

ABSTRACT

This research aims to understand the legal concept of AI criminal liability and the global challenges in disruptive AI era. The emergence of a machine with artificial intelligence (AI) has in fact caused a disruptive and harm effect, which is raise question about can AI be held liable in criminal law for its criminal act?

The research used doctrinal-comparative legal research, which desk study research and qualitative method. The research found the possible models of AI criminal liability, namely: the perpetration-by-another, the natural-probable-consequence, the direct liability model, and corporate liability. Yet, the government in all-round the world face similar challenges in conceptualize AI criminal liability. They focus on finding the liability of the human actor behind AI. However, criminal liability is applied as *ultimum remedium*.

Keywords: *Criminal Liability, Artificial Intelligence*

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Intisari

Penelitian ini bertujuan untuk memahami konsep hukum pertanggungjawaban pidana AI dan tantangan global dalam era AI. Mesin dengan *Artificial Intelligence* (AI) faktanya dapat melakukan tindak pidana dan menyebabkan kerugian, maka bisakah AI dimintai pertanggungjawaban dalam hukum pidana?

Penelitian ini menggunakan penelitian hukum komparatif-doktrinal, yang menggunakan penelitian kepustakaan dan menggunakan metode analisis data kualitatif. Penelitian ini menemukan kemungkinan model pertanggungjawaban pidana untuk AI, yaitu *perpetration-by-another*, *natural-probable-consequence*, *direct liability*, dan *corporate liability*. Selain itu, saat ini pemerintah di seluruh dunia menghadapi tantangan serupa dalam merumuskan pertanggungjawaban pidana AI. Mereka fokus untuk menemukan pertanggungjawaban aktor manusia di balik AI. Namun, pertanggungjawaban pidana akan diterapkan sebagai *ultimum remedium*.

Kata Kunci: *pertanggungjawaban pidana, Artificial Intelligence*