

CRIMINALIZATION POLICY OF DEEPPFAKE IN INDONESIAN ELECTIONS

KEBIJAKAN KRIMINALISASI DEEPPFAKE DALAM PEMILU INDONESIA

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ABSTRACT

Technological engineering in the form of artificial intelligence (AI), particularly through deepfake content, has given rise to new forms of cybercrime that are complex and multidimensional. However, Indonesia's positive law has yet to specifically regulate this phenomenon, resulting in legal uncertainty. This study aims to examine the effectiveness of existing regulations and to formulate an ideal criminalization policy. It employs normative juridical research with statutory and conceptual approaches. The main findings reveal that regulations such as the Electronic Information and Transactions Law (UU ITE) and the Personal Data Protection Law (UU PDP) are reactive in nature and do not provide a technical definition of deepfake. This absence complicates digital forensic evidence and law enforcement, further exacerbated by structural weaknesses such as poor inter-agency coordination and low levels of digital literacy among the public. The scientific contribution of this article lies in its proposal for a multidimensional regulatory strategy that not only focuses on legal reform through the formulation of new criminal provisions, but also integrates the strengthening of forensic technology and the enhancement of digital literacy as preventive instruments within criminal law policy.

Keywords : Authority, Deepfake, Election Regulations, Digital Disinformation, Artificial Intelligence (AI).

ABSTRAK

Rekayasa teknologi berupa kecerdasan buatan (AI) melalui konten deepfake telah melahirkan kejahatan siber baru yang bersifat kompleks dan multidimensional, namun hukum positif di Indonesia belum secara spesifik mengatur fenomena ini sehingga menimbulkan ketidakpastian hukum. Penelitian ini bertujuan untuk mengkaji efektivitas regulasi yang ada serta merumuskan kebijakan kriminalisasi yang ideal. Penelitian ini merupakan penelitian yuridis normatif dengan pendekatan perundang-undangan dan pendekatan konseptual. Temuan utama menunjukkan bahwa regulasi seperti Undang-Undang Informasi dan Transaksi Elektronik (UU ITE) serta Undang-Undang Pelindungan Data Pribadi (UU PDP) bersifat reaktif dan tidak memuat definisi teknis deepfake. Hal ini menyulitkan pembuktian forensik digital dan penegakan hukum, diperparah dengan kelemahan struktural seperti koordinasi antarlembaga yang lemah dan rendahnya literasi digital masyarakat. Kontribusi ilmiah artikel ini terletak pada tawaran strategi regulasi multidimensional yang tidak hanya fokus pada reformasi hukum melalui perumusan delik baru, tetapi juga mengintegrasikan penguatan teknologi forensik dan peningkatan literasi digital sebagai instrumen preventif dalam kebijakan hukum pidana.

Kata Kunci : Kewenangan, Deepfake, Regulasi Pemilu, Disinformasi Digital, Kecerdasan Buatan (AI).

I. INTRODUCTION

The digital revolution triggered by the exponential development of artificial intelligence (AI) technology over the past two decades has created a fundamental disruption in various aspects of human life, including in the political order and modern democratic systems.(Kushariyadi et al., 2024, p. 74) One of the most alarming developments in this digital technology domain is the emergence of deepfake technology, which uses Generative Adversarial Networks (GANs) a machine learning system consisting of two competing neural networks to produce fake audiovisual content with an unprecedented level of realism.(Oza et al., 2024) This technology was initially developed for positive purposes in various fields such as the entertainment industry, education, and medical research,(Sharma et al., 2024) but its development has experienced a distortion of function into an information weapon that is highly effective in manipulating public opinion and damaging the democratic process.

In the context of elections as the main pillar of modern democratic systems, the misuse of deepfake technology has evolved into an existential threat capable of undermining the fundamental foundations of the democratic