Pengaturan Kecerdasan Buatan dalam Arbitrase di Indonesia: Studi terhadap Potensi Penerapan The Silicon Valley Arbitration & Mediation Center Guidelines on the Use of Artificial Intelligence in Arbitration
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PENGATURAN KECERDASAN BUATAN DALAM ARBITRASE DI INDONESIA: STUDI TERHADAP POTENSI PENERAPAN *THE SILICON VALLEY ARBITRATION & MEDIATION CENTER GUIDELINES ON THE USE OF ARTIFICIAL INTELLIGENCE IN ARBITRATION*

Kenley Wijaya[1] dan Herliana[2]

INTISARI

Penelitian ini bertujuan untuk mengetahui dan mengkaji konsep yang dapat dipilih untuk menerapkan ketentuan-ketentuan *The Silicon Valley Arbitration & Mediation Center Guidelines on the Use of Artificial Intelligence in Arbitration* ("SVAMC *Guidelines*") ke dalam sistem hukum arbitrase di Indonesia serta mengetahui dan mengkaji potensi penerapan substansi SVAMC *Guidelines* ke dalam sistem hukum arbitrase di Indonesia.

Penelitian ini merupakan penelitian hukum normatif yang disertai wawancara dengan narasumber berupa advokat yang berpengalaman sebagai praktisi arbitrase guna melengkapi data dan memperdalam analisis. Pendekatan penelitian yang digunakan adalah pendekatan penelitian perundang-undangan dan pendekatan penelitian kualitatif. Bahan penelitian yang digunakan adalah sumber data sekunder berupa bahan hukum primer dan sekunder. Pengumpulan data dilakukan melalui dua cara, yakni studi kepustakaan dan wawancara. Alat pengumpulan data adalah studi dokumentasi dan pedoman wawancara. Adapun analisis hasil penelitian dilakukan dengan metode analisis deskriptif kualitatif.

Hasil penelitian ini menemukan bahwa: (1) Terdapat lima konsep hukum yang dapat digunakan untuk menerapkan ketentuan-ketentuan SVAMC *Guidelines* ke dalam sistem hukum arbitrase di Indonesia, yakni: peraturan perundang-undangan, peraturan institusi, penetapan arbiter, kesepakatan para pihak, dan *soft law.* (2) Terdapat lima Pedoman SVAMC *Guidelines* yang telah sesuai dengan sistem hukum dan praktik arbitrase nasional sehingga dapat langsung diterapkan di Indonesia, yakni: Pedoman I, III, V, VI, dan VII. Dua pedoman lainnya, yaitu Pedoman II dan Pedoman IV, secara sebagian telah sesuai dengan hukum dan praktik arbitrase di Indonesia, namun masih memerlukan modifikasi sebelum dapat diterapkan.

Kata Kunci: Arbitrase, *Artificial Intelligence*, SVAMC AI *Guidelines*.

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REGULATION OF ARTIFICIAL INTELLIGENCE IN ARBITRATION IN INDONESIA: A STUDY ON THE POTENTIAL IMPLEMENTATION OF THE SILICON VALLEY ARBITRATION & MEDIATION CENTER GUIDELINES ON THE USE OF ARTIFICIAL INTELLIGENCE IN ARBITRATION

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ABSTRACT

This research aims to identify and examine the concepts that can be adopted to implement the provisions of The Silicon Valley Arbitration & Mediation Center Guidelines on the Use of Artificial Intelligence in Arbitration ("SVAMC Guidelines") into the arbitration legal system in Indonesia, as well as to analyze the potential application of the substance of the SVAMC Guidelines within the Indonesian arbitration framework.
This research is normative legal research complemented by interviews with interviewee in the form of advocates experienced in arbitration practice to enrich the data and deepen the analysis. The research approach employed consists of a statutory approach and a qualitative research approach. The data sources used are secondary data, comprising primary and secondary legal materials. Data collection was conducted through two methods: literature study and interviews. The data collection tools used were documentation study and interview guidelines. The research results were analyzed using a qualitative descriptive analysis method.
The findings of this research reveal that: (1) There are five legal concepts that can be used to implement the provisions of the SVAMC Guidelines into the Indonesian arbitration legal system, namely: legislation, institutional rules, arbitrator decisions, party agreements, and soft law.(2) Five SVAMC Guidelines are already compatible with the national legal system and arbitration practice and can thus be directly implemented in Indonesia, namely: Guidelines I, III, V, VI, and VII. The other two, Guidelines II and IV, are partially compati ble with Indonesian law and arbitration practices but still require modifications before they can be implemented.

Keywords: Arbitration, Artificial Intelligence, SVAMC AI Guidelines.

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