



Policy Brief

**NEXUS OF AI ON DEVELOPING
CETERIS PARIBUS ON LAWS AND
ETHICS TOWARDS GLOBAL
COOPERATION. LESSONS FROM
~~THE~~ REPUBLIC OF INDONESIA**

Task Force 2

Meaningful Digital Connectivity, Cyber
Security, Empowerment

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Abstract

In recent years, humans have increasingly utilized AI to make decision-making more effective and efficient. The rapid growth of AI in many applications, from health to education to the military, is inevitable. Nonetheless, using AI in many applications shall raise multifaceted problems which must be addressed systematically by laws and ethics policies. Moreover, AI usage involves Nations with different paradigms on AI usage, domestically or cross-borders. Therefore, it becomes a necessity for policymakers to resolve the increasing challenges associated with AI. Such challenges shall be mitigated with fairness and accountability without compromising human rights. Subsequently, it shall be narrowed down to one basic principle, The Safety of People (*Salus Populi suprema lex esto* – Cicero).

The said principle shall be the Supreme Law as attested with, *among other things*, the Universal Declaration of Human Rights, International Covenant on Civil and Political Rights, and International Humanitarian Treaties. Under these laws, Nations have common ground to set the basic principles for using AI, considering AI is moving quickly due to economic benefits and the current development of the AI Arms Race. Meanwhile, statute laws are static and slow to adapt.

The G20 is the apparent intergovernmental forum to produce practical policies for implementing trustworthy and human-centric AI. Therefore, G20 Nations must take this forum to declare the framework to formulate The Treaty of Basic Principles on the Use of Artificial Intelligence as International Law. Nations are expectedly able to ratify such a treaty and establish their respective positive law to regulate AI with the same universal principles. Hence, the unifying paradigm on the use of AI through laws is the best juxtaposition of the expectation that Nations shall use AI only for the common good of humankind.

Challenges

All new technologies, including AI, creates good and evil; they can be useful and harmful to humankind. Historically, computers are closely related to the military. Among others, the Electronic Numerical Integrator and Computer (ENIAC) was created to calculate ballistic trajectories, Turing Machine was created to decipher military code, and GPS was initially used for military purposes. Based on computer development in the 20th century, the computer was a military instrument, and most likely, the future development of computers is inseparable from the military.

Joseph Weizenbaum (1985), considered one of the fathers of modern AI, said that the word “military” is a euphemistic way of saying “defense” or something harsher involving violence. At that time, he also predicted that the existing smart weapons would seemingly look like wind-up toys compared to the weapons already introduced with AI.

AI should be developed for societal good, based on international cooperation on AI Governance to carry out governance mechanisms and AI ethics that question how human developers and operators should behave. But is the ideal AI Governance and Ethics already achieved?

Although the utilization of AI raises various benefits and advantages, it also raises various threats and vulnerabilities in the international order. The utilization of AI does not recognize the boundaries or the territory of Nations. Hence, the use of AI by a party that harms others can be conducted by state and non-state actors (including other actants, e.g., hacker groups, terrorism, and organized crime groups) from across the globe. Those threats and vulnerabilities are inseparable from each nation’s interests in developing AI, often creating discrepancies of opinions or even frictions. Some governments condemn another government for draconian measures of surveilling its people using AI, but on the other perspective, that government sees it as a virtue to protect sovereignty. Nations are developing and using “fire and forget” Autonomous Weapons to protect sovereignty. However, the existing International Laws to govern such weapons and protect non-combatants are still in question.

Given the Nations’ different interests in developing AI as described above and the absence of unified AI ethics and principals’ guidelines, it’s not easy to regulate AI with the same universal principles. To date, we have identified 84 documents across the globe that consist of ethics and principles for AI, which will be elucidated in the Proposal section. Unfortunately, those

documents cannot be applied universally; it has no binding power for third parties of the related documents. Hence, it will bring challenges for international cooperation to govern AI.

Recently, Henry Kissinger argued that humans lack ethics in developing AI. This argumentation seems to resonate with Joseph Weizenbaum's opinion from 1985. Hence, we should ask the question of ethics, is AI helping humans to make decision-making, or is AI the decision maker? *Cogito, ergo sum* (Descartes, 1637), I think; therefore, I am. But if AI thinks on behalf of us, what are we? Human reason has overcome technological threats and brought us to where we are today. Still, now it's the time for Humans to set the destination of AI because:

"The development of full artificial intelligence could spell the end of the human race. Once humans develop artificial intelligence, it will take off on its own and redesign itself at an ever-increasing rate. Humans, limited by slow biological evolution, couldn't compete and would be superseded."
– Stephen Hawking (2014).

Proposals for G20

The dystopian analysis, argumentation, and prognoses about AI do not mean we are pessimistic about AI. Still, it was an effort to identify the evil and harmful of AI to set practical policies for exploiting AI to improve the quality of human life around the world, especially to recover from the Covid-19 pandemic. AI development should not be treated and approached as an arms race because it will be counterproductive and creates global instability. Instead, the international cooperation approach for societal good (i.e., preventing the emergence of pandemics, novel medicines, and assisting in human development) would bring greater interest to humankind. To achieve this, the leaders of Nations should proactively ensure that the benefits of AI are distributed worldwide. However, using AI in many applications shall raise multifaceted problems which must be addressed systematically by laws and ethics policies.

To address the problems systematically by laws and ethics, first, we propose a concise analysis from the Indonesian laws and regulations perspective, also the noble values that live among Indonesians. From this analysis, the universal philosophy and essence will be drawn as an approach to the next proposal.

Article 28G of the Constitution of the Republic of Indonesia states: “Everyone has the right to personal protection, family, honor, dignity, and property under his control, and has the right to a sense of security and protection from the threat of fear to do or not do something which is a human right.” The “personal protection” and “property” phrases shall mean privacy rights in the form of the protection of personal data as stipulated in the Article 21 of the Law of the Republic of Indonesia No. 39 the Year 1999, Article 1 in conjunction with Article 79 of the Law of the Republic of Indonesia No. 23 the Year 2006 as amended by the Law of the Republic of Indonesia No. 24 the Year 2013, Article 26 of the Law of the Republic of Indonesia No. 11 the Year 2008 as amended by the Law of the Republic of Indonesia No. 19 the Year 2016, and as stipulated on several lower hierarchy regulations.

Indonesian Constitution and Regulations, as described above, reflect the Indonesian perspective, emphasizing the principle of the Safety of People (*Salus Populi suprema lex esto*) and the conservative paradigm of privacy and property protection. It also constitutes egalitarianism, equality before the law, and a utilitarianism approach to creating the law. More or less, it is attested and corroborates with International Law, among other things:

1. Universal Declaration of Human Rights, especially Article 17, which states that everyone has the right to own property and no one shall be arbitrarily deprived of his property.

2. International Covenant on Civil and Political Rights (ICCPR), especially Article 17 and Article 26, states that everyone shall not be subjected to and has the right to the protection of the law against arbitrary or unlawful interference with his privacy and property.
3. International Humanitarian Law, especially Article 33 of the Fourth Geneva Convention, states that pillage and reprisals against protected persons and their property are prohibited.
4. European Convention on Human Rights, especially Article 8, states that everyone has the right to respect their private and family life, home, and correspondence.
5. ASEAN Human Rights Declaration, especially Article 21, which states that every person has the right to be free from arbitrary interference with their privacy, family, home, or correspondence, including personal data, and has the right to the protection of the law against such interference or attacks.

Although there are no regulations yet to govern AI, the Republic of Indonesia has a philosophical foundation named Pancasila. The values of Pancasila as the basis of the state philosophy are essentially a source of law in the Republic of Indonesia. As such, Pancasila is a legal aspiration, view of life, consciousness, and noble moral ideals that includes the psyche and the character and nature of the Indonesian people. The Indonesian people are known to be friendly, polite, and gentle toward others, which is the embodiment of the implementation of Pancasila. In the context of life practice in the state, nation, and society, fundamentally, these noble values become the basic formulation of policies followed by the making of laws, jurisprudence, and even codes of conduct in people's daily lives. Indonesian society today not only longings for the enforcement of the law, but whether there is still justice in the enforcement of the law.

The universal philosophy and essence of the Indonesian laws and regulations, as well as the noble values that live among Indonesians as described above, can be drawn and used as a basis for reason, inspiration, and ultimately to act toward our following proposal, which we proposed G20 Indonesia Presidency to take the initiative to declare the framework to formulate The Treaty of Basic Principles on the Use of Artificial Intelligence as International Law, based on the Utilitarianism Theory approach.

TREATY IS NECESSARY

Treaties are the main instruments the international community has to initiate or develop international cooperation. The purpose of a treaty is to impose binding obligations on the participating countries. Therefore, in the absence of universal principles and ethics on the use of AI, it is necessary to formulate The Treaty of Basic Principles on the Use of Artificial Intelligence as International Law, considering AI is moving at a fast pace due to economic

benefits and the current development of AI Arms Race; meanwhile statute law is static and slow to adapt.

The basis for formulating such a treaty is more than adequate. However, every Nation has a different view of governing itself; at least, Nations can agree on things that have been applied or adopted as universal principles and philosophical and ethical values. There are many existing documents related to ethics and principles for AI, but these documents are not unified and not universally applied. To date, we have identified 84 documents that consist of ethics and rights-based guidelines or principles for AI. But to make it concise, we shortened the list and divided it into 5 clusters Government, Inter-Governmental Organization, Stakeholders, Civil Society, and Private Sector. The following is an instance of the clusters:

From our analysis of those documents, we have compiled the similarity of principles and ethical values, and then in combination with the universal philosophy and essence drawn from the Indonesian laws and regulations along with the noble values that live among Indonesians as described above, we propose the substantive clauses (dispositional provisions) of The Treaty of Basic Principles on the Use of Artificial Intelligence shall consist of:

1. The use of Artificial Intelligence shall only be for the safety of people.
2. Humans shall be the ultimate decision maker on any Artificial Intelligence activities.
3. Ethics shall apply to any activities associated with Artificial Intelligence, which at least consist of:
 1. Justice and Fairness.
 2. Privacy.
 3. Security.
 4. Transparency, Accountability, and Trustworthy.
 5. Self-determination.
 6. Peace and Common Good.
4. The use of Artificial Intelligence shall not tamper with the course of Nation(s), election, and democracy.
5. Nations shall cooperate in upholding these Basic Principles.

If these Basic Principles are formed as International Laws/treaties, hopefully, Nations will ratify them and establish their respective positive law to regulate AI with the same universal principles. Then, Nations will have common ground to cooperate, e.g., to establish International Criminal Court and International Arbitration regarding AI, cyber security cooperation, AI-powered agriculture, joint development in education and health, *et cetera*. Therefore, healthy AI

ecosystems shall form, and Nations will have a more excellent aim to develop and utilize AI in the new age.

The G20 is the leading intergovernmental forum to produce practical policies for implementing trustworthy and human-centric AI, such as declaring the framework to formulate The Treaty of Basic Principles on the Use of Artificial Intelligence as International Law. As a central world economic forum, G20 has a strategic position because G20 members collectively represent around 60% of the world's population, 75% of global trade, and at least 80% of the world's Gross Domestic Product (GDP). Such practical policy is a continuation of the past G20. In the 2017 G20 Hamburg, G20 Leaders stated that the G20 Roadmap for Digitalization would help to guide our future work, including to further discussing frameworks as enablers for workforce digitalization. In the 2019 G20 Japan, G20 Leaders stated that the G20 supports the principles for responsible stewardship of trustworthy AI and takes note of the recommendations of national policies and international cooperation for reliable AI. One of G20 Indonesia 2022's Priority Issues, Digital Transformation, aims at a new landscape for collaboration among Nations to secure shared prosperity in the digital age.

The framework to formulate The Treaty of Basic Principles on the Use of Artificial Intelligence shall include forming a G20 Task Force to conduct negotiations with the non-G20 Nations, as the negotiations process is the first phase of developing an International Law.

THE USE OF AI ON GLOBAL COOPERATION

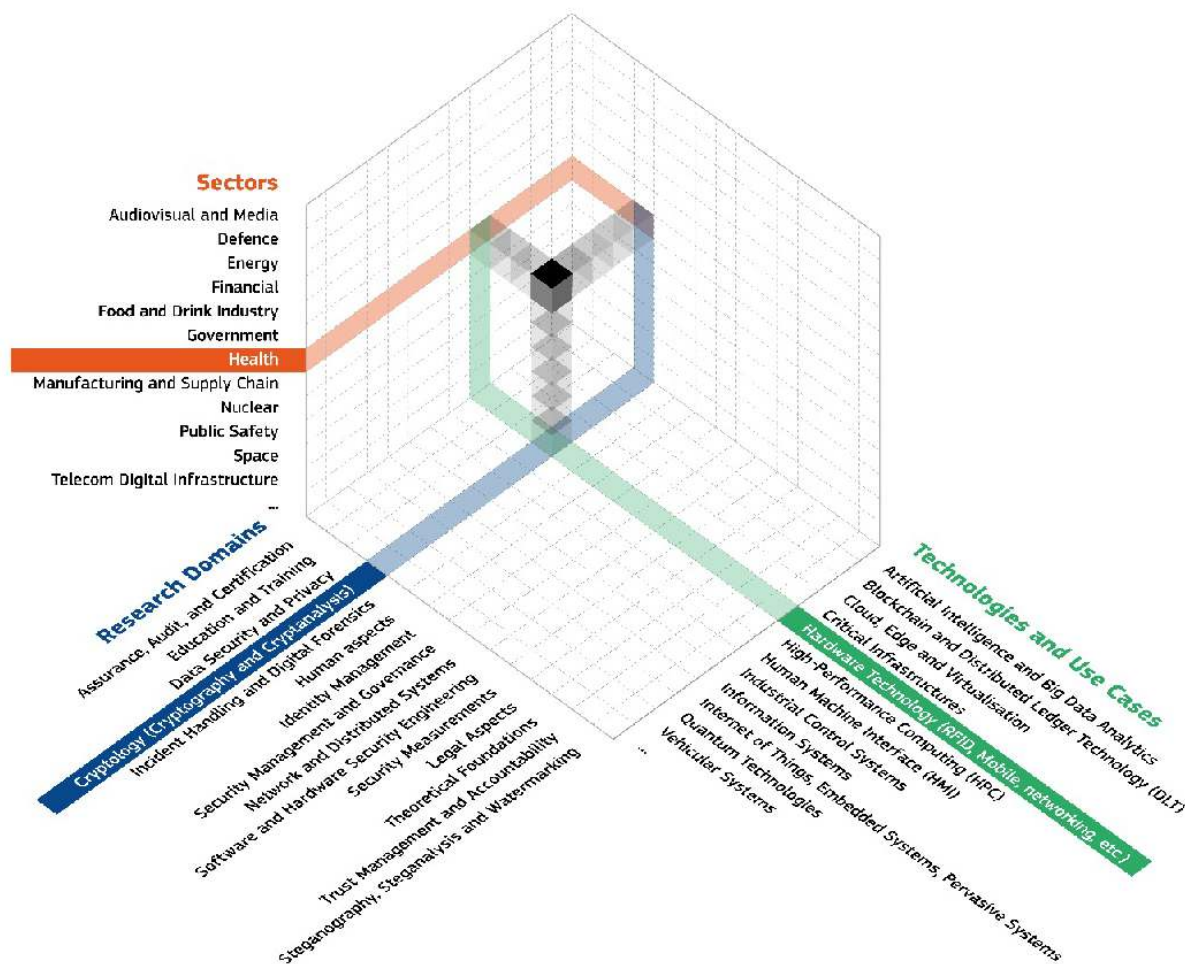
If the Nations have ratified The Treaty of Basic Principles on the Use of Artificial Intelligence, subsequently establish their respective positive law to regulate AI with the same universal principles, and ultimately enforce and implement the law with utmost good faith, we are optimistic that the use of AI on Global Cooperation most likely will happen. Because the top critical infrastructure to govern AI is the Laws and regulations and their enforcement, AI will transform the landscape of global digital cooperation. The most vigorous enforcement to manage AI for use in international collaboration is in the field of cybersecurity. The total global value at risk globally from cyberattacks from 2019 to 2023 is estimated at US\$ 5.2 trillion and will reach US\$ 10.5 trillion by 2025. To put it into context, if a cyberattack is a country and the total value at risk is Gross Domestic Product (GDP), then the cyberattack will be the third largest economy in the world behind the United States (US\$ 25.35 trillion GDP) and China (US\$ 19.91 trillion GDP). Cybersecurity itself is an effort to protect assets in the cyber spectrum. While protecting assets in the cyber scope also affects investments and interests in the physical realm. The goals of cybersecurity are aligned with the activities of business continuity and risk

Management. The global cooperation on the use of AI will mitigate the high cost arising from implementing cybersecurity, which has complex taxonomy.

Cybersecurity has three dimensions taxonomy:

1. Sectors: audio-visual and media; defense; energy; health; manufacturing and supply chain; nuclear; public safety; space; and other digital infrastructure.
2. Research domains: assurance, audit, and certification; education and training; cryptology; incident handling and digital forensics, human aspects; identity management; security management and governance; network and distribution systems; software and hardware engineering; security measures; legal aspects; theoretical foundation; trust management and accountability.
3. Technologies: AI and Big Data Analytics; blockchain or decentralized ledger; cloud and virtualization; general and consumer hardware; high-performance computing and quantum computing; human-machine interface industrial control systems; information systems; IoT, embedded systems, and pervasive systems; quantum technologies; and vehicular systems.

The following is an instance of cybersecurity 3D taxonomy:



AI with deep learning capabilities of Big Data will help Nations to conduct global cyber security cooperation frameworks of Identify, Protect, Detect, Respond and Recover. AI can overcome humans in those aspects because AI will operate 24/7 a year faster. But humans should hold complete control, including monitoring the code and algorithm to prevent partial input data and algorithms that yield biased outcomes. These will create mutual relations between humans and AI, where humans, through international cooperation, will conduct AI Security to prevent AI threats. The following is an instance of the AI Threat Taxonomy:

In promoting AI accountability and robust, trustworthy AI through international cooperation, policymakers should establish the International Standardization Processes for developing, manufacturing, and operating AI. For these standards to be practical, governments and

stakeholders should be involved in creating AI interoperability. Developers and operators of AI systems must ensure adequate means to trace accountability through their systems so that any problems can be identified as unfortunate, negligent, or of malicious intent, and the intent must be traceable to the accountable entity, whether a developer, an owner/operator or criminal entity.

With this type of international cooperation using AI, humans will have more time for other productivity. Productivity shall mean one of the uses of AI in many applications in any sector is to help global development and alter the economic landscape; therefore, Governments and their people can recover together faster in the post-pandemic era. In ethical aspects, this is also an example of utilizing AI. The utilization of AI should not hinder or reduce the human ability to reason because, throughout human history, humans have sought to understand reality and our role in it. Since the enlightenment age, humans have considered reason (i.e., our ability to investigate, understand, and elaborate) as our primary means of explaining and contributing to the world.

The common ground between AI productivity and AI Laws and Ethics shall mean the creation of justice in the form of the fair distribution of AI, especially to poor and developing countries, people with low to middle income, and Small and Medium Enterprises (SME). For instance, with the proper introduction of AI to those subjects in the field of agriculture (Agri robots and drones, equipped with sensors, cameras and combining satellite data, computer vision, image recognition, and predictive analytics), it will change the business practices in the agriculture sector because there are new harvesting methods, and improved monitoring of crops, soils and weather conditions for precision farming. We are optimistic that the yield of crops will increase. Therefore the food price will decrease. It also provides solutions to urbanization problems arising from building Smart Cities.

Suppose The Treaty of Basic Principles on the Use of Artificial Intelligence as International Law has taken effect, and Nations will have common ground to cooperate. In that case, we are optimistic that experts' comments-prognosis about hopeful visions of 2069 will happen, as follows:

1. Living longer and feeling better. Because internet-enabled technology will help people live longer and healthier lives, scientific advances will continue to blur the line between human and machine.
2. Less work, more leisure. Because AI tools will take over repetitive, unsafe, and physically taxing labor, leaving humans with more time for leisure.
3. Individualized experiences. Because digital life will be tailored to each user.

4. Collaboration and community. A fully networked world will enhance opportunities for global collaboration, cooperation, and community development, unhindered by distance, language, or time.
5. Power by the people. Expanded internet access could further disrupt existing social and political power structures, potentially reducing inequality and empowering individuals.

Conclusion

The rapid growth of AI in many applications is inevitable, which shall raise multifaceted problems that must be addressed systematically by laws and ethics policies. The G20 is the leading intergovernmental forum for producing practical guidelines for implementing AI. Therefore, G20 Leaders must take this forum to declare the framework to formulate The Treaty of Basic Principles on the Use of Artificial Intelligence as International Law.

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