Jurnal Ilmu Sosial dan Pendidikan (JISIP)
Vol. 7 No. 4 November 2023
e-ISSN : 2656-6753, p-ISSN: 2598-9944
DOI: *10.58258/jisip.v7i1.5520/http://ejournal.mandalanursa.org/index.php/JISIP/index*

Legal Position *Artificial Intelligence Art Generator* in Copyright Law

Muhammad Mizan Ananto
University Indonesia

Article Info
Article history:
Received : 21 June 2023
Publish : 01 November 2023

Keywords:
Artificial Intelligence
Legal Subjects
Progressive Law

Abstract
Presence *Artificial Intelligence* (AI) *art generator* disrupting the meaning of creating a work of fine art that has long been known. A.I *art generator* has a feature that makes it easy for users to create images, just enter a text description, then AI will produce the desired image. This creation process then raises questions regarding the legal position of AI regarding the copyright contained in the image. This research discusses the legal position of AI in copyright law by dividing it into two options: First, what are the prospects for AI being recognized as a subject of copyright law, and second, how the current law can accommodate AI as an object of copyright law. The research found that there is an opportunity for AI to be recognized as a subject of copyright, equalizing its position as a legal entity. Another alternative option is to view AI as an object of copyright only, provided that there is a need for proof regarding the element's originality as a condition of copyright protection.

Info Article
Article history:
Accepted : June 21, 2023
Publish : 01 November 2023

Abstract
Kehadiran Artificial Intelligence (AI) art generator mendisrupsi makna penciptaan suatu karya seni rupa yang telah lama dikenal. AI art generator mempunyai fitur yang memudahkan penggunanya untuk menciptakan gambar, cukup memasukkan deskripsi teks, maka AI akan menghasilkan gambar yang diinginkan. Proses pembuatan ini kemudian memunculkan pertanyaan terkait kedudukan hukum AI pada hak cipta yang terkandung dalam gambar tersebut. Penelitian ini membahas kedudukan hukum AI dalam hukum hak cipta dengan membaginya menjadi dua opsi: Pertama, bagaimana prospek diakuinya AI sebagai subjek hukum hak cipta, dan yang kedua bagaimana hukum yang eksis saat ini dapat mengakomodasi AI sebagai suatu objek hukum hak cipta. Penelitian menemukan bahwa ada peluang bagi AI untuk diakui sebagai subjek hak cipta, dengan menyamakan kedudukannya sebagai badan hukum. Opsi alternatif lain adalah memandang AI sebagai objek hak cipta saja, dengan catatan perlu adanya pembuktian mengenai unsur originality sebagai syarat perlindungan hak cipta.

Corresponding Author:
Muhammad Mizan Ananto
University of Indonesia
Email : mizananto@gmail.com

1. INTRODUCTION

Artificial Intelligence (AI) as a technology that has helped make human work easier for more than a decade, continues to develop and is based on several systems, such as natural *language processing* (NLP), *machine learning*, and the latest is the system deep *learning*. AI is referred to as a scientific discipline that develops intelligence in computer systems, which in the future will become the basis for its creation of consciousness (self-awareness like humans) in computer machines. Humans in their efforts to reach a stage of self-awareness continue to explore the use of AI for human life and activities in various fields.

One of the newest AI technologies that has been widely discussed recently is AI technology art *generators* capable of converting text into images (*text to image generated*). AI *art generator* supported by machine *learning algorithm* which is programmed to learn patterns and *style* from thousands of works of painting that already exist, to then be processed into a new work of art. AI Technology *art generator* This was developed by several companies working in the field of AI, such as Open AI with DALL-E, Stability AI with the Stable Diffusion program, and others.

The existence of AI technology art *generators* openly disrupts the creation of works of fine art that we have known for a long time. In the past, before AI art generator technology existed, only people who were talented and dedicated their time, energy and thoughts to the field of fine art could make works of art as attractive as possible. Currently, with the presence of AI art

generators, everyone can create works of art easily, without the need for a creative process to be carried out to create an image. The increasingly massive use of AI art generators in creating works of fine art raises many questions, especially regarding intellectual property rights arising from creations resulting from AI programs.

Intellectual property rights, according to the definition given by the World Trade Organization, are exclusive rights given by the government to someone for the results of their ideas within a certain time. Intellectual rights are material rights to works produced by their creators through human intellectual processes, where not everyone is capable of thinking and doing the same things. The result of this unique human thought process then gives rise to exclusive rights.

Intellectual property can be classified into 2 areas, namely copyright and related rights (*copyright and rights related to copyrights*), as well as industrial property rights (*industrial property rights*). Copyright itself in Indonesian legislation is regulated in Law Number 28 of 2014 concerning Copyright (Copyright Law). Copyright according to Article 1 paragraph (1) of the Copyright Law is:

"The creator's exclusive rights are automatically based on declarative principles after a work is realized in concrete form without reducing restrictions in accordance with statutory provisions."

In the Copyright Law, there are 19 creations in the fields of science, art and literature that are protected under the Copyright Law, ranging from books, songs, speeches to including protection for computer programs. However, there are no specific provisions governing AI in the Copyright Law, either as an object of intellectual property or as a subject of intellectual property. Due to the absence of provisions related to AI in the Copyright Law, according to Dr. Edward /O.S.Hiarej (Deputy Minister of Law and Human Rights of the Republic of Indonesia), interpretation and discovery of new laws are needed that are based on philosophical reflection that protects all interests.

AI Interpretation if studied from the Copyright Law alone, then the definition and characteristics that are closest are AI as an object of intellectual property in the form of a computer program. According to the Copyright Law, a computer program is a set of instructions in any form so that a computer can work and achieve certain goals. This definition is similar to the definition of AI previously described, namely as a set of human intelligence simulation technology created to carry out tasks and work like humans. Although AI has the ability to study data (*self-learning*) and determine output Independently, the narrow definition of AI can be said to be in accordance with the definition of a computer program in the Copyright Law. AI technology like AI *art generator*, if viewed as a computer program, it is only treated as an object of copyright. AI *art generator* cannot yet be positioned as a creator and copyright holder, because the Copyright Law currently does not regulate such provisions.

There are no legal provisions that explicitly regulate legal status artificial *intelligence* in general, especially AI *art generator*, shows that there is a legal vacuum that must be immediately formulated. Based on progressive legal theory, the law must be able to adapt to the demands of the times, accommodating developments in AI technology and art *generators*. In accordance with the basic principles of progressive legal theory, law exists for humans, and not vice versa. The law must continue to be reviewed and improved so that it remains relevant to legal problems in society, not society which must be forced into the legal system. Law is seen as an institution that leads humans to a just, prosperous and happy life. This goal can be achieved if law is always placed as a process of continuing to become, or be called law *as a process, law in the making*. In order to examine the development of AI in copyright law, the legal position of AI will be explained into two parts: First, the opportunity for AI as a legal subject in the form of a legal entity, and second, AI is seen as a legal object.

2. RESEARCH METHODS

The form of research used in this research is normative juridical research, namely conducting research on the Copyright Law, examining legal subjects and objects in civil law. The

author also uses secondary facts through literature searches such as books on Intellectual Property Rights, *Artificial Intelligence,* Copyright, as well as national and international journal articles containing legal cases and expert opinions relating to legal standing artificial *Intelligence art generators* in copyright law.

3. RESEARCH RESULTS AND DISCUSSION

a. Can*AI Art Generator* Considered a Legal Subject?

i. Classification of Legal Subjects

Sudikno Mertokusumo stated that legal subjects are everything that can obtain rights and obligations. In line with the definition from Sudikno Mertokusumo, Subekti believes that legal subjects are bearers of rights or subjects in law, namely people. Algra himself believes that the subject of law is every person who has rights and obligations, which gives rise to legal authority (*jurisdiction*). There are 2 generally recognized legal subjects, namely private persons (*a natural person*) and legal entities (*legal entity*), which will be discussed as follows:

a. Private person (*a natural person*)

Dutch law interprets of *course a person* as a person, a human being of the same blood, who has rights and obligations. *A natural person* is a real human being, an individual who has rights and obligations, and these rights can be used to carry out legal actions. The basic difference between a natural *person* and a legal *entity* exists in the existence of the person's form. *natural person* in the form of a real human individual, then the legal entity as a legal subject has a fictional form, which may consist of several individuals, and rights and obligations can be imposed on the legal entity.

b. Legal entity (*legal entity*)

Law, apart from recognizing humans as natural subjects of law, also legitimizes the existence of legal entities (*legal entity*) as a legal subject. *Legal entity* commonly referred to as a body or group of fictitious *persons*, that is, a person created by law as *person*. These bodies or associations are called legal entities (*legal entity*) which means person (*person*) created by law.

Legal entities according to article 1654 Civil Code defines legal entities as all legal associations, authorized to carry out civil actions, without reducing general regulations, without prejudice to general regulations, where the powers have been modified, limited or subordinated to certain events.

Rochmat Soemitro defines a legal entity as a body or association that can have property, rights and obligations like private individuals. Subekti also defines a legal entity as a body or association that has the rights to carry out human actions, has its own property, and can be sued or sued in front of a judge. In line with the opinion of Rochmat Soemitro and Subekti above, Sri Soedewi Mashun Sofwan defines a legal entity as a group of people who together establish a body (assembly) and a group of assets that are individualized for a specific purpose.

Summing up from the experts' opinions about the legal body above, the elements of the legal body can be arranged as follows:

a. There is a separation of assets between the founder and the legal entity;
b. Having certain assets;
c. Having certain interests;
d. Having organs that run a legal entity;
e. There is orderly management.

ii. *Artificial Intelligence* as a Legal Subject

The famous physicist, Stephen Hawking stated, "*the rise of powerful Artificial Intelligence will be either the best or the worst thing ever to happen to humanity. We do not yet know which* "The rapid development of AI will certainly disrupt human existence

if it is not protected by appropriate and adaptive laws. Expert Staff to the Minister for Reform and Regulation of the Ministry of Tourism and Creative Economy (Kemenparekraf), Ari Juliano Gema, in the discussion on Digital Economy Regulations "How AI Affecting the Copyright System?", believes that advances in AI technology apart from offering many conveniences also pose a threat to creative industry players in terms of originality and copyright. Freddy Haris, Director General of Intellectual Property at the Ministry of Law and Human Rights, also added that the law will always develop and follow existing developments. Freddy believes that in the future AI can become a legal subject like individuals or legal entities, because it has the same functions as bearers of rights, owners of economic rights, owners of moral rights, and so on.

Discourse regarding whether or not AI can be recognized as a legal subject is a trigger that might shift Indonesian copyright law doctrine in the future. This is because Law Number 28 of 2014 concerning Copyright adheres to the doctrine that humans (*natural person*) as the creator is a requirement for a work to be protected by copyright. Article 1 point 2 clearly states that what is meant by creator is a person or several people who individually or together produce creations that are unique and personal. Article 1 number 27 also confirms that what is meant by a person is an individual or legal entity (*legal entity*).

Even though the Copyright Law currently limits the subject of copyright to individuals and legal entities, it does not rule out opportunities for legal reform and development in line with current developments. Renewing legal regulations basically includes updating systems, theories, principles, functions and objectives of law. This legal update complies Satijpto Rahardjo, is a process that must be carried out continuously (*law in the process, law in the making*). The law must not remain stagnant, but must continue to adapt to answer all problems of the modern public. Law is not just a mouthpiece for government policy, namely law that is only synonymous with legislation (legalistic). Such a law can be considered as an obstacle to development, because it is not in line with the progress of community activities in the fields of economics, science and technology.

Current position of artificial *intelligence* in Indonesian law, it is not yet known for certain and has not been clearly regulated in Indonesian civil law. In the future, this legal vacuum could potentially give rise to legal disputes, especially regarding copyright protection for two-dimensional works of art produced by artificial *intelligence.*

The development of AI that duplicates human intelligence, lighter discussion and new thoughts that AI can be considered and equal in status as human beings legally. Basically, the main difference between humans and AI is their physical form. The physical presence of humans can be seen, whereas it is difficult for AI to identify entities. One kind AI can be in several different locations at the same time. Meanwhile, humans are subject to the laws of the country where they are, and their existence can be identified.

Debate regarding this legal subject also occurred when the legal entity theory which recognized corporations as legal subjects emerged. The theory of legal entities at that time was created solely to provide a way for legal entities to be able to act in economic legal traffic. Friedrich Carl Von Savigny coined a fictional theory which stated that legal entities were solely created by the state. According to nature, legal subjects are only humans, while legal entities are only a fiction, namely something that does not actually exist, but was deliberately created to treat legal entities as legal subjects, which are equal to humans.

This is where the similarities between legal entities and AI lie, both conditions cannot be seen in his physique. Even though they have similarities, there are differences between corporations and AI. Corporations are registered under the laws of a particular country, and although corporations can carry out legal acts in several places simultaneously, it is the organizational structure that is the basis for the existence of the legal entity that carries out these legal acts.

Otto Von Gierke with his organ theory also attempted to explain this legal entity. Organ theory states that a legal entity has its own will and will which be formed through its organs (management, members), so that the will or will born from the legal entity is in line with what the management and members decide. The existence of the phrase "the element of one's own will and desire which is formed through the equipment", is in accordance with the characteristics of an AI program art *generator*. AI *art generators* have the ability to determine the resulting output themselves, armed with AI program training art *generators* created for a specific purpose, namely converting text commands given by the user into an image that matches the description.

L.J. van Apeldoorn believes that in order for legal subjects to be able to carry out legal acts, certain conditions are required, namely legal subjects who have the ability to hold rights. The ability to hold these rights must be differentiated from the capacity to carry out legal actions. For example, in the case of minors or under guardianship, people can be called legal subjects because these people have rights. But from a legal perspective, these people are declared incompetent in legal actions. Thus, what determines whether a legal subject is competent or not is the law. Based on this explanation, it can be understood that only the applicable law can declare whether something is a legal subject or not. AI does not have humanistic qualities like humans; however, AI can be equated with the position of legal entities that have long been recognized as legal subjects.

The success of legal scholars in proposing the legal entity corporation as an artificial legal subject is a clear example that the concept of a legal subject is always open to development. New non-human legal subjects have emerged in several countries around the world. India, for example, in 2017 recognized the Ganges River as an artificial legal subject mentioned in a ruling *Mohd Salim v. State of Uttarakhand and others.* The *Te Awa Tupua* River in New Zealand is also recognized as a legal subject according to the *Te Awa Tupua* Act 2017, following the *Te Urewera* Forest which was given legal subject status first in 2014.

Reflecting on the granting of legal subject status to non-human things above, then AI It also has the potential to be recognized by law as a subject of civil law. The current development of AI has not yet reached the stage of intelligence equivalent to humans (AGI) or exceeding human abilities (ASI). However, the concept of regulating AI as a subject of copyright law should have been prepared from an early age. This is driven by predictions from AI experts who state that AGI stage artificial intelligence will be available around 2050. Current AI may still be limited to AI. *Generated text to images, text to text, text to video,* but as it develops it can have self-awareness (*self-awareness*) like humans.

b. AI as an Object of Copyright Law

i. AI in the Concept of Material Law

Apart from being recognized as a subject of civil law, there are also other ideas which state that AI can only be seen as a legal object, both in civil law in general and copyright law in particular. If AI is positioned as a legal object, then in other words AI is considered an object and all civil concepts and rules regarding material law apply to it. This is meaningful AI do not have rights and obligations like humans and legal entities as subjects of civil law.

Salim HS defines objects narrowly, namely as tangible or visible goods, which are part of a person's wealth in the form of rights and income, and as legal objects, as opposed to legal subjects. In Indonesian civil law, objects are divided into tangible and intangible as regulated in Article 503 of the Civil Code. Objects are also divided into movable and immovable as regulated in Article 504 of the Civil Code. It is not further regulated what constitutes the definition of tangible and intangible objects, but if you look at the meaning, the word refers to the physical nature of the object as measured by the human sense of sight. Tangible objects mean they are visible to the human sense of sight, and vice versa.

AI can be categorized as tangible or intangible objects, and can also be categorized as moving objects. Like the robot Sophia which is a real physical form of artificial intelligence, so a shape like Sophia can be categorized as a tangible object. Sophia is also an object that can move. This is because it can be moved, moves itself and moves freely. This statement is as intended in Article 509 of the Civil Code which states that movable goods by their nature are goods that can move themselves or be moved.

It's different if the form of AI is technology big *data*, which is an unreal form due to technology big *data* is a software system. *Big data* is a term given to data sets that are very large and complex, making it impossible to process them using conventional database management tools or other data processing applications. If so, then AI based big *data* can also be categorized as intangible objects.

Within the scope of intellectual property law, AI-based programs are big *data* One of which is AI *art generator*. Dall-E for example, this program can simulate human intelligence to create works of fine art by carrying out independent learning of large amounts of data (which has been input by programmers) continuously. Dall-E has a function that is limited to converting text descriptions into images, as a tool to make it easier for humans to create works of fine art quickly and easily. If you look at its limited function, and also narrow your perspective to the concept of material law only, then Dall E is more suitable to be classified as a copyright object in the form of a computer program.

In Indonesia itself, several companies have registered AI copyright by identifying it as a computer program. Node flux Visionaire is registered with the Directorate General of Intellectual Property as a type of computer program. PT Sonar Analitika Indonesia also registered the copyright for the Sonar Platform program as a computer program. Sonar Platform is an instrument with AI that aims to make it easier for users to carry out activities on social media.

There is a copyright registration on AI as a computer program, indirectly legitimizing AI's position in the current Indonesian legal system as a legal object only. Thus, even though the Copyright Law does not contain specific provisions regarding AI, it can be interpreted that way AI is included in the definition of a computer program as regulated in the Copyright Law. Article 1 point 9 of the Copyright Law states that a computer program is a set of instructions in any form so that a computer can work and achieve certain goals.

When compared to the definition of a computer program provided by the Copyright Law with the definitions of AI provided by experts, there are elements of similarity between the two. AI, as previously explained, has a broad definition. AI can be interpreted as a science to create machines that can carry out activities that require human intelligence, AI is also software (*software*) pure that runs virtually or is applied to hardware (*hardware*) which is programmed to learn, reason and correct itself. Basically, what is meant by AI always refers to a simulation of human intelligence that is programmed to match the way humans think and act. Everything leads to the same goal, namely being created to work and achieve certain goals that have been set.

ii. AI as a Computer Program and the Importance of Elements Originality As a Condition of Copyright Protection

Although AI has self-learning capabilities and can build on instructions given by humans, it currently exists AI as a subject of copyright law cannot yet be recognized. The absence of specific regulations governing AI in copyright protection forces legal interpretation to be carried out based only on current laws and regulations. In space scope copyright protection, as long as there are no specific regulations and/or jurisprudence in Indonesia relating to AI, AI can simply be interpreted as a computer program which, based on its characteristics, requires a set of instructions in order to operate. This set of instructions is then developed by the AI by studying the data (*learn from data*) without the need for programming for other commands.

There are 2 scenarios that then arise if we interpret AI only as a computer program: First, AI is considered the same as a computer program, so that it can be recognized as an object of intellectual property that can be protected by copyright. The programmer creates an AI program, then the program is registered as his creation. The law only recognizes the programmer as the creator and copyright holder.

Second, AI is considered as a human assistance tool (*AI-assisted*) to make an invention. AI is equated with tools-tools *editing* similar, for example Photoshop, Premiere Pro, AutoCAD, and others. In this second scenario, it is not the AI program that is registered as copyright, but the work resulting from the program. Humans as users remain creators and also copyright holders. AI is simply considered as tools to make human work easier is actually a wrong perception. In *tools software editing* as usual as Photoshop for example, the role of humans (*human involve*) is the one that is more dominant in the creation of a work of fine art, not the other way around, Photoshop is only a tool to make the creation of a work of fine art easier and more efficient. The creation of such works of art is considered to have a personal and distinctive touch from the creator. This "personal and distinctive touch" is what is said to be originality in the Copyright Law.

Although the Copyright Law does not provide a direct definition of originality, in terms of the definition of creation, it can be interpreted that a creation that is formed based on a unique and personal intellectual process is a creation that has an element of originality. Originality in the Copyright Law is described as the creator's obligation to have rights management information as a form of moral rights owned by the creator.

A component of copyright management information is the existence of a method or system that proves the originality of the creator or creation. This method is part of the "author's own intellectual creation". Author's own intellectual creation" is the idea that states that a work is considered original if it reflects the creator's personality. The creator has an interpretation of something which is then expressed through an intellectual process, without copying other people's work. This method comes from ideas designed by the creator, so his originality can be proven from a unique and personal formation process. In such a process, the creation of images by AI such as DALL-E cannot be fully proven to have unique and personal characteristics. This is due to the lack of active human role in the creative *process here*.

The most important aspect of the principal originality is an independent and intellectual work that originates from the creator's own efforts. AI art generators like DALL-E do not fully meet the "*author's own intellectual creation*". If we look at the process of image formation, the human as the user first enters a command (prompt) in the form of a text description containing what things are expected to be in the image. The question then arises, whether the user's efforts in entering the text description can be considered a creative process (*creative process)*?

Creative process is closely related to originality, because what is meant by originality is when the creator has a choice in expressing his creativity in a real medium (*creative choice*). A work is declared to exist as a creative *choice* if the work was created independently by the creator, and not ordered by any party. In other words, a work is considered to have a creative *process*, if there is an active role for humans in determining their creative choices.

Return to the stages of the image creation process, *creative process* according to the author it is difficult to prove. This is due to the minimal role of humans in determining the image output that will be produced. Humans only enter text descriptions as a command, then let the AI do the rest. AI will process text descriptions with technology deep *learning*, looking for matches between text descriptions and thousands of image data in the database. This process is known as diffusion *model*, which in essence is a process of repeatedly forming an image in a database into pixels, then converting it again into an image, and so on until an image is produced that matches the text description. From this

formation process, it can be seen that it is AI, not humans, who determines the final image result that will be produced. Humans can only enter descriptions of what things are expected to be in the image, but in the end, they cannot make independent choices regarding the style, color, motif and shape of the image. In short, AI does the dominant work, not the other way around. The minimal role of humans is what makes the images AI-generated art *generator* don't have creative *choice*, which is an element of originality on creations that can be protected by copyright.

Related problems creative *choice* as a condition for recognizing an AI creation, the case can be seen in the United States. Described in U.S. *Copyright Practices* 101, U.S. The Copyright *Office* will assist in the registration of works that are original, provided that the work was created by humans (*human beings*). The United States only provides copyright protection to human legal subjects (*a natural person*). Thus, copyright protection for AI becomes difficult because it is considered not to have the same legal status as humans.

The United States' policy of overriding copyright protection for AI can be seen in the case of Stephen Thaler when he created an AI machine called "*Creative Machine*". *Creative Machine* then created a work of art entitled "*A Recent Entrance to Paradise*" and registered to *U.S Copyright Office*. Thaler in his application stated that the creation of "A Recent Entrance to Paradise" was created entirely by a computer program algorithm, so Thaler registered this computer-generated work as work-for-hire (creation for order). *U.S. Copyright Office* in the end rejecting the registration with the reason "*lacked the human authorship necessary to* support *a copyright claim*". Thaler complied *U.S. Copyright Office* deemed to have failed to provide evidence of human intervention (*creative input*) in the process of forming his work.

The reluctance to provide intellectual property protection for AI creations is, according to Ryan Abbott, a member of *The Artificial Inventor Project*, will have a business impact on not using AI to create things in the future. According to Abbott, programmers can qualify as inventors if the programmer contributes to the final result of problem solving produced by AI. However, if the programmer only does the initial programming of the AI system, and is not the person who formulates the problem solution, then he cannot be qualified as an inventor for the invention created by the AI system.

Stephen Thaler in his petition to the USPTO, argued that allowing machines (AI) to be listed as creators would encourage innovation in the use of AI systems, reducing the improper naming of people as creators. Providing intellectual property rights protection for works produced by AI is considered to encourage developers, owners and users of AI systems to develop AI systems in a better direction.

According to the author, the absence of specific regulations regarding copyright protection for AI is not in line with the spirit of progressive law initiated by Satjipto Rahardjo. One of the principles of progressive law is that the law must continue to develop and adapt. It is the law that must adapt to developments over time, not the other way around: the problems of modern society must be forcefully crammed to fit into the old legal system. Satjipto Rahardjo believes that the law must provide liberation, both in the way of thinking and acting, so that it is able to let the law flow to complete its task of serving humans and humanity. The law was created for humans, not humans for the law.

4. CONCLUSION

Development *Artificial Intelligence* creating a new era in human life. AI, which until now was only known as a tool to make human work easier, is now taking a more dominant role. In the creative industry, there are several AI art generator programs such as DALL-E which are able to create works of fine art easily and quickly. The minimal role of humans in the process of creating and determining the final result of a work raises questions about the legal position of AI in current

legislation. Current regulations do not specifically regulate AI. There are two options in determining the legal position of AI, the first is to allow AI to be the subject of copyright with its status as a legal entity, and the second is for AI to simply be considered an object of copyright.

AI generated creations are art *generators.* As a computer program, it means it must have elements of originality in it. *Originality* is a condition where there is active human involvement in the work produced. Humans are independently free to express their thoughts and ideas into works, from the beginning of the creation process to the final result. Element Originality This cannot be fulfilled by works of art produced by the AI art generator program. The AI art generator dominates the role in determining the final result of the artwork. The minimal role of humans in the AI art generator program causes the requirements to not be met *creative choice*, which is in the element of originality. This means that AI cannot be equated with a computer program, so it requires a new regulation that specifically regulates the position of AI in the field of copyright law. The spirit of legal regulatory reform so that it continues to be in line with current developments and the problems of modern society must continue to be pursued in accordance with the progressive legal principles proclaimed by Satjipto Rahardjo.

5. BIBLIOGRAPHY

Cholissodin, Imam, et. al., *AI, Machine Learning & Deep Learning (Teori & Implementasi): Form Basic Science to High Scientific Solution for Any Problem Versi 1.01,* Malang: Fakultas Ilmu Komputer Universitas Brawijaya, 2020.

HS, Salim, *Pengantar Hukum Perdata Tertulis (BW),* Jakarta: Sinar Grafika, 2002.

Kansil, C.S.T, Pengantar Ilmu Hukum, Jakarta: Balai Pustaka, 1989.

Mahmud Marzuki, Peter, *Pengantar Ilmu Hukum Edisi Revisi*, Jakarta: Kencana Prenadamedia Group, 2008.

Mertokusumo, Sudikno, *Mengenal Hukum: Suatu Pengantar*, ed. 4, Yogyakarta: Liberty, 2002.

Rahardjo, Satjipto, *Membedah Hukum Progresif,* Jakarta: Penerbit Kompas, 2006.

Rahardjo, Satjipto *Hukum Progresif: Sebuah Sintesa Hukum Indonesia,* Yogyakarta: Genta Publishing, 2009.

Saidin, OK, *Aspek Hukum Hak Kekayaan Intelektual*, Jakarta: PT RajaGrafindo Persada, 2015

Soedewi Maschun Softwan, Sri, dalam Chidir Ali, *Badan Hukum*, Bandung: PT. Alumni, 2005.

Soemitro, Rochmat, *Hukum Perseroan Terbatas,* Yayasan dan Wakaf (Eresco) 1993.

Subekti, *Pokok-Pokok Hukum Perdata,* Jakarta: PT Intermasa, 2011.

Journal

Akerkar, "Artificial Intelligence for Business: Basic Concepts of Artificial Intelligence" *SpringerBriefs in Business*.

D. Baum, Seth, Ben Goertzel, dan Ted G. Goertzel, "How Long until Human-Level AI? Results from an Expert Assessment," *Technological Forecasting and Social Change 78, no. 1,* 2011.

Dewi Kusumawardani, Qur'ani, "Hukum Progresif Dan Perkembangan Teknologi Kecerdasan Buatan", *Jurnal Veritas et Justitia 5, Vol. 5, No. 1*, Juni 2019.

Haenlein, Michael dan Andreas Kaplan, "A Brief History of Artificial Intelligence: On The Past, Present, and Future of Artificial Intelligence", *California Management Review*, 2019

Hapsari Prananingrum, Dyah, Telaah Terhadap Esensi Subjek Hukum: Manusia dan Badan Hukum," *Jurnal Refleksi Hukum Vol. 8 No. 1, 73-91.*

Maryanto, Budi, "Big Data Dan Pemanfaatannya Dalam Berbagai Sektor," *Media Informatika* 16, no. 2, 2017.

Prianto, Yuwono, Viony Kresna Sumantri, dan Paksi Yudha Sasmita, "*Pros and Cons of AI Robot as a Legal Subject,* Paris; Atlantis Press, 2020.

Samuel Scholz, "A Siri-ous Societal Issue: Should Autonomous Artificial Intelligence Receive Patent or Copyright Protection*?" Cybaris: An Intellectual Property Law Review* Vol 11 No. 1, 2020.

Stankovic, Mirjana, "Exploring Legal, Ethical and Policy Implication of Artificial Intelligence*", Law Justice and Development,* 2017.

L. Jaynes, Tyler, "Legal Personhood For Artificial Intelligence: Citizenship as The Exception To The Rule", London: *Springer-Verlag* 2019.

Wu, Tim, "Will Artificial Intelligence Eat the Law? The Rise of Hybrid Social-Ordering Systems" (*Columbia Law Review, Vol 119 No. 7,* 2019.

Try Widiyanto,"Perkembangan Teori Hukum dan Doktrin Hukum Piercing the Corporate Veil dalam UUPT dan realitasnya serta Prospektif Kedepannya." *Lex Jurnalica 10, No. 1,* 2013.

Lexcellent, Christian, Artificial Intelligence versus Human Intelligence: Are Humans Going to Be Hacked. Besancon:*Springer Nature,* 2019.