

**ANALISIS YURIDIS TERHADAP PENYALAHGUNAAN AI DALAM
DEEFAKE VIDEO PENIPUAN ONLINE DITINJAU
DALAM HUKUM PIDANA INDONESIA**

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Abstrak

Perkembangan *Artificial Intelligence* (AI), khususnya teknologi *deepfake*, telah memunculkan penipuan *online* melalui penyebaran informasi palsu yang menimbulkan kerugian bagi masyarakat. Penegakan hukumnya masih mengacu pada Pasal 28 ayat (1) UU ITE karena belum terdapat pengaturan khusus mengenai *deepfake*. Penelitian ini bertujuan untuk mengetahui dan menganalisis secara yuridis penyalahgunaan AI dalam *deepfake* video penipuan *online* ditinjau dalam hukum pidana Indonesia. Teori yang digunakan dalam penelitian ini meliputi teori tindak pidana, teori pertanggungjawaban pidana, dan teori kepastian hukum untuk menganalisis penyalahgunaan AI melalui video *deepfake* dalam penipuan *online* berdasarkan Pasal 28 ayat (1) UU ITE. Penelitian ini menggunakan metode penelitian hukum normatif dengan pendekatan perundang-undangan dan pendekatan konseptual. Hasil penelitian menunjukkan bahwa penyalahgunaan AI melalui video *deepfake* untuk penipuan *online* dapat dikenakan Pasal 28 ayat (1) UU ITE. Pertanggungjawaban pidana dibebankan kepada pelaku sebagai pengguna AI, sedangkan AI hanya sebagai alat. Namun, masih diperlukan regulasi khusus mengenai AI dan *deepfake* untuk memberikan kepastian hukum. Berdasarkan hasil penelitian, dapat disimpulkan bahwa Pasal 28 ayat (1) UU ITE dapat digunakan sebagai dasar hukum terhadap penyalahgunaan AI melalui video *deepfake*, namun diperlukan pengaturan yang lebih khusus.

Kata Kunci: *Artificial Intelligence* (AI), *Deepfake*, Penipuan Online, Hukum Pidana

**A LEGAL ANALYSIS OF THE MISUSE OF AI IN DEEFAKE VIDEOS
FOR ONLINE FRAUD FROM THE PERSPECTIVE OF
CRIMINAL LAW IN INDONESIA**

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Abstract

The development of Artificial Intelligence (AI), particularly deepfake technology, has given rise to online fraud through the dissemination of false information that causes harm to the public. Law enforcement still relies on Article 28(1) of the ITE Law because there are no specific regulations regarding deepfakes. This study aims to identify and conduct a legal analysis of the misuse of AI in deepfake videos used for online fraud, as viewed under Indonesian criminal law. The theories employed in this study include the theory of criminal acts, the theory of criminal liability, and the theory of legal certainty to analyze the misuse of AI through deepfake videos in online fraud based on Article 28(1) of the ITE Law. This study employs a normative legal research method using both a statutory and a conceptual approach. The results indicate that the misuse of AI through deepfake videos for online fraud can be prosecuted under Article 28(1) of the ITE Law. Criminal liability is imposed on the perpetrator as the user of AI, while AI is considered merely a tool. However, specific regulations regarding AI and deepfakes are still needed to provide legal certainty. Based on the research results, it can be concluded that Article 28(1) of the ITE Law can serve as a legal basis for addressing the misuse of AI through deepfake videos; however, more specific regulations are required.

Keywords: Artificial Intelligence (AI), Deepfakes, Online Fraud, Criminal Law