

Artificial Intelligence and Its Impact on Business Competition: A Review of Business Law in Indonesia

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ABSTRACT. This paper aims to explore the impact of artificial intelligence on business competition and the corresponding legal and regulatory framework in Indonesia. The research employs a comprehensive literature review and policy analysis to examine the current state of AI adoption in the business sector, the associated challenges and opportunities, and the existing legal and regulatory landscape. The findings indicate that the use of AI-powered technologies can significantly affect business competitiveness, leading to both disruptions and advancements. However, the legal and regulatory framework in Indonesia has not kept pace with the rapid technological changes, posing challenges for businesses in navigating the complex and evolving landscape. To address these issues, the study recommends the establishment of collaborative platforms for ongoing dialogue and knowledge-sharing among government, industry, and academia. These platforms would facilitate the exchange of information, insights, and best practices, enabling the development of a more responsive and adaptable legal and regulatory framework. Additionally, the research highlights the importance of implementing robust workforce development initiatives to address skills gaps and ensure the effective and sustainable adoption of AI technologies within businesses. Overall, this study provides valuable insights for policymakers, business leaders, and industry stakeholders in understanding the impact of AI on business competition and the critical need for a comprehensive and collaborative approach to legal and regulatory frameworks in Indonesia.

KEYWORDS. Artificial Intelligence, Business Competition, Legal and Regulatory Framework, Workforce Development, Indonesia.

Introduction

Artificial intelligence has emerged as a transformative technology that can significantly impact various industries, including business competition. As the adoption of AI continues to grow, it is crucial to understand its implications, particularly in the context of business law and regulation (Kalinová, 2022). This paper aims to provide a comprehensive review of the current state of business law in Indonesia and its ability to address the challenges posed by the integration of AI in the business landscape.

The rapid advancements in AI have enabled businesses to automate a wide range of tasks, from customer service to decision-making processes. This technological shift has the potential to reshape the competitive landscape, as AI-powered businesses can potentially gain a significant advantage over their traditional counterparts (Soni et al., 2020). However, the integration of AI also raises legal and ethical concerns, such as issues related to data privacy, algorithmic bias, and the displacement of human workers. To ensure that the benefits of AI are realized while mitigating its potential risks, it is essential to examine the existing legal framework and its ability to adapt to the evolving technological landscape.

Indonesia, as a rapidly developing economy, has been at the forefront of AI adoption in the business sector. The Indonesian government has recognized the importance of AI and has implemented various initiatives to promote its integration in the country's economic development (Reza et al., 2020). However, the existing business laws in Indonesia may not adequately address the unique challenges posed by AI-driven competition, highlighting the need for a comprehensive review and potential updates to the legal framework.

This paper will delve into the current state of business law in Indonesia, with a specific focus on its ability to address the impact of AI on business competition. The study will analyze the existing legal and regulatory mechanisms, identify the gaps and

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limitations in addressing AI-related issues, and propose potential policy recommendations to enhance the legal framework's adaptability and responsiveness to the evolving technological landscape. The research will also examine relevant case studies and global best practices to provide a comparative perspective and inform the development of a more robust and comprehensive approach to business law in Indonesia.

By examining the interplay between AI, business competition, and the legal system, this paper aims to contribute to the ongoing discourse on the governance of emerging technologies and their implications for the business sector. The findings of this study will be of interest to policymakers, legal scholars, and business leaders who are grappling with the challenges and opportunities presented by the integration of AI in the business environment.

Method

This study employs a normative legal research methodology, which involves a systematic literature review and analysis of relevant legal regulations. The research approach combines a comparative analysis of business laws and regulations across different jurisdictions, as well as a conceptual examination of the key legal concepts and principles governing the impact of AI on business competition.

The data analysis technique used in this study is descriptive-prescriptive, where the current state of business law in Indonesia is described, and potential policy recommendations are proposed to enhance the legal framework's adaptability and responsiveness to the evolving technological landscape. The research findings aim to contribute to the ongoing discourse on the governance of emerging technologies and their implications for the business sector.

Result and Discussion

The findings of this study highlight the need for a comprehensive review and update of the business laws in Indonesia to address the challenges and opportunities presented by the integration of artificial intelligence in the business landscape.

The analysis of the current legal framework in Indonesia reveals several gaps and limitations in addressing the impact of AI on business competition. Firstly, the existing laws do not adequately address issues related to algorithmic bias and the accountability of AI-powered decision-making systems (Rahman et al., 2022). The lack of clear guidelines and regulatory mechanisms to ensure the fairness and transparency of these systems can lead to unfair competitive practices and undermine the principles of equal access to business opportunities.

Secondly, the study identifies the need to strengthen the data privacy and security regulations in Indonesia to keep pace with the growing reliance of businesses on AI-driven data collection and management (Sumari, 2020). The current legal framework, such as the Personal Data Protection Law, may require further refinement and enhancement to provide robust safeguards for the handling of sensitive customer and business data used by AI-powered systems.

Furthermore, the research highlights the importance of addressing the potential displacement of human workers due to the adoption of AI-powered automation. (Maple et al., 2023) The Indonesian government must proactively develop and implement policies and legislative measures to support workers in transitioning to new roles and industries, ensuring a fair and inclusive approach to technological change in the business sector.

By implementing these policy recommendations, the Indonesian government can create a more robust and adaptable legal system that effectively addresses the

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challenges and opportunities presented by the integration of artificial intelligence in the business landscape. This updated legal framework will help ensure fair and equitable competition, protect sensitive data and information, and support workers in navigating the changes brought about by AI-driven automation.

The development of a comprehensive regulatory framework for the governance of AI in the business sector will establish clear guidelines and mechanisms to mitigate issues related to algorithmic bias, transparency, and accountability. (Artificial Intelligence & Responsible Business Conduct, (No Date)). This will empower regulators to monitor the use of AI-powered systems and intervene when necessary to prevent unfair competitive practices and maintain a level playing field for businesses (Hadfield and Clark, 2023).

Similarly, the strengthening of data privacy and security regulations will provide robust safeguards for the handling of sensitive customer and proprietary business data. By aligning the legal framework with evolving data management practices, the Indonesian government can build trust and confidence in the business community, enabling them to harness the full potential of AI-driven technologies while prioritizing the protection of critical information. (Nilgiriwala et al., 2024).

Furthermore, the implementation of workforce development programs will support workers affected by the adoption of AI-powered automation, equipping them with the necessary skills and resources to transition to new roles and industries (Gwagwa et al., 2021). This proactive approach to managing technological change will help ensure a more inclusive and equitable path forward, where the benefits of AI are shared across the business sector and the wider community.

By taking a comprehensive and collaborative approach to the governance of AI in the business environment, the Indonesian government can create a more adaptable and

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responsive legal system that fosters innovation, protects competition, and empowers businesses and workers to thrive in the evolving technological landscape.

First, The existing legal framework in Indonesia does not adequately address the challenges posed by the integration of artificial intelligence in the business sector (Kalalo and Pontoh, 2020). One of the key gaps identified in this study is the lack of regulations addressing issues related to algorithmic bias and the accountability of AI-powered decision-making systems.

Algorithmic bias refers to the systematic and unfair prejudices or errors that can be encoded into the algorithms and models that power AI systems. These biases can arise from various sources, such as the data used to train the algorithms, the design choices made by developers, or the inherent societal biases reflected in the training data. When left unchecked, algorithmic bias can lead to discriminatory outcomes, unfair competitive practices, and a violation of the principles of equal access to business opportunities (Chen, 2023).

For example, an AI-powered hiring system used by a company may inadvertently discriminate against certain demographic groups by favoring candidates with certain characteristics that correlate with historical biases in the training data. This could result in qualified applicants being unfairly excluded from consideration, undermining the fairness of the recruitment process and giving an unfair advantage to the company using the biased system (Kvasny, Payton and Neupane, 2019).

Similarly, AI-powered lending algorithms used by financial institutions may exhibit bias in their credit decisions, leading to the systematic exclusion of certain communities or demographic groups from accessing capital and business opportunities (Harris, 2023). This could create an uneven playing field, making it harder for those affected to start or grow their

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businesses, ultimately stifling competition and innovation in the market.

The lack of clear guidelines and regulatory mechanisms to ensure the fairness and transparency of these AI-powered systems is a significant concern. Without such safeguards, businesses can use AI in ways that prioritize their own interests over the principles of fair competition and equal opportunity (Bateni, Chan and Eitel-Porter, 2022). This can result in a distorted and unfair market, where certain players have an undue advantage over others, undermining the level playing field that is essential for a healthy and competitive business ecosystem.

To address these issues, policymakers and regulators in Indonesia must develop a comprehensive regulatory framework that addresses the governance of AI in the business sector. This framework should include guidelines and standards for the ethical and responsible development and deployment of AI-powered systems, with a particular focus on addressing issues related to algorithmic bias, transparency, and accountability (Broecke et al., 2018).

Secondly, the study identifies the need to strengthen the data privacy and security regulations in Indonesia to keep pace with the growing reliance of businesses on AI-driven data collection and management (Olivia, 2020). The current legal framework, such as the Personal Data Protection Law, may require further refinement and enhancement to provide robust safeguards for the handling of sensitive customer and business data used by AI-powered systems.

As the adoption of artificial intelligence continues to grow in the business sector, the management and protection of data have become increasingly critical. AI-powered systems often rely on extensive datasets to train algorithms, make decisions, and generate insights that drive business operations. This heavy reliance on data has significant implications for the privacy and security of sensitive customer and proprietary business information (Jones, 2023).

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Indonesia's existing data protection regulations, such as the Personal Data Protection Law enacted in 2016, represent an important foundation for safeguarding personal information. However, the rapid advancements in AI technology have exposed several gaps and limitations in the current legal framework. Policymakers and regulators must now consider how to strengthen and adapt these regulations to address the unique challenges posed by the integration of AI in the business environment (Vinuesa et al., 2020).

One key area that requires further attention is the need to expand the scope and definitions within the data protection laws to encompass a broader range of sensitive data beyond just personal information. As businesses increasingly rely on AI-powered systems to process and analyze proprietary data, trade secrets, and other confidential information, the potential for unauthorized access, misuse, or data breaches poses significant risks to their competitive position and overall business operations (Maple et al., 2023).

The current Personal Data Protection Law primarily focuses on the protection of personal data, but may not provide adequate safeguards for the handling of sensitive business information by AI systems. Businesses often possess valuable data that give them a competitive edge, and the unauthorized access or misuse of such data by rival companies or malicious actors can have severe consequences, undermining the principles of fair competition.

To address this gap, the Indonesian government should consider revising the data protection regulations to expand the scope of coverage beyond just personal data. This could involve incorporating specific provisions and guidelines for the handling of sensitive business data, trade secrets, and other proprietary information that are essential to a company's competitive advantage. The updated regulations should establish clear standards for data governance, access controls,

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and security measures to be implemented by businesses utilizing AI-powered systems.

Furthermore, the updated regulations should also address the potential for data sharing and collaboration among businesses, particularly in the context of AI-powered systems. While data sharing can foster innovation and promote the development of more robust AI models, clear guidelines are needed to ensure that such data exchanges occur in a fair and transparent manner, without undermining the competitive advantages of individual businesses. Policymakers should consider implementing mechanisms that enable controlled and secure data sharing, while preserving the intellectual property rights and trade secrets of participating companies.

To address these issues, policymakers and regulators in Indonesia must develop a comprehensive regulatory framework that addresses the governance of AI in the business sector. This framework should include guidelines and standards for the ethical and responsible development and deployment of AI-powered systems, with a particular focus on addressing issues related to algorithmic bias, transparency, and accountability (Bostrom and Yudkowsky, 2014).

The regulatory framework should establish clear guidelines for the development and deployment of AI-powered systems in the business sector. These guidelines should emphasize the importance of designing AI systems that are unbiased, transparent, and accountable. Policymakers should mandate that businesses conduct rigorous testing and auditing of their AI systems to identify and mitigate any potential biases or discriminatory practices. (Attard-Frost, Ríos and Walters, 2022) This could include requirements for businesses to document their AI decision-making processes, disclose the data sources used to train their algorithms, and provide explanations for the outputs of their AI-powered systems.

Furthermore, the regulatory framework should mandate that businesses implement robust governance structures and

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oversight mechanisms to ensure the responsible and ethical use of AI. This could include the establishment of internal AI ethics committees, which would be responsible for reviewing and approving the deployment of AI systems within the organization. (Walz and Firth-Butterfield, 2019) These committees should be composed of diverse stakeholders, including representatives from legal, compliance, and human resources departments, as well as external experts in AI ethics and technology.

The regulatory framework should also require businesses to provide comprehensive training and education for their employees on the responsible use of AI. This training should cover topics such as algorithmic bias, data privacy, and the potential social and economic impacts of AI-powered systems (Broecke et al., 2018). By empowering employees to understand the risks and implications of AI, businesses can foster a culture of responsible AI adoption and mitigate the potential for unintended consequences.

Additionally, the regulatory framework should mandate the establishment of independent oversight and auditing mechanisms to monitor the deployment and use of AI-powered systems in the business sector. This could involve the creation of a dedicated AI regulatory authority or the expansion of the responsibilities of existing regulatory bodies, such as the Indonesian Competition Commission. These oversight bodies should have the authority to investigate and impose sanctions on businesses that fail to comply with the established guidelines for ethical and responsible AI deployment.

To ensure the effectiveness of the regulatory framework, policymakers should also consider implementing mechanisms for public transparency and stakeholder engagement. This could involve the establishment of public registries or databases that provide information on the AI systems deployed in the business sector, the governance structures and oversight mechanisms implemented by companies, as well as any reported incidents or violations. Additionally, policymakers

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should mandate regular public consultations and feedback mechanisms to gather input from a diverse range of stakeholders, including industry representatives, civil society organizations, and the general public. This will help ensure that the regulatory framework remains responsive to the evolving challenges and concerns associated with the use of AI in the business environment.

To address these issues, policymakers and regulators in Indonesia must develop a comprehensive regulatory framework that addresses the governance of AI in the business sector. This framework should include guidelines and standards for the ethical and responsible development and deployment of AI-powered systems, with a particular focus on addressing issues related to data privacy and security.

The regulatory framework should establish clear guidelines for the handling and protection of personal and business data used by AI-powered systems in the business sector. These guidelines should be aligned with international best practices and should cover the entire data lifecycle, from data collection to storage, processing, and deletion (Attard-Frost, Ríos and Walters, 2022).

One key aspect of the regulatory framework should be the expansion of data protection regulations beyond just personal data. The updated regulations should incorporate specific provisions and guidelines for the handling of sensitive business data, trade secrets, and other proprietary information that are essential to a company's competitive advantage (ALBRECHT, 2001). This could include requirements for businesses to implement robust data governance policies, access controls, and security measures to prevent the unauthorized access or misuse of such data.

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more robust AI models, clear guidelines are needed to ensure that such data exchanges occur in a fair and transparent manner, without undermining the competitive advantages of individual businesses. Policymakers should consider implementing mechanisms that enable controlled and secure data sharing, while preserving the intellectual property rights and trade secrets of participating companies.

To ensure the effective implementation and enforcement of the data privacy and security regulations, the regulatory framework should mandate the establishment of independent oversight and auditing mechanisms. This could involve the creation of a dedicated AI regulatory authority or the expansion of the responsibilities of existing regulatory bodies, such as the Indonesian Competition Commission (Goldsmith, 2018). These oversight bodies should have the authority to investigate and impose sanctions on businesses that fail to comply with the established guidelines for data protection and security.

Furthermore, the regulatory framework should require businesses to provide comprehensive training and education for their employees on data privacy and security best practices. This training should cover topics such as data handling, access control, and the potential legal and reputational consequences of data breaches or misuse. By empowering employees to understand the importance of data protection, businesses can foster a culture of responsible data management and mitigate the risk of data-related incidents.

To enhance transparency and public accountability, the regulatory framework should mandate the regular publication of reports on the deployment and performance of AI-powered systems in the business sector. These reports should include information on the types of AI systems being used, the data inputs and algorithms employed, as well as any identified risks or issues related to their operation. Additionally, the framework should require businesses to establish clear communication channels and feedback mechanisms to engage with the public

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and address any concerns or questions regarding the use of AI in their operations (Grabowicz, Perello and Zick, 2023).

Develop Workforce Development Programs: Implement training, reskilling, and job transition initiatives to support workers affected by the adoption of AI-powered automation.

One of the key challenges associated with the increasing use of AI in the business sector is the potential impact on employment and the workforce. As businesses automate more tasks and processes using AI-powered systems, there is a risk of job displacement, particularly for routine and repetitive roles. Policymakers and business leaders must proactively address this issue by implementing comprehensive workforce development programs to support workers affected by the technological changes.

These programs should focus on providing workers with the necessary skills and training to adapt to the evolving job market. This could involve the development of reskilling and upskilling initiatives, where workers are offered opportunities to learn new skills or enhance their existing capabilities. The training programs should be designed to align with the changing job requirements and the emerging skills in demand, ensuring that workers are equipped to take on new roles and responsibilities within the company or transition to alternative employment.

For example, as AI-powered systems become more prevalent in tasks such as data analysis, customer service, and administrative functions, workers in these roles may need to develop new skills in areas like data interpretation, machine learning, and digital communication. By providing targeted training and education, businesses can help their employees acquire the necessary capabilities to work alongside AI-powered systems or transition to other roles that leverage their transferable skills.

In addition to reskilling and upskilling initiatives, the workforce development programs should also include job transition support. This could involve the creation of career

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counseling and job placement services to help workers explore alternative employment opportunities, both within the company and in other industries. These services should provide comprehensive guidance on job search strategies, resume writing, interviewing techniques, and networking, empowering workers to navigate the evolving job market successfully (Swanson, Becker and Bond, 2013).

Furthermore, the workforce development programs should prioritize the inclusion of marginalized and underrepresented groups, such as women, minorities, and individuals with disabilities. These groups may be disproportionately affected by the disruptions caused by AI automation, and targeted interventions can help ensure that they are not left behind in the transition to the new job landscape.

To ensure the effectiveness and sustainability of these workforce development initiatives, policymakers and business leaders should consider the following key elements:

1. **Collaboration and partnerships:** Foster partnerships between businesses, educational institutions, and government agencies to coordinate and align the training programs with the evolving skills needs of the industry. This collaborative approach can help ensure that the training and reskilling initiatives are relevant, accessible, and responsive to the changing demands of the job market.
2. **Funding and resources:** Allocate adequate funding and resources to support the implementation and long-term sustainability of the workforce development programs. This may involve securing public and private investments, as well as leveraging tax incentives or other financial mechanisms to incentivize businesses to engage in these initiatives.
3. **Monitoring and evaluation:** Implement robust monitoring and evaluation frameworks to assess the effectiveness of the workforce development programs. This includes

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tracking key performance indicators, such as the number of workers retrained, job placement rates, and the impact on worker productivity and career advancement. Regular assessments can help identify areas for improvement and inform the ongoing refinement of the programs.

4. **Adaptability and responsiveness:** Ensure that the workforce development programs are adaptable and responsive to the rapidly changing job market and technological landscape. Regularly review and update the training curricula and job transition services to align with the emerging skills demands and the evolving needs of both workers and businesses.

Foster collaboration between the government, industry, and academia: Establish platforms for ongoing dialogue and knowledge-sharing to ensure that the legal and regulatory approaches to AI in business remain responsive to the rapidly changing technological landscape.

Collaboration between the government, industry, and academia is essential for developing a comprehensive and effective legal and regulatory framework for the use of artificial intelligence in the business sector. By fostering this collaboration, policymakers can ensure that the regulatory approaches are informed by the latest technological developments, industry best practices, and academic research, allowing for a more responsive and adaptable framework.

One of the key ways to facilitate this collaboration is through the establishment of platforms for ongoing dialogue and knowledge-sharing. These platforms could take the form of regular forums, roundtable discussions, or advisory councils that bring together representatives from the government, businesses, and academic institutions. (Azman et al., 2018)

These platforms would serve as a hub for the exchange of information, insights, and experiences related to the use of AI in the business context. Participants can share their perspectives on the current and emerging trends in AI technology, the

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practical challenges and use cases faced by businesses, and the potential legal and regulatory implications.

For example, government representatives can provide updates on the evolving policy and regulatory landscape, highlighting areas where new or revised laws and regulations may be necessary. Industry leaders can share their experiences in deploying AI-powered systems, including the lessons learned, the risks encountered, and the strategies employed to mitigate those risks. Meanwhile, academic experts can contribute their research findings on the societal, ethical, and economic impacts of AI, as well as insights on best practices for responsible AI development and deployment.

By fostering this continuous dialogue and knowledge-sharing, the platforms can help identify and address the key issues and concerns related to the use of AI in the business sector. This, in turn, can inform the development of a more responsive and adaptable legal and regulatory framework that keeps pace with the rapidly evolving technological landscape.

Beyond the establishment of platforms for dialogue, fostering collaboration and coordination between the government, industry, and academia is crucial for the development of a comprehensive and effective regulatory approach to AI in business.

One way to achieve this is through the creation of cross-sectoral working groups or task forces that bring together representatives from these various stakeholder groups. These collaborative efforts can facilitate the exchange of knowledge, the identification of shared challenges, and the development of coordinated solutions. By fostering this cross-pollination of ideas and expertise, the working groups can help inform the policymaking process and ensure that the legal and regulatory frameworks are responsive to the needs and concerns of all stakeholders involved in the use of AI in the business sector.

Conclusion

This paper provides significant theoretical and practical insights into the use of artificial intelligence in the business context. The analysis emphasizes the necessity for a comprehensive and adaptable legal and regulatory framework that can keep pace with the evolving technological landscape. By fostering collaboration and dialogue among the government, industry, and academic sectors, policymakers can ensure that the regulatory approaches are informed by the latest developments, industry best practices, and academic research, thereby enabling a more responsive and adaptable framework. Additionally, the paper highlights the importance of implementing robust workforce development initiatives to address skills gaps and ensure the effective and sustainable adoption of AI technologies within businesses. This involves cultivating partnerships between businesses, educational institutions, and government agencies to coordinate and align training programs with the evolving skills needs of the industry. Furthermore, the allocation of adequate funding and resources, as well as the implementation of monitoring and evaluation frameworks, are crucial for the long-term success and sustainability of these workforce development programs. By adapting and responding to the changing job market and technological landscape, businesses can better leverage the benefits of AI while mitigating the potential risks and disruptive impacts on their workforce.

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