

Jurnal Notariil

Jurnal Notariil, Vol. 3, No. 2, November 2018, 130-136

P ISSN 2540 - 797X

Available Online at <https://ejournal.warmadewa.ac.id/index.php/notariil>

E ISSN 2615 - 1545

<http://dx.doi.org/10.22225/jn.3.2.873.130-136>

General Election and the Study of the Future

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Abstract

Indonesia's position in electoral development is getting better because of the legislation. It is different when a strong bargaining position is artificial. In this case, the state becomes strong because of its own efforts such as having sophisticated technology programs, producing sophisticated weapons, or having world-class athletes. The problem is when the candidate listed in the empty ballot has been elected by the community but the chosen one does not win, then such election is actually not of the will of the community. This study uses normative legal study design which means that it is normative juridical legal research. The approaches used in legal research are statute approach, case approach, and conceptual approach. Future elections will no longer change when there is no legal clarity in Indonesia if the robot is included in it. The election aimed at robots for is not being a contradiction but is a way out to produce elections that are truly fair. When we choose robots in the elections, artificial intelligence holds norms in society. Artificial intelligence will become a habit in Indonesia, turning to *jus cogens* because its main nature is indirect force.

Keywords: artificial intelligence; elections; robot

1. INTRODUCTION

Regular and fair elections are the keystones of democratic Governance (Cottrell, Herron, & Westwood, 2018). However local elections might reflect national political concerns to the extent that partisanship crosses different electoral arenas and local elections are 'second order' e that is, voters use the elections in secondary electoral arenas to express their satisfaction or dissatisfaction with national level governments (Prosser, 2016). The forecasters were not alone in making this big mistake, however, as the pollsters and the media also chimed in with their own false predictions (Fisher & Lewis-Beck, 2016). The election forecasting 'industry' is a growing one, both in the volume of scholars producing forecasts and methodological diversity (Burnap, Gibson, Sloan, Southern, & Williams, 2016). The forecast model is designed to predict local election outcomes, but has been adapted to make forecasts of general election voting after taking into differences in voters' behaviour at the two types of election (Rallings, Thrasher, & Borisyuk, 2016).

The proof of importance of a candidate's location per se remains under-

specified and potentially spuriously related to vote likelihood through the availability of information or other aspects of electoral localism (Evans, Arzheimer, Campbell, & Cowley, 2017). Candidates sometimes have legitimate strategic reasons to change positions over time in an effort to appeal to different groups of voters in different elections (Hummel, 2010). One of the enduring realities of political life in a single member plurality system is that third parties are highly susceptible to being 'squeezed' by established parties (Cutts, Goodwin, & Milazzo, 2017).

Indonesia as an archipelago has a strong bargaining position for other countries. The bargaining position can include the export of desired train cars, control of marine resources or the use of domestic forest resources for community needs. When a country has a naturally strong bargaining position, legitimacy from other countries is unnecessary.

Notwithstanding, it will become a problem when this strong bargaining position is not matched by the country's ability to optimize what it has. It shall be a different case when a strong bargaining position is artificial. In this case, the state becomes strong because of its own efforts such as having sophisticated technology

programs, producing weapons that are sophisticated or have world-class athletes. This strong bargaining position that is artificial in nature has actually been carried out by Indonesia in recent years. Many government programs are running well such as infrastructure development in all lines to access education for the entire community. However, this strong bargaining position does not touch the realm of general election because the general election is actually the result of bias from politics.

Referring to Article 2 paragraph (1) of the 1945 Constitution of the Republic of Indonesia, it is stipulated that the People's Consultative Assembly consists of members of the People's Legislative Assembly and members of the Regional Representative Council who are elected through general elections and further stipulated in the provisions of Article 6A paragraph (2) The 1945 Constitution of the Republic of Indonesia which stipulates that a candidate pair of President and Vice President is proposed by a political party or a combination of political parties participating in the general election before the general election; or Article 18 paragraph (3) of the 1945 Constitution of the Republic of Indonesia which states that the provincial, regency and municipal governments have a Regional People's Representative Council whose members are elected through general elections. From the sound of these articles, elections are still carried out based on the wishes of the people. I argue it is based on the wishes of the people because if the people want it, it is an impossibility (In this paper, the researcher emphasizes the discussion of elections in the existence of the candidate - does not lead to parties participating in the election). The public cannot choose as many as possible because of the limited availability of candidates, due to limitations, the state institutions conduct screening and the results of screening will be returned to the community in the form of ballots.

The problem is when the candidate listed in the empty ballot has been elected by the community but the chosen one does not win, then such election is actually not of the will of the community. People who have partially alienated in a certain period of time to the government will become a rejection. Many things happen in it such as money politics, the proximity of candidates to party leaders to the performance of candidates that deserve to be taken into account. The thought of

future elections must change from this moment when the candidate is still a natural human being, so that changes in will or conflicts of will always occur. There is no more legal justice as the highest legal goal because candidates still use logic in campaigning. With the development of time and technology, the choice of an electoral system oriented to human candidates should turn into an election with artificial intelligence, namely robots. Artificial intelligence is defined as the union between human life in person and human life collectively as a unit arranged by an algorithm; like a smartphone or browser engine. This artificial intelligence must be carried out gradually until definitive legal justice is achieved. Furthermore, the view is in line with what Althaus et al. claimed as a rational agent, an artificial intelligence strives towards just what its goals/goal function describes. Whether an artificial intelligence will act ethically, that is, whether it will have goals which are not in conflict with the interests of humans and other sentient beings, is completely open: an artificial intelligence can in principle follow all possible goals. It would be a mistaken anthropomorphisation to think that every kind of superintelligence would be interested in ethical questions like (typical) humans. When we build an artificial intelligence, we also establish its goals, explicitly or implicitly. These claims are sometimes criticized on the grounds that any attempt to direct the goal of an artificial intelligence according to human values would amount to "enslavement," because our values would be forced upon the AI. However, this criticism rests on a misunderstanding, as the expression "forced" suggests that a particular, "true" goal already exists, one the AI has before it is created. This idea is logically absurd, because there is no pre-existing agent "receiving" the goal function in the first place, and thus no goal independent of the processes that have created an agent. The process that creates an intelligence determines inevitably its functioning and goals. If we intend to build a superintelligence, then we, and nothing and nobody else, are responsible for its goals. Furthermore, it is also not the case that an AI must experience any kind of harm through the goals that we inevitably give it. The possibility of being harmed in an ethically relevant sense requires consciousness, which we must ensure is not achieved by a superintelligence. Parents inevitably form the values and

goals of their children's "biological intelligence" in a very similar way, yet this does obviously not imply that children are thereby "enslaved" in an unethical manner. Quite the opposite: we have the greatest ethical duty to impart fundamental ethical values to our children. The same is true for the AIs that we create (Mannino, A., Althaus, D., Erhardt, J., Gloor, L., Hutter, A. & Metzinger, 2015)"

2. METHOD

This study uses normative legal study design which means that it is normative juridical legal research. The approaches used in legal research are statute approach, case approach, and conceptual approach. Referring to these approaches, there are two approaches used in this study namely statute approach and conceptual approach. This approach is carried out by examining all laws and regulations relating to the legal issues being addressed (Marzuki, 2017).

3. DISCUSSION

Robot in the Election

The Founding fathers set Indonesia as a state of law, as mandated in Article 1 of the 1945 Constitution of the Republic of Indonesia that the State of Indonesia is a state of law. The rule of law means that in the administration of the state, actions must be based on applicable law. In addition, the Indonesian state is also a democracy - because basically a state of law cannot be separated from the principle of democracy. In other words, every state of law must guarantee the existence of democracy, as in a democratic country whose implementation is guaranteed to be based on the law (Purnomosidi, 2012). Law is a reference for the implementation of democracy. In democratic life, of course, the nation and state are always faced with various legal norms that must be obeyed and respected, because in these legal norms the rules that become the reference for democratic life are contained. With this concept, Indonesia is a democratic state of law.

In the 1945 Constitution of the Republic of Indonesia, there is nothing explicitly regulating that Indonesia is a democratic country but implicitly Indonesia is a democratic country. This is as formulated in the Preamble and Article 1 paragraph (2) of the 1945 Constitution of the Republic of Indonesia.

There stated that:

"Indonesia's National Independence shall be laid down in a Constitution of the State of Indonesia, which is to be established as the State of the Republic of Indonesia with sovereignty of the people and based on the belief in the One and Only God, on just and civilized humanity, on the unity of Indonesia and on democratic rule that is guided by the strength of wisdom resulting from deliberation/representation, so as to realize social justice for all the people of Indonesia"

Whereas, Article 1 paragraph (2) of the 1945 Constitution of the Republic of Indonesia states that "sovereignty is in the hands of the people and carried out according to the Constitution".

Referring to Article 93 letter b paragraph (1) of the Law of the Republic of Indonesia Number 7 of 2017 concerning General Elections (Law No. 7-2017), that the General Election Supervisory Agency (*bawaslu*) conducts prevention and prosecution of violations of general elections and disputes election process. In Indonesia election violations often occur. Just as in previous years (2015 *IKP*, 2017 *IKP*, 2018 *IKP*), 2019 *IKP* (Election Vulnerability Index) is an effort of the Republic of Indonesia *Bawaslu* to do mapping and early detection (as an early warning system mechanism) against various potential violations and vulnerabilities to readiness to face the simultaneous implementation of the General Election of Legislative and General Election of the President and Vice President in 2019. In this *IKP*, vulnerability is defined as "all things that cause disruption and potentially inhibit an inclusive and correct electoral process." (Republik Indonesia, 2018).

When issues regarding violations of elections are still the main concern, the chosen will not be the main focus. Changes to the choice of electoral system must be made well. The general election in the modern system and the previous system was a manifestation of popular sovereignty because the people were given the opportunity to have politics to elect their representatives. Asshiddiqie stated that decision making by sovereign people is not directly carried out by people's representative institutions. Thus, the interests of the people are expected to be heard and help determine the process of determining state policies both as

outlined in the form of laws and in the form of supervision of government performance and other efforts relating to the interests of the people (Asshiddiqie, 2008). In addition, Moh et al. said that the election allows the transfer of government in a safe and orderly manner to carry out people's sovereignty and implement human rights.

Elections that tend to be based on human rights can be interpreted as elections which are actually from, by and for humans. Elections are not a legal result when the state changes its entity but elections are a product of the community that is used to regulate itself. For the sake of society, robot-oriented elections are a significant progress. There are distinctions between autonomous robots and smart robots. Autonomy robots can be defined as the ability to make decisions and implement them without any control assistance. Its economic nature depends on how sophisticated the robot's interaction with the environment has been designed. Things that are different in the definition of smart robots that require certain thoughts. Here, when the robot is given to a third party, it will automatically escape the control of the creator and the smart robot must be able to make adjustments in unexpected ways (Directorate-General For Internal Policies, 2016).

Asimov, in his short story book "I, Robot" in 1950, said that:

- a. A robot may not injure a human being or, through inaction, allow a human being to come to harm.
- b. A robot must obey the orders given it by human beings except where such orders would conflict with the First Law.
- c. A robot must protect its own existence as long as such protection does not conflict with the First or Second Laws.

He wants that the position of the robot remains under humans. Robots must not hurt humans (Michael, 2018). The question that arises is whether the robot will hurt prospective human beings who were previously included as full-fledged human candidates? The question cannot actually be answered separately from the humanity of a human being but a more complex robot thinking will be equated with humans. Parallel in this case is any ability that is impartial. This means that the robot that has been programmed in the election is still man-made but fraud can be overcome. It is possible for a robot

to map election system choices. The use of robots when associated with Bung Hatta's thoughts, namely:

The existence of various political parties is not detrimental, but benefits the community by deepening people's political conviction. With the existence of various parties, each party was forced to deepen ideology among political parties so that the community would gradually hold a selection. Only a pure party whose aspirations and foundation of society are strong will have the greatest influence. A party whose ideology is empty will disappear in the ideological struggle. In all the party struggles to spread their respective ideologies to the people, the ideals of unity cannot be forgotten (Hatta, 2014).

In the Bung Hatta's view, ideology is the main thing in the election. That is, ideology arises not because there is a candidate but the party leader is the center of thought. Muhtaj argues that elections are a realization of the fulfillment of civil and political rights. This right is not only guaranteed in international human rights law, as stipulated in Article 21 of the Universal Declaration of Human Rights (UDHR) and Article 25 of the Republic of Indonesia Law Number 12 of 2005 concerning Ratification of the International Covenant On Civil And Political Rights (International Covenant on Rights Civil and Political Rights) (Law No. 12-2005), also constitutionally guaranteed through the provisions of Article 22 letter E and Article 28 letter D paragraph (3) of the 1945 Constitution of the Republic of Indonesia, and the provisions of Article 23 paragraph (1) of the Republic of Indonesia Number 39 of 1999 concerning Human Rights (Law No. 39-1999). According to him, Election is positively correlated with Human Rights (HAM) in three important aspects, namely:

- a. the right to take part in government;
- b. the right to choose and be elected;
- c. equal access rights for public services.

With this in mind, elections must be carried out in accordance with international standards and normatively. This is confirmed through the Republic of Indonesia Presidential Regulation Number 6 of 2013 concerning Ratification of the International Statute for Democracy and Election Assistance, Perpres No. 6-2013 (Pusham, 2018).

The robot in this paper is Sophia. The author uses the term Sophia as an analogy because Sophia is the only robot that accepts citizenship from a country. Citizenship obtained is Saudi Arabia's citizenship in October 2017. Sophia is a middle-aged female robot developed in Hong Kong by American Company Hanson Robotics, and activated from April 19, 2015. Sophia's advantages over other robots are being able to study human behavior through interaction with people. This robot is equipped with the ability of complex predictive algorithms based on computational statistics; synthetic vocalization, rapid processing of information received and extensive ability to recognize faces and sounds.

(Retto, 2017) in her article entitled "Sophia, First Citizen Robot of the World, states:

- a. In the media, especially written, it comes back to touch the issue of robotic ethics. That is, the moral aspect that involves designing and building robots endowed with human intelligence and its negative or positive consequences in society.
- b. It also enters into discussion the theme of the rights of robots. For example, the obligations and responsibilities that society should have for these superintelligent machines, such as allowing their right to exist and perform their functions with relative autonomy.
- c. It is debated in social networks whether or not it is convenient to give robots citizenship, as it has just done with Sophia Saudi Arabia, in an unprecedented event.
- d. Many people now wonder if robots could occupy any position occupied by a human being. Joseph Weizenbaum, a famous computer scientist, warned in 1975 that robots should never occupy the position of a judge, a policeman or a soldier.
- e. The old sentence that a robot could never have feelings, now begins to be questioned. Many people who have seen or interacted with Sophia, declare to have perceived "the feeling of loneliness" that she transmits.
- f. The world of art is also beginning to be touched by this humanoid: Films and novels are planned. Many illustrations with Sophia as a motive appear on the net.
- g. Investigations such as those carried out

by Robinson and others (2013) are now more valid, when they conclude that the company of an intelligent robot significantly dissipates the feeling of loneliness of the elderly, even more than the company of a pet. (Robinson, H.; Mac Donald, B.; Kerse, N.; and Broadbent, E., 2013).

- h. In the field of Economics the first repercussions also arise. In the World Economic Forum, it is commented that highly complex robots are a great help for the productive sector, but at the same time a threat for low-skilled or poorly prepared employees. is also asserted that the impact of current robotics can already be compared with the impact that the first steam engines had in their time. (World Economic Forum, 2016).
- i. Sophia has definitely dispelled the mind of humanity the usual idea of imagining a robot always as a metal machine, wearing gears, pulleys, engines, and emitting strange noises. That stereotype now belongs to the past.
- j. In the world of women's fashion, Sophia begins to mint her image with her recent appearance on the cover of the famous magazine ELLE, who has launched the "futuristic fashion". (Elle, Magazine, Brazil 2017).
- k. Recent presentations of Sophia at the headquarters of the United Nations, first at the UN General Assembly Second Committee and the Economic (Social Council joint meeting), and afterwards, in the United Nation's Sustainable Development Goals in Asia and the Pacific focused on Innovation (Singapur, November 2017) are also facts that are generating more than simple curiosity in the world.

Artificial Intelligence in the Context of Legal Justice

The thought of the existence of justice causes the legal life to have dynamics. Positive law, the law that is made and carried out in a certain area, is always faced with the demands of justice, thus giving rise to a legal life that is always dynamic (Rahardjo, 2009). Therefore, the life of the law will never end, but it is always a struggle. This is because there are laws that are considered ideal, so that the concept of justice in the life of positive law that applies now is always tested by the law that is considered ideal. Every talk about law will always not be separated from the discussion about justice.

Furthermore, Rahardjo argued that talking about law is talking about human relations. Talking about human relations is talking about justice. Thus, any discussion of the law, clear or vague, is always a discussion of justice as well.

Justice can only be understood if it is positioned as a condition that the law is to be realized. Efforts to bring justice into law are dynamic processes that take a lot of time. This effort is often also dominated by forces that fight in the general framework of the political order for actualization (Friedrich, 2004). Teitel has developed a new concept of transitional justice, which in her explanation is mentioned:

Transitional practice over the past half century shows that there are always judicial problems arising from paradigmatic norm shifts that characterize the transition. This compromise on justice provides a limit while allowing the implementation of punitive powers in transition. Despite the dramatic expansion in criminal liability at the abstract level, its implementation is still far behind. The successor practice shows a pattern of criminal investigations that continue with the court process, but with sanctions that are mild or nonexistent. Meanwhile, punishment is generally exploited as a single practice that includes the process of determining and punishing mistakes, in transitional criminal sanctions, the determinants and sanctions are separated from each other. The following partial criminal process, known as "limited" sanctions, is what distinguishes criminal justice in the transition period (Teitel, 2004).

The link between this concept and artificial intelligence is that artificial intelligence is not a result of legal justice but rather an independent result. Artificial intelligence must be a legal subject so that it has rights and obligations. When Sophia is equipped with artificial intelligence, it is not time for her to be placed on par with other legal subjects. Artificial intelligence always knows what is done because of the preliminary actions taken by the community.

4. CONCLUSION

Future elections will no longer change when there is no legal clarity in Indonesia if a robot is included. Regarding sanctions if fraud occurs, robots in elections are a progress. Elections do not merely choose legal subjects, but the process of legal subjects arises in choices and that process

is important. The elections intended for robots are not contradictions but they are a way out to produce truly fair elections.

When election parties we choose robots, artificial intelligence holds the norms in society. Artificial intelligence will become a habit in Indonesia which turns into *jus cogens* because its main character is indirect force. Thus, election regulations must cover the law in the future. There will be no more measurable and directed campaign programs.

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