ITE Law can become more effective, efficient, and just in the digital age. On a global scale, digital technology has significantly improved the operationalization of regulations, making processes much more effective and streamlined. In Indonesia, digital technology is increasingly integrated into public services, such as online legal systems, e-courts, and the creation of legal organizations. As defined in "Article 1 Number 8 of the ITE Law," artificial intelligence (AI) is considered a tool or application that enhances human work by making it more accurate and effective. It functions as an electronic agent or device within an electronic system, operating automatically based on human commands. (Yanwiyatono & Bakir, 2024)

With the capabilities of AI outlined above, utilizing this technology could be the answer to realizing the principles of independence and neutrality for Indonesia's judicial institutions. To ensure impartiality in the selection of judicial panels, the development of AI technology has become a key topic in judicial reform. AI, with its ability to objectively analyze data and reduce human bias, is expected to improve the judge selection process by providing fair and impartial recommendations (Batin et al., 2017). The use of AI in judge selection has the potential to enhance transparency and integrity in the judicial system, reducing the possibility of external influence or individual bias in the process (Kusumasari, 2019).

Potential Development of Artificial Intelligence (AI) in the Appointment of Judicial Panels

According to Soerjono Soekanto, law enforcement can be influenced by several factors: the law itself, law enforcement officers, facilities or infrastructure, society, and culture (Soekanto, 2013). In the context of information technology, the Electronic Information and Transactions Law (UU ITE) is a legal product that regulates electronic transactions and matters related to cyberspace. The law enforcement factors include the police, prosecutors, and judges who possess integrity and capability in dealing with issues related to legal actions, such as those concerning cyberspace or the digital world. The societal factor relates to the community's need for the regulation and enforcement of laws concerning actions in cyberspace. The cultural factor pertains to how the culture of a society influences the law. (Denico Doly, 2023).

The rapid advancement of technology in recent decades has brought about numerous innovations that influence human life. One such innovation that has transformed the world is Artificial Intelligence (AI) (Ravizki & Lintang Yudhantaka, 2022). AI technology has been applied in legal systems in several countries, including AI taking over the functions of judges and lawyers. In 2016, the UK Ministry of Justice introduced the digital Court of Honor (HMCTS) utilizing Ready Tech technology to improve access to justice within its legal system.. The use of AI technology was considered to improve service standards for law enforcement within the jurisdiction of England and Wales. The implementation of AI technology in HMCTS showed positive impacts, where the technology played a crucial role in reducing lengthy legal processes and increasing efficiency.

In 2017, China implemented AI technology for judges to assist in handling legal cases digitally. This AI Judge has the same duties as conventional judges, such as making rulings on legal matters, including copyright cases, issues related to e-commerce transactions, and other cases. In the United States, AI-based lawyers outperformed 20 human lawyers in identifying five contract cases. Mexico has started using AI technology to formulate administrative decisions more efficiently.

Several recent studies show that the integration of AI in the judicial system can bring positive changes. For example, research by (Herminigildo et al., 2024) indicates that AI systems can help mitigate bias that may arise in the judge selection process by providing more measurable and objective data (Herminigildo et al., 2024). (Haris & Tantimin, 2022)emphasize that the use of AI can accelerate legal administration processes, enabling more efficient and responsive judge appointments in line with the needs of the judicial system.

The utilization of AI technology in Indonesia's judiciary, as demonstrated by the examples above, shows that AI has great potential to improve efficiency, accuracy, and speed in judicial processes. This may be precisely what is needed by an increasingly modern society due to the flexibility and efficiency that AI innovations provide. This aligns with the goal of a judicial system that is simple, fast, and low-cost, which is a common objective of judicial institutions (Morison & Harkens, 2020)

AI can significantly improve the process of appointing judicial panels. For instance, AI

algorithms can analyze case histories, the expertise, and the background of judges to ensure that appointments are made based on objective and relevant criteria rather than just subjective considerations. The use of AI in this process is expected to reduce potential conflicts of interest and enhance public trust in the judiciary system.

In the Indonesian context, the development of AI for the selection of judicial panels is being implemented through the "SMART MAJELIS" application, designed to facilitate the appointment of judges in cassation and review cases. This application uses AI technology to identify the most suitable judges based on predetermined criteria, aiming to improve the quality and objectivity in judge selection.

The AI system will continue to be developed, including in first instance and appellate courts, to assist in handling cases without disregarding humans as the primary driving force. It is undeniable that AI contributes significantly to the accuracy and precision in providing the best service for those seeking justice (Azizah, 2023).

In its development, the SMART MAJELIS application, the Supreme Court has also implemented an online system for reading cassation and review decisions using the COURT LIVE STREAMING application. This is done to realize transparency in the Supreme Court, especially regarding the handling of cases that attract public attention. With COURT LIVE STREAMING, the public can watch the reading of cassation and review verdicts through the official channels of the Supreme Court using computers, gadgets, or smartphones (Pnkoba, 2023)

In this regard, Judicial Officer of the Legal and Public Relations Bureau, Dr. Riki Perdana Waruwu, argues that among the many professions that can be replaced by AI, a judge is one that cannot be replaced by robots. He explains that there are three types of justice inherent in a judge when handling cases. First, legal justice, second, moral justice, and third, social justice. AI may address legal justice, such as how many years of imprisonment are appropriate, the extent of the state's financial loss, and the size of the impact. However, moral justice and social justice are attached to the judge based on their experience, intuition, and how the judge can perceive justice within society, which must be done by the judge themselves (Medianti, 2023).

Judicial Officer Dr. Abdurrahman Rahim also argues that there are three things AI cannot do. First, AI cannot provide utility as it cannot consider consequences. Second, AI cannot deliver justice, even with algorithms. Third, AI cannot evaluate the benefits of a situation. According to him, in the litigation process, AI can only perform administrative techniques, such as creating decisions neatly and legibly. However, AI cannot deliver verdicts, as judges use their conscience, which AI lacks. (Azizah, 2023)

Muhammad Tan Abdul Rahman Haris and Tantimin stated that: (Haris & Tantimin, 2022).

"AI cannot be equated with a legal entity to become a legal subject, as a legal entity has clear and firm objectives in its establishment and a human scope, while AI cannot stand

independently, as it is known that computers are controlled and programmed by humans. If computers or AI make decisions like humans, the perfection of those decisions cannot be guaranteed without human supremacy in decision-making because computers are not immune from system errors”

Overall, the potential development of AI in judicial panel appointments offers significant benefits. However, to ensure successful implementation, it is crucial to continue research and evaluation, addressing existing challenges to ensure that this technology can be used effectively and fairly in the judicial system (Soekanto, 2013)

4. Conclusion

The conclusions of this study are as follows:

The issue of alleged conflicts of interest in the case resolution process in Indonesia, particularly concerning the role of the Supreme Court, has led to a decline in public trust in the legal institution. The revelation of a corruption case within the Supreme Court at the end of 2022, involving several employees and judges, has further exacerbated this decline in trust.

To address this issue, the Supreme Court has adopted artificial intelligence (AI) technology through the development of the "SMART MAJELIS" application, which aims to enhance transparency and objectivity in the selection of judicial panels. This application is designed to reduce the potential for conflicts of interest and ensure a fairer and less predictable handling of cases by the parties involved.

However, the use of AI in Indonesia's judicial system remains a subject of debate, particularly regarding its effectiveness in addressing public concerns and the challenges faced by the legal system. This research aims to further explore the utilization of AI in this context and assess whether the technology can help restore public trust in the Supreme Court and reinforce the desired principles of the rule of law.

5. Suggestion

The utilization of technology such as Artificial Intelligence (AI) in the judicial system, particularly through applications like "SMART MAJELIS," is a suitable step and can be applied within Indonesia's judicial system to realize fundamental principles, namely fairness, honesty, wisdom, independence, high integrity, responsibility, upholding dignity, discipline, humility, and professionalism. Further review of the implementation of AI usage is necessary, as it is considered capable of providing more positive impacts than negative ones in its practice.

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