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THE ARTIFICIAL INTELLIGENCE PATENT TOWARDS ITS INVENTIONS AND THE REGULATION FOR  
THE USE OF  
ARTIFICIAL INTELLIGENCE IN INDONESIA'S BUSINESS FIELD (COMPARATIVE STUDY OF  
INDONESIA, UNITED STATES  
AND EUROPEAN UNION)

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## ABSTRACT

**The Artificial Intelligence Patent Towards its Inventions and the Regulation for  
the Use of Artificial Intelligence in Indonesia's Business Field (Comparative  
Study of Indonesia, United States and European Union)**

Rahadian Girindrawardhana Budi Santoso<sup>1</sup>, M. Hawin<sup>2</sup>

The fast development of technology especially in computer software and hardware makes the adoption of Artificial Intelligence especially on robots become common. Robots with Artificial Intelligence ability is no longer only considered as a tool to support human life but also used for the other purposes such as invention machine. DABUS is an invention machine which can create inventions autonomously without any human intervention and fully autonomously. This then creates a new issue about whether an Artificial Intelligence machine can be named as the invention of its inventor and get patent rights of its invention.

This research is a normative research that has the aim to understand the legality of Artificial Intelligence to have patent rights under its name for inventions made by Artificial Intelligence and understand the existing laws and regulations about Artificial Intelligence utilization in Indonesia's business field. This legal research uses qualitative method for analyzing with descriptive and comparative approach.

This legal research finds out that there is still no explicit regulation about Artificial Intelligence in Indonesia especially about the utilization of it in business field. Artificial Intelligence still cannot be considered as an inventor because the USPTO, EPO and Indonesia only recognized natural person as an inventor. This then opens up a notion about whether Artificial Intelligence can get patent rights as other legal entities besides natural persons through the recognition of being a legal subject with granting its status as an electronic person or legal entity through legislation.

**Keywords:** Artificial Intelligence; Patent; Indonesian Law; USPTO; EPO

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## INTISARI

### **Hak Paten Kecerdasan Buatan Terhadap Invensinya dan Pengaturan Penggunaan Kecerdasan Buatan dalam Bidang Bisnis di Indonesia (Studi Perbandingan Antara Indonesia, Amerika Serikat dan Uni Eropa)**

Rahadian Girindrawardhana Budi Santoso<sup>3</sup>, M. Hawin<sup>4</sup>

Pesatnya perkembangan teknologi, khususnya perangkat lunak dan perangkat keras menjadikan penggunaan kecerdasan buatan sebagai hal yang umum. Robot dengan kemampuan kecerdasan buatan tidak lagi dianggap sebagai alat untuk menunjang kehidupan manusia, tetapi juga digunakan untuk tujuan lain, seperti mesin penemuan. DABUS adalah mesin penemuan yang dapat menciptakan invensi secara otonom sepenuhnya tanpa campur tangan manusia. Hal ini kemudian menimbulkan masalah baru tentang apakah mesin kecerdasan buatan dapat dianggap sebagai inventor dan mendapatkan hak paten atas invensinya.

Penelitian normatif ini bertujuan untuk memahami legalitas hak paten kecerdasan buatan atas invensinya dan memahami peraturan perundang-undangan yang berlaku tentang penggunaan kecerdasan buatan dalam bidang bisnis di Indonesia. Penelitian hukum ini menggunakan metode kualitatif untuk menganalisis dengan pendekatan deskriptif dan perbandingan.

Penelitian ini menemukan bahwa masih tidak ada regulasi eksplisit mengenai kecerdasan buatan di Indonesia, terutama penggunaannya dalam ranah bisnis. Kecerdasan buatan masih tidak dapat dianggap sebagai inventor karena USPTO, EPO, dan Indonesia hanya mengakui orang sebagai inventor. Hal ini lalu membuka gagasan tentang apakah kecerdasan buatan dapat diberikan hak paten seperti subjek hukum lainnya di samping orang melalui pengakuan subjek hukum dengan memberinya status orang elektronik atau subjek hukum melalui undang-undang.

**Kata Kunci:** Kecerdasan Buatan; Paten; Hukum Indonesia; USPTO; EPO

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