



JLPH: Journal of Law, Politic and Humanities

E-ISSN: 2962-2816
P-ISSN: 2747-1985<https://dinastires.org/JLPH> ✉ dinasti.info@gmail.com ☎ +62 811 7404 455DOI: <https://doi.org/10.38035/jlph>
<https://creativecommons.org/licenses/by/4.0/>

Legal Validity with Artificial Intelligence Technology on Gpt Chat as Legal Aid

Ahzaza Fahrani¹, Gunawan Djajaputra².

¹Universitas Tarumanagara, Jakarta, Indonesia, Fahraniahzaza@gmail.com.

²Universitas Tarumanagara, Jakarta, Indonesia, Gunawandjayaputra@gmail.com.

Corresponding Author: Fahraniahzaza@gmail.com¹

Abstract: The use of Artificial Intelligence (AI) technology, such as ChatGPT, in providing legal assistance in Indonesia presents new potential for improving accessibility and efficiency. However, there remains uncertainty regarding the legal liability for errors that may occur in the legal advice provided by AI. This study aims to explore the legal validity of using AI in providing legal aid and to examine how legal liability may be attributed to service providers if mistakes occur. By reviewing Law No. 18 of 2003 on Advocates, Law No. 8 of 1999 on Consumer Protection, and Law No. 27 of 2022 on Personal Data Protection, this study highlights the importance of specific regulations to ensure that AI use in legal assistance adheres to legal and ethical standards. Additionally, the study discusses legal protection for AI service users, particularly regarding personal data security and consumer rights. The conclusion emphasizes the need for a clear regulatory framework to ensure that AI use in the legal field provides optimal benefits without compromising security and legal certainty for users.

Keyword: Artificial Intelligence, GPT Chat, Regulation.

INTRODUCTION

Artificial Intelligence (AI) technology has become an integral part of various aspects of human life, including in the legal field. These technological advancements not only accelerate work processes and data analysis, but also open up new opportunities for the development of legal practices, including the use of AI systems such as ChatGPT in providing legal aid. In Indonesia, as the need for legal services grows rapidly and often cannot be met by conventional legal personnel, the presence of AI technology offers a significant solution. However, the use of these technologies in the provision of legal services presents new challenges, particularly in relation to the legal validity and liability arising from the use of AI systems in the context of providing legal advice and consultation.

The main question that arises in this context is, what is the legal validity of the use of AI technology such as ChatGPT in providing legal aid in Indonesia, especially in the context of providing legally valid legal advice? This issue is important because the provision of legal aid is traditionally governed by strict laws regarding the advocate profession, where only those

with certain qualifications and licenses are allowed to provide legal advice to the public. In the Indonesian legal system, the provision of legal services by advocates is regulated by Law No. 18/2003 on Advocates, which clearly states that only advocates are authorized to provide legal advice, represent clients in court, and perform other actions related to the protection of the legal rights of individuals or legal entities. Meanwhile, ChatGPT is an AI system capable of generating text and conversations based on user input, including providing responses to legal questions posed. Despite its ability to provide answers to various legal questions, ChatGPT has no awareness of the specific legal context in each country, including Indonesia, and is not governed by legal regulations applicable to advocates. Therefore, a big question arises regarding the legal validity if ChatGPT is used as a tool to provide legal advice or legal consultation to individuals or entities in Indonesia. Does the use of this technology comply with existing regulations, and what is its legal status compared to advocates who are strictly regulated by law?. In addition, while ChatGPT is easily accessible and provides quick answers to legal questions, there is a risk that the information or advice provided by the AI may not always be accurate or relevant to the legal issues faced by the user. AI systems such as ChatGPT work on data drawn from various sources which may not always be up-to-date or in line with the latest legal regulations. In addition, these AIs do not have the ability to make moral or ethical judgments, which are often an important part of legal analysis and decisions. Therefore, the legal validity of using ChatGPT in the context of legal advice is an area that needs to be further analyzed.

Furthermore, the next important question is, can the use of ChatGPT as a form of legal aid be legally liable in the event of errors in the legal advice or analysis provided, and how is the legal protection of users of this AI service? In conventional legal practice, an advocate who provides legal advice to a client may be legally liable if the advice given turns out to be erroneous and causes harm to the client. This legal liability mechanism is regulated by legislation and the professional code of ethics, which ensures accountability for each advocate's actions in providing legal advice. It should also be noted that AI operates based on algorithms designed by its developers. In this case, the technology developers may not have direct responsibility for the results produced by the AI system, as they only provide tools that work based on existing data and algorithms. However, problems arise when the AI provides incorrect or misleading advice, which may result in adverse legal outcomes for the user. In this context, users of AI services, especially people who are unfamiliar with the law, are in a vulnerable position. They may rely on the advice provided by AI without realizing that the AI does not have the same legal authority or accountability as a human advocate.

In addition, in the context of legal protection, there are also data privacy and confidentiality issues that must be considered. ChatGPT, as an AI system, operates based on data provided by users. In this process, it is possible that personal information or sensitive legal data may be misused or accessed by third parties. In Indonesia, personal data protection is regulated under Law No. 27 of 2022 on Personal Data Protection (PDP Law). However, it is unclear how this regulation can be applied to the use of AI such as ChatGPT, especially when this AI is used in the context of legal aid. Users should be assured that their personal data is effectively protected and will not be misused by irresponsible parties.

In the face of these developments, it is important for the government and relevant institutions to review existing regulations and adapt them to technological developments. The use of AI in the legal field offers enormous opportunities, especially in terms of efficiency and accessibility of legal services, but there needs to be a clear legal framework to ensure that the use of this technology remains in line with applicable legal principles. Policymakers must also ensure that the public, especially users of legal services, are protected from the potential risks posed by the use of AI in the provision of legal advice. In conclusion, the use of AI technologies such as ChatGPT in providing legal aid in Indonesia still presents a number of major questions related

to its legal validity and the liability arising from its use. In the context of legal advice, AI can be a useful tool, but its role cannot replace human advocates who are strictly regulated by law. In addition, there is an urgent need to establish clearer regulations on legal liability and user protection in the use of AI in the legal field, so that this technology can be optimally and safely utilized in helping people access legal services.

METHOD

In this paper, the author uses a normative juridical legal research method. This method emphasizes the study of legal norms, both written and unwritten, in a legal system. The main purpose of this approach is to analyze the applicable legal provisions and understand their application in practice. The normative juridical approach uses legal sources, such as laws, regulations, court decisions, and legal doctrine as the main basis. Data collection techniques were carried out through literature studies, namely by examining relevant legal literature, such as books, scientific articles, and official documents. Researchers identify and formulate existing legal problems and then examine how the norms are applied in the context of a particular case. Through juridical analysis, researchers can evaluate the effectiveness and fairness of the law, as well as find potential problems or legal gaps that need to be corrected. This method also allows researchers to provide recommendations related to improving legal policy. The advantage of the normative juridical method is its ability to provide an in-depth understanding of the rule of law and its impact on society. However, this method has limitations, especially in understanding the social context and empirical facts that may not be fully described only through norm analysis. Therefore, this method is often combined with other approaches, such as empirical or sociological approaches, to get a more comprehensive view of the legal issues under study. The normative juridical research method is one of the significant approaches in the development of legal science and its application in society.

RESULTS AND DISCUSSION

What is the legal validity of the use of Artificial Intelligence technology such as ChatGPT in providing legal aid in Indonesia, especially in the context of providing legal advice and legal consultation?

Technological advances have changed various aspects of life, including in the legal field. One of the most prominent technological developments is the use of Artificial Intelligence (AI) in various forms, including in the provision of legal aid. ChatGPT, an AI system based on natural language processing, has been widely used to provide legal advice and answer legal questions automatically. However, an important question that arises is what is the legal validity of the use of AI technology such as ChatGPT in providing legal aid in Indonesia, especially in the context of providing legal advice and consultation that is legally valid.

In Indonesia, the provision of legal aid is formally regulated by several laws and regulations, one of which is Law No. 18/2003 on Advocates. In this law, it is stated that only advocates who have met certain requirements, such as having a license to practice and having been sworn before the court, can provide legal advice to the public. Article 31 of the Advocates Law explicitly states that “only advocates who have met the requirements and are registered with an advocate professional organization recognized by the government can provide legal services.” This provision indicates that the provision of legal advice is a domain exclusively held by individuals who have certain legal qualifications. As such, one of the issues that needs to be examined is whether ChatGPT, as an AI system that lacks formal legal expertise and qualifications, can legitimately provide legal assistance. Legally, AI such as ChatGPT does not have the legal capacity to be recognized as an entity that can perform legal acts or provide legal advice. These AI systems work based on algorithms that process and analyze data, but do not

have the ability to comprehensively assess a case by considering complex legal aspects as a human advocate would.

Furthermore, Government Regulation No. 42/2011 on Free Legal Aid confirms that legal aid must be provided by institutions or individuals who are licensed and competent to carry out the functions of an advocate, both inside and outside the court. In this case, free legal aid can also only be provided by those who are advocates or legal service providers recognized by the state. Referring to this regulation, ChatGPT has no legal basis to provide legal aid. Since ChatGPT is not a registered advocate or authorized legal service provider, the legal advice provided by this AI system cannot be considered legally valid in Indonesia. However, the presence of ChatGPT and other AI technologies has sparked new discussions about broadening the definition of legal aid and the role of technology in expanding people's access to justice. In some ways, technologies such as ChatGPT are able to provide legal information that is more accessible to the wider community, especially to those who cannot afford the cost of a professional advocate. As such, it can serve as a tool that complements advocates or legal aid organizations in providing basic legal information to the public. In this context, ChatGPT acts more as a source of initial legal information that can be accessed quickly, but not as a provider of formal legal advice.

In addition, in the context of international law, some countries are beginning to utilize AI technology in providing legal aid on a limited basis. For example, in countries such as the United States and the United Kingdom, AI technology is beginning to be used to assist advocates in analyzing legal documents, preparing case files, and providing predictions of case outcomes based on historical data. However, in these countries, AI is still considered a tool for advocates, and not a substitute for advocates in providing legal advice. This is important because the legal system still requires clear accountability and responsibility, which can only be fulfilled by individuals or official legal institutions, not by AI systems. In addition to the legal validity aspect, another thing to consider is the potential risk of errors that may occur in using ChatGPT to provide legal assistance. AI systems such as ChatGPT are based on programmed data and machine learning models, which means they may not always provide precise or accurate answers to legal questions. Errors in providing legal advice can have a significant impact on users, especially in situations where the advice is used as a basis for making important legal decisions. In practice, advocates have a legal responsibility to provide proper and balanced advice to clients. In the event of an error in the legal advice given by the advocate, the client has the right to claim liability or damages under civil law.

However, this kind of liability cannot be applied to AI systems such as ChatGPT. In the event of an error that harms users, there is no legal mechanism that allows users to hold ChatGPT or its developers liable. This raises serious issues regarding accountability in the provision of legal advice using AI technology. Therefore, it is very important for users to understand that the advice provided by ChatGPT does not have the same legal authority as that of a legally registered advocate. Aside from the aspect of legal responsibility, the use of AI technology in providing legal assistance also needs to be examined from the perspective of Law No. 27 of 2022 on Personal Data Protection (UU PDP). AI systems such as ChatGPT require access to data entered by users, which often includes personal information and possibly even sensitive legal information. In this context, the PDP Law requires any service provider that processes personal data to protect such data from misuse or leakage. Although ChatGPT does not directly store user data in a permanent form, there remains a risk that information entered into the system may be accessed by third parties or used without the user's knowledge. Therefore, the use of ChatGPT in the context of legal aid requires a strict privacy policy to ensure that users' rights are protected.

To address the growing regulatory needs related to the use of AI technology in the legal field, there are several steps that the Indonesian government can take. First, the government may

consider adopting specific regulations governing the use of AI in the legal sector, including a clear definition of the limitations of the use of AI in providing legal aid and the accountability mechanisms that can be applied. In some countries, there is a discourse to develop a legal framework that allows the use of AI in the legal process while ensuring that the technology does not interfere with the basic principles of fairness and accountability in the legal system. Second, it is important to socialize to the public about the limitations that exist in the use of AI technologies such as ChatGPT for legal aid. The public must understand that while this technology can provide useful legal information, it still requires the assistance of an advocate who is qualified and authorized to provide legal advice. In addition, legal practitioners also need to understand how this technology can be used effectively as a tool without violating applicable legal regulations.

Third, collaboration between technology developers and legal institutions needs to be improved to create a safe and reliable system for providing technology-based legal aid. Developers of AI technologies such as ChatGPT should work closely with legal authorities to ensure that the products they develop are in accordance with the existing legal framework and can be properly integrated in the legal system without neglecting the basic principles of justice and legal responsibility.

Ultimately, the legal validity of using AI technologies such as ChatGPT in the provision of legal aid in Indonesia requires an in-depth study involving various legal, ethical and technological aspects. While these technologies offer great potential in expanding people's access to legal information, clear regulation and protection for users should be a top priority. Without proper regulation, the use of AI in the legal field could pose great legal risks, both to users and to the legal system itself. In conclusion, ChatGPT as a tool in the provision of legal aid in Indonesia currently has no formally recognized legal validity. While it can provide basic legal information, the advice provided by this AI system cannot be considered legally valid and does not replace the role of advocates regulated by law. The need for clearer regulation of the use of AI technology in the legal field, as well as the importance of legal protection for users of this technology, is a major agenda that must be considered by Indonesian policymakers in the midst of the rapid development of AI technology in this digital era.

Can the use of ChatGPT as a form of legal assistance be legally liable in the event of errors in the legal advice or analysis provided, and what is the legal protection for users of this AI service?

The use of Artificial Intelligence (AI) technology in the legal field has become a hot topic in recent years. Amidst these developments, one popular form of AI is ChatGPT, which can serve as a tool to automatically answer legal questions or provide legal advice based on natural language processing algorithms. However, behind the benefits of efficiency and accessibility offered, fundamental questions arise regarding the legal liability attached to the use of AI such as ChatGPT, especially in the event of errors in the legal advice or analysis provided. In addition, the issue of legal protection for users of these services is also important to consider. In the traditional legal world, advocates or lawyers are legally responsible for the legal advice or actions they provide to clients. This responsibility is regulated through Law No. 18/2003 on Advocates, which stipulates that an advocate is obliged to provide legal services to the best of his/her ability in accordance with applicable regulations and is responsible for the actions or advice given. If an advocate provides advice that is wrong or detrimental to the client, the client has the right to sue the advocate through the court mechanism or through the Advocate Honor Council that oversees the practice of advocates in Indonesia. This principle of responsibility is very clear in the traditional legal framework, where advocates as professionals have ethical and legal responsibilities towards their clients. However, the question is how this responsibility is applied in the context of AI technologies such as ChatGPT. ChatGPT does not have the legal

capacity to be responsible like a human advocate. AI, as a system developed based on algorithms and data, does not have the consciousness or intention to perform a legal act. Therefore, if ChatGPT provides incorrect or misleading legal advice, it cannot be held directly liable.

It should be noted that liability in the provision of legal advice by AI may be delegated to the party developing or providing the AI service. In this case, the technology developer, service provider, or company operating ChatGPT may be held liable if something goes wrong that harms the user. The principle of liability for technological products or systems that fail to fulfill their functions is known as Product Liability, which is a legal concept that governs the responsibility of manufacturers for the products they produce. In Indonesia, although there is no specific law that explicitly regulates AI liability in the context of legal aid, these principles of product liability can be used as a legal basis to sue developers or service providers in the event of errors that harm users.

At the same time, AIs such as ChatGPT are developed based on pre-input data. These AI systems do not have the ability to make moral, ethical or contextual judgments that are often required in complex legal decision-making. As such, while AI can assist in analyzing legal data or providing basic information, there is a substantial risk that these systems may not be able to understand all dimensions of the legal case at hand. For example, ChatGPT may provide incorrect answers regarding the interpretation of applicable laws and regulations because it works based on patterns from previous data, without considering changes in the legal context or specific factors in a particular case. In such a situation, legal liability is blurred as there is no human entity directly involved in the advice-giving process.

The legal liability mechanism for AI systems such as ChatGPT should consider various factors, including who should be liable if something goes wrong. Since AI works based on algorithms developed by humans, the developers of AI systems can be held liable in the event of defects in those algorithms. However, another challenge arises when AI systems work in ways that the developers themselves cannot predict, a phenomenon known as “black box” in the AI world. Complex AI technologies often produce results or decisions that cannot be fully explained by their developers, as the AI system learns and evolves independently based on the data it analyzes.

In this context, if ChatGPT provides incorrect or inaccurate legal advice, it becomes difficult to establish who is legally responsible. Should the developer who created the algorithm be liable, or the company that provides the service? Should users themselves be aware that the AI is only providing technical advice without legal authority? The lack of a clear legal framework in this regard makes it difficult to determine who should bear the consequences of AI errors. In addition, it is also necessary to consider whether users of ChatGPT services have the right to claim compensation if they suffer losses due to AI-generated errors. In Indonesian law, liability in the context of service delivery is governed by Law No. 8/1999 on Consumer Protection. This law gives consumers the right to obtain correct, clear, and honest information about the goods or services offered, and provides protection against losses caused by the goods or services used. If we consider ChatGPT services as a form of service provided to consumers, then users of these services can be protected by this consumer protection law. In this case, users who feel aggrieved by incorrect legal advice from ChatGPT can demand compensation from the service provider under the consumer protection law. However, once again, difficulties arise in determining how this compensation mechanism can be applied in the context of AI.

Another important issue to be considered in the use of ChatGPT as legal aid is the legal protection for users. This includes users' rights over the personal data they provide to the AI service as well as the assurance that the advice provided by the AI will not harm them legally or financially. In Indonesia, personal data protection has been regulated through Law No. 27 of 2022 on Personal Data Protection (UU PDP), which gives individuals the right to protect

their personal data from misuse. In the use of services such as ChatGPT, users will typically provide personal information, including legal information that may be sensitive. The use of this information by AI may pose a risk of data leakage or use of the data for purposes not intended by the user. Therefore, AI service providers should ensure that users' personal data is protected in accordance with the provisions of the PDP Law, including by taking adequate measures to prevent unauthorized access or unauthorized use of the data. Service providers should also provide transparency to users on how their data will be used and stored. In addition to personal data protection, it is also important to educate users about the limitations of the services provided by ChatGPT. Users should be made aware that legal advice provided by AI does not have the same legal force as advice provided by a human advocate. AI service providers like ChatGPT need to provide a clear disclaimer or warning that the information provided is the result of algorithm analysis, not legal advice. This is important so that users do not misunderstand and rely on AI advice in making important legal decisions. To ensure that the use of AI technology in the legal field is safe and effective, there is a need for specific regulations governing legal responsibility and legal protection in the use of AI. These regulations should cover several important aspects, such as:

1. **Quality and Accuracy Standards:** The government can set minimum standards of quality and accuracy for AI systems used for legal purposes. This will ensure that the advice or analysis provided by AI meets certain standards before it is used by the public.
2. **Legal Liability of Service Providers:** Regulations should clearly define the responsible party in case of errors in the legal advice provided by AI, be it the developer, service provider, or any other party involved in the provision of such services.
3. **Consumer Protection:** Regulations should also cover protections for users of AI services, including the rights of consumers to be compensated if they suffer losses due to the use of AI services. This also includes users' rights to clear information about how AI works and its limitations in providing legal advice.

The use of ChatGPT as a form of legal aid offers many benefits, including greater efficiency and accessibility for the public. However, there are still many legal challenges to be faced, particularly in relation to legal liability in the event of errors in the legal advice or analysis provided by the AI. In the absence of clear regulations, the legal liability in the use of AI for legal assistance remains vague, and users of these services may not be well protected from potential losses. Therefore, there is a need for specific regulations governing the use of AI in the legal field, covering legal liability, personal data protection, and consumer protection, so that this technology can be used safely and can be legally accounted for.

CONCLUSION

The use of Artificial Intelligence (AI) technologies such as ChatGPT in providing legal aid in Indonesia presents significant opportunities and challenges. On the one hand, AI can improve accessibility to legal information and basic legal advice with greater efficiency. However, on the other hand, there remains a void in the legal framework regarding liability for AI-generated errors as well as legal protection for users of such services. In general, ChatGPT as an AI cannot be subject to legal liability like a human advocate. Liability for errors that may occur is more likely to be directed to the technology developer or service provider using the AI system. While the Product Liability principle can be used as a reference in holding AI service providers liable, clearer regulations are still needed to establish definitive standards and mechanisms.

In addition, the importance of legal protection for AI service users is crucial, especially in relation to personal data protection as stipulated in the Personal Data Protection Law (PDP Law). Users should be provided with clear transparency regarding the limits of legal advice provided by AI, as well as guaranteed that their personal information is safe from misuse. To ensure the safety and reliability of AI use in the legal world, specific regulations governing

liability, accuracy, and consumer protection are necessary. These regulations will help create legal certainty in the use of AI, so that this technology can provide optimal benefits without posing great legal risks to users.

REFERENCE

- Hafiza, N. (2023, November). Peluang Penggunaan Teknologi ChatGPT dalam Dunia Hukum Perdata Nasional. In *Proceeding of Conference on Law and Social Studies* (Vol. 4, No. 1).
- Maliki, I. A. (2024). ARTIFICIAL INTELLIGENCE UNTUK KEMANUSIAAN: Pengembangan Konsep Keberagaman Melalui Chat-GPT sebagai Solusi Krisis Identitas Muslim Urban di Era Digital. *MODERATIO: Jurnal Moderasi Beragama*, 4(1), 35-51.
- Putri, M. C., Febyanti, A., Azzahra, S., & Putri, N. A. (2024). Pengaruh Penggunaan Artificial Intelligence Dalam Pembentukan Peraturan Perundang-Undangan. *Terang: Jurnal Kajian Ilmu Sosial, Politik dan Hukum*, 1(2), 266-284.
- Musthafa, F. A. D. (2024). Penggunaan Artificial Intelligence (AI) dalam Pembelajaran: Fenomena Transformasi Otoritas Pengetahuan di Kalangan Mahasiswa. *Journal of Contemporary Islamic Education*, 4(1), 125-136.
- Astona, J. (2023). Pengaruh Aplikasi ChatGPT Terhadap Self Efficacy Mahasiswa dalam Mata Kuliah Bahasa Inggris (Doctoral dissertation).
- Hakim, L., & Azizi, M. R. (2023). Otoritas Fatwa Keagamaan dalam Konteks Era Kecerdasan Buatan (Artificial Intelligence/AI). *Jurnal Ilmiah Ar-Risalah: Media Ke-Islaman, Pendidikan dan Hukum Islam*, 21(2), 164-174.
- Putri, M. C., Febyanti, A., Azzahra, S., & Putri, N. A. (2024). Pengaruh Penggunaan Artificial Intelligence Dalam Pembentukan Peraturan Perundang-Undangan. *Terang: Jurnal Kajian Ilmu Sosial, Politik dan Hukum*, 1(2), 266-284.
- Musthafa, F. A. D. (2024). Penggunaan Artificial Intelligence (AI) dalam Pembelajaran: Fenomena Transformasi Otoritas Pengetahuan di Kalangan Mahasiswa. *Journal of Contemporary Islamic Education*, 4(1), 125-136.
- Lazuardi, A., & Gunawan, T. (2024). Perlindungan Hukum Terhadap Hak Kekayaan Intelektual Di Era Revolusi Industri 4.0. *Sciential: Journal Of Social Sciences And International Relations*, 1(1), 1-20.
- Raihana, R., Sukrizal, S., & Alfred, W. (2023). Penerapan Pendeteksi Kebohongan (Lie Detector) Dalam Pembuktian Tindak Pidana Di Indonesia. *Innovative: Journal Of Social Science Research*, 3(2), 12202-12212.
- Bhagaskara, H. I., Puteri, S. N., & Tobing, Y. E. L. (2022). Tinjauan Hukum Peran Artificial Intelligence (AI) sebagai Pencegah Terjadinya Pelanggaran Kode Etik oleh Auditor Publik. *E-Prosiding Akuntansi*, 3(1).