Legal analysis of the use of artificial intelligence systems in military operations carried out by the TNI reviewed from the principles of humanitarian law

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Abstract

Purpose: This study analyzes the application of artificial intelligence systems in military operations by the TNI by paying attention to the enforcement of humanitarian law principles.

Research/methodology: The research method used is normative juridical with an analysis of applicable legal provisions which is carried out by reviewing and collecting legal documents and limited interviews with experts in their fields.

Results: The conclusion of this study is that although artificial intelligence systems have great potential to influence the methods and tools in current and future military operations. The influence of artificial intelligence systems gives the system the authority to move on its own without any role from humans. Changes in the pattern of military operations require a clear legal framework and strict enforcement to ensure that their use by the TNI does not violate the principles of humanitarian law.

Suggestions: This study suggests the need to develop more comprehensive national and international regulations to regulate the use of artificial intelligence systems in military operations carried out by the TNI in order to comply with the principles of humanitarian law.

Keywords: *Artificial Intelligence System, Military Operations, TNI, Principles of Humanitarian Law*

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1. Introduction

The use of artificial intelligence systems has a significant role because the ability of artificial intelligence systems in processing data with their algorithms is almost perfect. Artificial intelligence systems in military technology, in addition to being weapons, are also used as supporters in armed conflict, starting from the fields of Intelligence, Operations, Personnel and Logistics. The use of artificial intelligence systems faced in armed conflict can certainly be related to humanitarian law, considering the definition of humanitarian law, namely as a whole set of provisions, rules and international principles, both written and unwritten, which cover all Human Rights and the Law of War with the aim of ensuring the protection of human dignity for individuals (Natamiharja, Panjaitan, & Setiawan, 2025; Permanasari et al., 1999; Ramadhani. D, Shafira, Dewi, Jatmiko, & Warganegara, 2024).

Humanitarian law relating to armed conflict when associated with the definition of Military Operations for War (OMP), namely all forms of deployment and use of TNI forces, used to ward off the military forces of other countries that attack Indonesia, or which are preceded by a declaration of

war in armed conflict with one or more other countries, which are subject to international war law. Military Operations Other Than War (OMSP) where one of its functions is to overcome non-international armed rebellions or in order to defend the sovereignty of the State.

The use of artificial intelligence systems in this Military Operation has risks because if there is a violation of the application of humanitarian law, then who can be held accountable for this is still being debated by international actors, besides that there are several concerns about the use of Artificial Intelligence System technology in the use of weapons, namely against the targets of these weapons can distinguish which targets are combatants or non-combatants and between military buildings and buildings protected by humanitarian law such as Hospital buildings, Cultural Heritage objects, buildings for social and religious buildings (Idham et al., 2023; Suartama & Dewi, 2023).

Further discussion is needed on the use of this Artificial Intelligence System so that the use of weapons using Artificial Intelligence System technology does not become a weapon that falls into the category of unlimited use of weapons so as not to attack civilian objects that are not military targets. Targets in armed conflict must be defined as military targets both in terms of their nature, place and location and the objectives and military benefits that will definitely be obtained. Further understanding of the regulation of the use of Artificial Intelligence Systems in military operations carried out by the TNI is considered necessary, so the correlation between the principles of the Law of War in this case is "Humanitarian Law" with the use of Artificial Intelligence Systems must first be reviewed.

2. Literature Review
2.1. Artificial Intelligence System
Artificial intelligence has the ability to solve problems and act rationally, in addition to having the ability to interact with the real world using basic data understanding, so that it can take the necessary actions. Artificial intelligence is a computer system that is able to carry out tasks with basic principles such as human intelligence such as making decisions or identifying patterns that cover a variety of technologies including Machine Learning, Deep Learning and Natural Language Processing. The current capabilities of artificial intelligence are still unable to match the full flexibility of humans in a wider scope or in using a lot of everyday knowledge, although there have been several programs from artificial intelligence that are able to achieve professional and expert human performance levels in carrying out certain specific jobs that are stable and repetitive.

Indonesia has not yet formulated a formal and detailed definition of artificial intelligence, according to the Minister of Communication and Information quoted in Kompas.com, stating that the Government will prepare a Law regulating artificial intelligence which is expected to be legally binding and bring legal certainty in the use and support of the development of National artificial intelligence, the discussion will be carried out after the 2024-2029 DPR RI is inaugurated. The Ministry of Communication and Informatics of the Republic of Indonesia has issued a circular letter defining artificial intelligence as a form of programming on a computer device in processing and/or processing data carefully. The circular letter does not have binding legal force but can be considered as a bridge to more specific and detailed laws and regulations specifically regulating the use of artificial intelligence in Indonesia.

2.2. Military Operations
The law defines Military Operations for War as follows: Upholding the sovereignty of the state, maintaining the territorial integrity of the Unitary State of the Republic of Indonesia based on Pancasila and the 1945 Constitution of the Republic of Indonesia, and protecting the entire nation and all of Indonesia's territory from threats and disturbances to the integrity of the nation and state.

Use of TNI Force in Military Operations
The use of TNI force is the authority and responsibility of the President and must first obtain approval from the House of Representatives, this is excepted if there is a compelling situation due to a military threat or armed threat which must be reported to the House of Representatives no later than two days

after the deployment of force and if not approved then the deployment of TNI force must be stopped by the President. The TNI Commander is responsible for the use of TNI force who is directly responsible to the President, the use of TNI force in Military Operations for War is based on laws and regulations for the interests of organizing national defense, while the use of Military Operations Other Than War is carried out in the event of national defense interests and to support national interests based on laws and regulations.

2.3. Overview of Humanitarian Law

Humanitarian law, which is fully referred to as International Humanitarian Law Applicable in Armed Conflict, is a term used in Additional Protocol I/1977 to the 1949 Geneva Conventions on the protection of victims of international armed conflict (Alim, Triono, & Yudhi, 2023; Rusman, 2013; Zulfa, Raharjo, & Shafira, 2022). Humanitarian law, which was originally called the laws of war, then changed its term to the laws of armed conflict, and finally became known as humanitarian law, which is more fully called international humanitarian law which applies during armed conflict (Permanasari et al., 1999; Zahrani, Nurmayani, & Deviani, 2022). Humanitarian law is a branch of public international law that regulates issues between countries or can also be called cross-border issues, but is different from other public international laws, because humanitarian law concerns many things related to individuals (Agus, 2007; Auma, Obici, & Mwesigwa, 2022).

2.4. Assumptions

How is the use of artificial intelligence systems in military operations currently carried out by the TNI?

The use of artificial intelligence systems in military operations carried out by the TNI has not been comparable in development to other countries such as the United States, Russia, China and other NATO member countries, this is because in its development there are limitations in Human Resources. Regulations on the use of artificial intelligence systems by the TNI are still limited to general regulations and not specifically for use in Military Operations, considering that Military Operations are special circumstances, so they do not yet provide a clear legal umbrella for soldiers in operating artificial intelligence systems.

What are the expected regulations regarding the use of artificial intelligence systems in military operations by the TNI so that they are in accordance with the principles of Humanitarian Law?

The use of artificial intelligence systems in Military Operations by the TNI according to the principles of Humanitarian Law, by looking at the use of artificial intelligence systems in areas related to weapons, it can be said that the principles of humanitarian law must apply in the use of artificial intelligence systems. Humanitarian Law can be simplified into two laws, namely Targeting Law or Weapon Law, Targeting Law is a law that regulates how targeting is not targeted at people who are not directly involved in armed conflict, while in the scope of Weapon Law is that the use of Artificial Intelligence Systems does not cause Unnecessary suffering or unnecessary suffering.

The principles of Humanitarian Law that need to be fulfilled in the use of artificial intelligence systems in military operations by the TNI include the Principle of Humanity, the Principle of Interest (Necessity), the Principle of Proportionality, the Principle of Distinction (Distinction), the Principle of prohibition that causes unnecessary suffering (Prohibition of causing unnecessary suffering) and the Marten Clause.

3. Research Methodology

3.1. Research Methods

Research Type

The type of research used is the Juridical-Normative research type which is more commonly known as literature review or library research. This research is conducted to focus on the analysis of applicable legal provisions which is carried out by reviewing and collecting legal documents such as laws, treaties, conventions and international agreements (Soekanto & Mamudji, 2009; Tarasari & Nasywa, 2021).

Research Specifications
The research specifications used are descriptive and prescriptive. Descriptive is an approach that focuses on the description or observation of existing phenomena. Prescriptive is an approach that focuses on the determination or regulation of existing phenomena.

Research Approach
Legislative approach
The research approach used is to examine every law or other regulation that is related to the legal issue being studied by the researcher to interpret and understand every regulation related to the use of artificial intelligence systems in military operations carried out by the TNI.

Conceptual Approach
The approach used to describe and explore concepts related to the rules for using artificial intelligence systems in military operations carried out by the TNI which are being studied to gain a deeper understanding of the concepts of the issues being studied (Marzuki, 2005).

Limited Empirical Approach
This research approach was carried out by interviewing several informants to obtain a real and as-is picture of the conditions in order to obtain a real picture of the conditions that occur in the field and are seen by the informants regarding the regulation of the use of artificial intelligence systems in military operations carried out by the TNI in terms of humanitarian law principles.

4. Results and Discussions

Artificial intelligence system applications, including automated drones, virtual assistants, facial recognition, chatbots and applications for predictive analysis, have been developed into thousands of artificial intelligence projects which, if regrouped according to the nature and method of use of the artificial intelligence system, can be grouped into seven (7) patterns, namely goal driven systems, autonomous systems, patterns and anomalies, conversational/human interactions, predictive analytics, hyperpersonalization, and decision support, which can be described as in the image below:
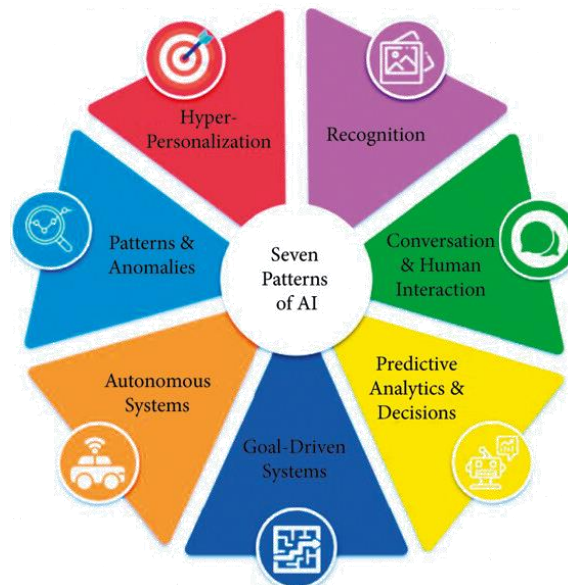
Picture 1 *Seven Patterns of Artificial Intelligence*
Source: *International Journal of Intelligent Systems, Volume: 2023, Issue: 1, First published: 06 November 2023, DOI: (10.1155/2023/8676366)*

The seven patterns of artificial intelligence systems when applied in military innovation and technology have revolutionized military operations in the last few decades, providing new capabilities and various applications, so that when reviewed from innovation and research studies on the potential

of artificial intelligence systems in the military, the potential of artificial intelligence system algorithms in the military will be found, which will be described simply in the table below to provide a clearer understanding of the relationship between the seven patterns of artificial intelligence systems and applications in real conditions that have been realized.

Table 1 Relationship between artificial intelligence system patterns and military technology.

Number	Artificial Intelligence System Pattern	Military Equipment/technology
1.	Goal Driven Systems	Autonomous drones
2.	Autonomous Systems	Self-driving military vehicles
3.	Conversational/ human Interactions	Chatbots for military communications
4.	Predictive analytics & Decisions	Predictive maintenance for military equipment
5.	Hyperpersonalization	Generative Adversarial Network (GAN) for personalized soldier training
6.	Decision Support	Decision making with the help of Artificial Intelligence
7.	Pattern & anomalies recognition	Object detection in military surveillance

Source: *International Journal of Intelligent Systems, Volume: 2023, Issue: 1, First published: 06 November 2023, DOI: (10.1155/2023/8676366)*

Based on the pattern of the artificial intelligence system, a brief description of the pattern and its correlation with the military equipment used will be provided, because each approach to personalizing the artificial intelligence system requires a program and design in it, thus creating a combination of patterns or individually depending on the specific problem (Brisson et al., 2012).

4.1. Legal Analysis of the Use of Artificial Intelligence Systems in Military Operations Conducted by the TNI

The artificial intelligence system used by the TNI in military operations, both during military operations for war and military operations other than war, has tried to follow current technological developments. The fundamental problem is in terms of its use, namely that there are still unclear rules as a reference in the use of this artificial intelligence system, this is an obstacle in the legal aspect, on the other hand in terms of infrastructure and resources owned are still limited and in terms of training and education on the use of the artificial intelligence system, it has not been optimized because considering the development of this artificial intelligence system is very dynamic and can change quickly depending on the needs and conditions in the field experienced by the TNI in carrying out its duties.

The limitations experienced by the TNI have been attempted to find a way out with the hope that the TNI in applying artificial intelligence system technology will not be left far behind by other countries that have implemented the technology, these efforts include collaborating with the technology industry which is expected to be able to improve the skills and knowledge of TNI personnel in identifying new patterns and the effectiveness of artificial intelligence systems, in addition to collaborating with academics to conduct related research to identify the potential of artificial intelligence systems that can provide benefits for the TNI in the future, while from the legal aspect the TNI is trying to attend various international seminars in order to obtain the basics used as a reference to get an idea of how to use artificial intelligence systems correctly and ethically and in line with international law. Regulations on the use of artificial intelligence systems in military operations are one of the important things because without these regulations, the use of artificial intelligence systems can not only be a violation of the law when associated with existing formal laws both on a national and international scale, but can also have the effect of doubt in its use by TNI personnel which if left unchecked can be detrimental to TNI personnel, because they will take actions that they think are not violations of the law but turn out to be violations of the law in other legal aspects.

Artificial intelligence systems in military operations carried out by the TNI are not only limited to the dissemination of information so that more detailed regulations are needed, this can also provide protection for the Indonesian state in the international arena, because with current technological advances, information related to violations of Human Rights by the state is very easy to spread to the international world, such as in armed conflicts that occurred in Palestine and Ukraine, this has a big effect on the attacking country because it gets comments from various residents in various parts of the world, this is also likely to apply to internal conflicts in Indonesia itself, such as what happened in Myanmar by the Myanmar Military Juncta.

The regulation is very important with the initiation of the TNI itself in carrying out military operations because in order to obtain approval from the competent authority in this case, namely the government of the Republic of Indonesia regarding the use of this technology, the TNI needs to provide a legal analysis of the procedures and how the artificial intelligence system is used in order to be in accordance with the objectives to be achieved accompanied by documentation, so that it can provide a view for the government to provide legality for the TNI in implementing the use of artificial intelligence systems. These legal analyses require assistance from various competent parties to discuss the use of artificial intelligence systems in military operations.

The legal vacuum regarding the use of artificial intelligence systems in military operations by the TNI needs immediate attention from the government, because in the implementation of military operations various factors are interrelated both in their operations and in solving their problems, legal instruments also have a significant influence so that there are no habits in the implementation of military operations. The TNI has operationally attempted to develop the use of artificial intelligence systems both in terms of defense and military operations, efforts to form regulations have been carried out properly by conducting comparative studies and legal studies, these are TNI efforts in carrying out the main tasks that are the TNI's obligations as protectors of the sovereignty of the Republic of Indonesia.

4.2. Legal Analysis of the Suitability of the Use of Artificial Intelligence Systems in Military Operations Conducted by the TNI with the Principles of Humanitarian Law

The use of artificial intelligence systems by the TNI in future military operations can be simplified into two areas, namely targeting law and weapon law. The targeting law area is a provision that regulates the use of artificial intelligence systems not targeting people who are not targets in military operations, this is included in the scope of the principle of distinction and the principle of proportionality in humanitarian law if the military operation carried out is a military operation for war. Military commanders as policy makers to make decisions require certainty in the use of artificial intelligence systems in military technology so as not to target people who are included in those protected by law so as not to become victims of war.

The weapon law area limits the use of unlimited weapons, this is to minimize the consequences of the use of weapons for civilian victims and to fulfill the principle of unnecessary suffering. Artificial intelligence systems in weapons used by the TNI in military operations must meet the requirements of this principle, for this reason its use requires detailed regulations both in terms of the system used and the limitations in order to respect human dignity. Clear regulations in the use of weapons with artificial intelligence system capabilities both in attack, defense and logistical support are needed to assist in law enforcement in violations of the use of the system, with clear rules, it can be accounted for to whom for errors in the use of artificial intelligence systems.

The application of the principle of unity of command in the implementation of military operations carried out by the TNI in the scope of the use of artificial intelligence systems is unlikely to be implemented because until now there have been no international or national provisions regarding the determination of legal subjects for artificial intelligence systems. The relationship of determination as a legal subject must meet several perspectives, namely in terms of humanitarian law, the existence of morality in the ownership of wealth, benefits for society socio-economically and the capacity to be legally responsible. (Ronald Tumpal Hutagalung, 2023) The application of command responsibility

which is identical to the implementation of tasks in military operations by the TNI using artificial intelligence systems requires the presence of superiors and subordinates directly because the commander plays a central role in every action carried out by his subordinates.

Artificial intelligence system is technically a system that has its own thoughts in carrying out its duties, so that a direct vertical relationship cannot be determined between the Commander and the system, which creates a vacuum in the relationship between humans and the system that cannot be achieved by law. The existence of humans to fill the vacuum in the relationship can be done in order to obtain clarity in the use of the artificial intelligence system, so that the operation of the artificial intelligence system can be accounted for personally or in the chain of command related to the Commander of the TNI unit.

A clear relationship between humans and artificial intelligence systems has a correlation with law enforcement so that violations of the law related to military operations carried out by the TNI using artificial intelligence systems can be carried out fairly and specifically without causing doubt in their implementation, making comprehensive policies can also help in law enforcement for the sake of justice in society. The implications of law enforcement in the use of artificial intelligence systems by the TNI are very broad and profound, covering various aspects from military operations to international relations.

The use of artificial intelligence systems by the TNI in military operations must be aligned with the main principles of international humanitarian law, namely the principle of distinction, the principle of proportionality, and the principle of caution. The principle of distinction requires the artificial intelligence system to be able to distinguish between combatants and non-combatants, and between legitimate military targets and civilian objects, so that only legitimate targets can be attacked. This implementation requires sophisticated and accurate artificial intelligence system technology in target recognition as well as comprehensive and up-to-date intelligence data.

5. Conclusion
5.1. Conclusion
Based on the analysis and discussion as described, the conclusions that can be outlined are as follows: The use of artificial intelligence systems in military operations currently carried out by the TNI. The use of artificial intelligence systems in current military operations is based on 7 artificial intelligence development patterns, including: goal driven systems, autonomous systems, conversational/ human interactions, predictive analytics and decisions, hyperpersonalization, decision support, pattern & anomalies recognition.

These seven patterns have been commonly developed by countries with advanced technology. Indonesia through the TNI as the only institution that organizes national defense and security has the responsibility in the development and use of artificial intelligence systems to support national interests, especially in military operations. Based on the data that has been collected, several things are known in the development and use of artificial intelligence systems by the TNI in military operations, namely: reconnaissance and data collection missions, precision targeting operations. logistics and supply support, combat simulation and training.

The use of artificial intelligence systems by the TNI in military operations currently cannot achieve what has been developed by other developed countries such as the United States, China and countries that are members of the European Union which prioritize the development of knowledge to ward off asymmetric attacks from the use of artificial intelligence systems such as cyber attacks.

The weakness in the use of artificial intelligence systems in military operations by the TNI is not only in the lack of capability in using the artificial intelligence system which consists of technological limitations and the lack of human resource capabilities for the development and use of the system, but also from the non-specific regulations regarding the reference for the use of artificial intelligence systems. These regulations in Indonesia are only limited to circulars issued by the Ministry of

Communication and Information which are not legally binding, while the Law on the use of artificial intelligence in Indonesia has not yet been included in the Prolegnas.

The absence of specific regulations regarding artificial intelligence systems has resulted in a legal vacuum in Indonesia regarding the use of these systems, which needs to be addressed by the government. This is necessary because of the shift in international habits that follow technological developments based on the industrial revolution 4.0, which can not only cause attacks on military institutions but can also attack non-military institutions, which can have an impact on economic stability and national sovereignty.

Regulation of the use of artificial intelligence systems in military operations by the TNI is needed to provide legal certainty for soldiers and any party that has a connection with the use of the system in military operations so that it can provide protection for soldiers who carry out military operations. Legal certainty regarding the use of artificial intelligence systems can be followed up with law enforcement against violations that occur due to the use of artificial intelligence systems. This law enforcement can be implemented to assess the compliance of users of artificial intelligence systems in the future so that the use of artificial intelligence systems in military operations can be carried out while still adhering to ethics in their use.

5.2. Suggestions

Based on the conclusions outlined above, several suggestions are provided, as follows:

Improvement of human resources and technology in the development of the use of artificial intelligence systems carried out by the TNI. This development can be in the form of cross-sector training with various fields both in academia and non-academics both at home and abroad to provide a deeper understanding for TNI soldiers about the use of artificial intelligence systems and their development.

1. The formation of detailed regulations on the use of artificial intelligence systems by the TNI in military operations so that they can be used as a reference in the implementation of military operations so that they can avoid violations of the principles contained in humanitarian law. The formation of these regulations can be initiated by ratifying the draft law on the use of artificial intelligence so that a derivative framework can be created regarding its use specifically in military operations, this is very important considering that every military operation carried out by the TNI, both military operations for war and military operations other than war that have a relationship with armed conflict, can certainly be related to the law of war, in this case humanitarian law. This relationship can result in hesitation in acting if in the future there is a sophisticated artificial intelligence system in military equipment, so that in the end it can harm TNI soldiers themselves.

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