

Implications of The Use of AI in The Formulation of Local Regulations by The Ternate City Regional Representative Council

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Abstract

This study aims to examine the implications of Artificial Intelligence (AI) utilization in the formulation of local regulations in Ternate City, particularly its effects on legal certainty, public participation, and the accommodation of pluralistic local legal values. The increasing integration of AI into legislative processes offers potential gains in regulatory efficiency and analytical capacity, but its dependence on digitized data raises concerns regarding algorithmic bias, accountability, and the representation of unwritten customary norms. Employing an empirical socio-legal research design with a qualitative approach, this study combines legislative and conceptual approaches with empirical data obtained through semi-structured interviews with relevant key informants and analysis of legal and documentary materials. Data credibility was strengthened through source triangulation, while the data were analyzed using the interactive model of Miles, Huberman, and Saldaña. The findings demonstrate that AI can support regulatory mapping, legislative drafting, comparative analysis, documentation, and final-text verification, but cannot replace human deliberation, legal judgment, and participatory decision-making. AI-generated legal hallucinations, algorithmic bias, limited transparency, and the absence of digitized local customary knowledge may undermine legal certainty and marginalize locally embedded legal values. The principal novelty of this study is the conceptualization of “Digital Extinction of Living Law” as a risk arising from excessive reliance on AI-generated legal outputs. To address this risk, the study proposes a human-centered AI model that positions AI as an assistive instrument subject to continuous human oversight, data provenance, verification, and meaningful public participation, thereby integrating technological efficiency with legal pluralism, democratic legitimacy, and the preservation of living law.

Keywords: Artificial Intelligence; Local Regulations; Regional Representative Council

1. INTRODUCTION

In practice, regional autonomy cannot function without Regional Regulations (Perda). Regional Regulations serve as the primary legal instrument that bridges national policies with the specific needs of each region. They form the foundation for achieving the goals of decentralization and provide key support for implementing regional autonomy, supervisory duties, and the fulfilling specific regional needs, while also serving as a means of implementing higher-level laws and regulations.¹

The process of drafting Perda involves stages that are far from easy and require a considerable amount of time, as stipulated in Law No. 12 of 2011 on the Formation of Legislation. Regional regulations are expected to produce rules with which the public can comply with; therefore, their formulation must take into account the needs and social conditions of the community to ensure their effective implementation in accordance with their objectives.

¹ Alfuruq Shah and Ghufon Fath, “Pembentukan Peraturan Perundang-Undangan Pasca Perubahan Undang-Undang Nomor 12 Tahun 2011 Tentang Pembentukan Peraturan Perundang-Undangan” 2, no. 1 (2024): 170–75, <https://doi.org/10.61292/eljbn.116>.

The existence of local regulations grants each region the authority to manage and regulate its own affairs regarding matters pertaining to that region. Although such matters are already governed by national law, they require further adaptation within the local regulations themselves.² To create responsive regulations, drafters must consider the principles of local regulation drafting as a framework, including clarity of purpose, institutional structure, drafting bodies, and the appropriateness of the type, content, and so on.³ Therefore, drafters of local regulations are required to formulate regulations that keep pace with the times.

Technological advancements and the impact of globalization have had a significant influence on a country's development, including Indonesia itself. In this context, the changing times have brought about shifts in society, transforming it from being technologically illiterate to technologically literate.⁴ Artificial Intelligence (AI) is one example of a technological advancement born from the cradle of modern civilization.

All parties, including government ministries, non-governmental organizations, and most notably, the general public, have been actively striving to maximize the use of AI. In this context, reports have circulated regarding proposals to utilize AI to support the development of the legal system in the Republic of Indonesia. Not only in Indonesia, but several countries such as China, Japan, Singapore, and others have already implemented AI technology in their law enforcement processes.⁵

Indonesia has widely utilized technological advancements in government administration, including public services through official applications and websites, legal services by law enforcement agencies, online case registration in courts, and various other public services. The use of AI technology has subsequently been directed toward supporting the legislative drafting process. This is in line with the provisions of Law No. 13 of 2022 amending Law No. 12 of 2011 on the Drafting of Legislation, which stipulates that the drafting of legislation may be conducted electronically.

This provision signifies an effort to modernize the national legislative system through the application of digital technology, which enables efficiency, transparency, and accountability in the regulatory drafting process. Thus, the utilization of information technology, including AI, can be interpreted as a first step toward the establishment of an electronic-based legislative system (e-legislation) in Indonesia.

Studies on the integration of AI into Indonesia's legal system can so far be categorized into two main lines of analysis. The first line of analysis consists of a body of literature that focuses on the use of AI in terms of the technical and mechanistic efficiency of legislation.

² Hadi Tuasikal and Yan Piet Homer, "Formulation of Regional Regulations Based on Laws and Regulations" 2, no. 3 (2024): 218–35, <https://doi.org/10.33506/jlj.v2i3.3413>.

³ Isroji et al., "Peraturan Daerah Dalam Hirarki Perundang-Undangan Indonesia" 3 (2024): 45–56.

⁴ Mariska Cahyani Putri et al., "Pengaruh Penggunaan Artificial Intelligence Dalam Pembentukan Peraturan Perundang-Undangan" 1, no. 2 (2024).

⁵ Andika Adhyaksa and Fathurrahim, "Kondisi Materiil Peraturan Perundang-Undangan Dalam Aspek Pembentukannya Dengan Penggunaan Artificial Intelligence" 5, no. 3 (2025): 637–49, <https://doi.org/10.56393/nomos.v5i3.2943>.

In this category, the use of AI technology is viewed optimistically as capable of improving data accuracy and accelerating the law-drafting process.

Imelda (2024) exemplify such efficiency is achieved through the use of Natural Language Processing (NLP) to understand legal language naturally and Machine Learning to analyze historical data. In line with this, Eka (2020) also positions AI as a crucial tool for legal harmonization, particularly in quickly identifying potential risks of inconsistency between local regulations and higher-level regulations.

The second analysis is a literature review that explicitly outlines the ethical and regulatory boundaries, as well as the extent of AI's involvement in the legislative sphere. Mariska (2024) emphasize that although AI can serve as a stepping stone toward technological advancement, its role must remain strictly that of a technical aid (supporting tool) and not as a primary determinant or decision-maker in policy. From a macro-regulatory perspective, Wildan (2024) highlight a normative legal vacuum in Indonesia regarding how to address the complexities of AI. Drawing on Roscoe Pound's Social Engineering approach, they advocate for risk-based regulation to ensure digital safety and ethics without stifling technological innovation.

Although the two literature reviews above have made significant contributions, a fundamental gap remains. Previous studies tend to be trapped in the dichotomy of technical efficiency and macro-homogeneous national regulations. No research has yet specifically examined how the implications of automation and mathematical AI algorithms affect the continuity of "living law" at the regional level, particularly in areas characterized by an archipelagic sociological context and strong customary ties.

This is where the novelty of this study lies. In contrast to the efficiency claims reported by central government agencies such as the Ministry of Finance, this study actually uncovers a real paradox at the local level: the implementation of AI in Ternate City in 2026 triggers a unique risk known as the "Digital Extinction of Living Law." When the legislative process is dominated by sterile, globally synthesized AI text, a dehumanization of democracy occurs that degrades political dialectics, the people's inner voices, and the existence of the oral values of Adat Seatorang, which are not archived in the digital realm. Therefore, through the lens of sociological jurisprudence, this study aims to critique and fill the gaps overlooked by previous researchers.

2. METHOD

This study employed an empirical socio-legal research design using a qualitative approach to examine the implications of artificial intelligence (AI) utilization in the formulation of local regulations in Ternate City. The socio-legal approach was selected because the study examines the interaction between the existing legal framework governing local legislative processes and the social and technological realities surrounding the prospective use of AI by the Ternate City Regional People's Representative Council (DPRD). Accordingly, the research does not examine legal norms in isolation but

investigates how those norms operate and interact with institutional practices, technological capabilities, public participation, and local legal values.⁶

The study combined a legislative and conceptual approach as complementary analytical approaches. The legislative approach was used to examine the legal framework governing the formation of local regulations, particularly the provisions of Law No. 12 of 2011 on the Formation of Legislation as amended by Law No. 13 of 2022, including provisions concerning electronic-based legislative processes and public participation. The conceptual approach was used to analyze relevant legal concepts and doctrines concerning legal certainty, human oversight, responsive law, living law, and the regulation of AI in legislative processes. These approaches were integrated with empirical findings to identify the extent to which the existing legal framework accommodates the use of AI and to assess the potential legal and sociological implications of its implementation at the local level.

The research was conducted in Ternate City, North Maluku, with the empirical inquiry focusing on the institutional context of the Ternate City DPRD and the formulation of local regulations. Primary empirical data were obtained through in-depth, semi-structured interviews with selected key informants who have relevant knowledge, experience, or institutional involvement in the formulation of local regulations and the prospective use of AI in legislative processes. The selection of informants was based on their relevance to the research questions and their capacity to provide information concerning institutional readiness, technological challenges, public participation, and the legal implications of AI utilization. Secondary data consisted of legal and documentary materials relevant to the research problem. Primary legal materials included legislation governing the formation of legislation and local regulations, particularly Law No. 12 of 2011 as amended by Law No. 13 of 2022. Secondary legal materials comprised peer-reviewed journal articles, scholarly books, research reports, and other academic publications addressing AI governance, legislative drafting, legal certainty, living law, responsive law, and socio-legal studies. Tertiary materials were used to clarify relevant legal and technological terminology. Documentary materials relating to the formulation of local regulations and the institutional context of the Ternate City DPRD were also examined where relevant.

Data collection was conducted through document analysis and semi-structured interviews. The interviews were designed to obtain empirical information concerning the perceived benefits, institutional readiness, potential risks, and legal challenges associated with AI-assisted legislative drafting. Interview data were recorded and transcribed for analytical purposes, subject to the consent and applicable research procedures. Documentary data were examined to identify the relevant legal requirements and institutional practices governing the formulation of local regulations. The collection of empirical and documentary data was conducted iteratively, allowing emerging findings from the interviews to be compared with the applicable legal framework and documentary evidence.

⁶ Tasrizal, "Rekonstruksi Epistemologis Metodologi Penelitian Hukum: Integrasi Pendekatan Normatif Dan Empiris Tasrizal" 2, no. 1 (2025): 86–98, <https://doi.org/10.70193/jurisprudensi.v2i01.05>.

Data credibility was strengthened through source triangulation. Information obtained from different informants was compared to identify convergent and divergent perspectives, and the resulting empirical findings were subsequently cross-checked against relevant legislation and documentary materials. This process was intended to reduce reliance on a single source of information and to strengthen the credibility of the interpretation of empirical findings. Where differences emerged between interview accounts and documentary or normative materials, the differences were treated as analytical findings rather than automatically resolved in favour of either source.

The data were analyzed qualitatively using the interactive model of analysis developed by Miles, Huberman, and Saldaña.⁷ The analysis consisted of interconnected processes of data collection, data condensation, data display, and conclusion drawing and verification. During data condensation, interview transcripts, field notes, and documentary materials were systematically coded and organized according to analytical themes derived from the research questions, including the legal basis for AI utilization, institutional readiness, technological opportunities, legal and sociological risks, public participation, and human oversight. The condensed data were subsequently displayed in analytical narratives and comparative matrices to facilitate the identification of relationships and recurring patterns across empirical and documentary sources. Conclusions were developed through an iterative process of interpretation and verification, whereby emerging propositions were continuously compared with the empirical evidence and applicable legal framework.

The final analytical stage integrated the empirical findings with the legislative and conceptual approaches. This process enabled the study to identify not only the practical implications of AI utilization in local legislative drafting but also the limitations of the existing legal framework in addressing issues such as AI-generated errors, accountability, algorithmic bias, protection of local legal values, and the preservation of meaningful human participation. The resulting analysis was used to formulate a human-centered model of AI utilization in the formulation of local regulations in Ternate City, in which AI functions as an assistive technological instrument while legally binding and value-laden decisions remain under human institutional responsibility.

3. RESULTS AND DISCUSSION

3.1 Constitutional and Procedural Foundations for the Formulation of Local Regulations

The constitutional history of the Republic of Indonesia illustrates how the relationship between the central government and local governments has become a fascinating subject of study. This issue serves as clear evidence that such a relationship can ensure the upholding of the Unitary State of the Republic of Indonesia, as stipulated in the 1945 Constitution of the Republic of Indonesia. The challenges faced by the concept of regional autonomy and the principle of broad decentralization are also clearly evident, spanning developments from

⁷ Qomaruddin and Halimah Sa'diyah, "Kajian Teoritis Tentang Teknik Analisis Data Dalam Penelitian Kualitatif: Perspektif Spradley, Miles Dan Huberman" 1, no. 2 (2024): 77–84.

the era of independence through the Guided Democracy period. The impact of the September 30th Movement (G30S) in 1965 also marked the peak of the centralized system during the Old Order era following the Guided Democracy period.⁸

Support for the importance of the principles of regional autonomy and governmental decentralization then emerged following the change in leadership in 1967, which began with the issuance of MPRS Decree No. XXI/MPRS/1966 on July 5, 1966, regarding the granting of the broadest possible autonomy to the regions. The transfer of power from President Suharto to President B.J. Habibie, which marked the transition to the Reform era, sparked a resurgence of aspirations regarding regional autonomy. The Habibie administration at that time adopted a new legal framework for decentralization to replace Law No. 5 of 1974, by enacting Law No. 22 of 1999 on Regional Government and Law No. 25 of 1999 on Fiscal Balancing between the Central Government and Regions.⁹

The 1998 MPR Session also established policies that clearly regulate the implementation of regional autonomy, the fair management, distribution, and utilization of national resources, as well as the financial balance between the central and regional governments within the framework of the Unitary State of the Republic of Indonesia (NKRI). The implementation of decentralization essentially consists of two main, interrelated elements: the establishment of autonomous regions and the legal delegation of authority by the central government to local governments to manage their own affairs.¹⁰ Based on the principles of autonomy and auxiliary duties, local governments are granted the right to enact Local Regulations, which include Provincial Local Regulations and Regency/Municipal Local Regulations. These Local Regulations serve to carry out auxiliary duties while taking into account the specific conditions of the region and providing further elaboration on higher-level laws and regulations.¹¹

The historical dynamics of decentralization over time, including in the post-1998 Reform era, formally adopted and codified into the national legal system through Law No. 12 of 2011 on the Formation of Legislation. The status of local regulations (Perda) under the P3 Law is a direct reflection of the long struggle for the broadest possible autonomy. Article 7(1) of Law No. 12 of 2011 definitively establishes the position of local regulations within the hierarchy of legislation in Indonesia. This placement provides legal certainty that Local Regulations are valid and binding legal instruments, not merely internal administrative rules of a region. In line with the spirit of legal decentralization, Article 14 of Law No. 12 of 2011 stipulates that the substance of Local Regulations is intended to

⁸ Septi Nur Wijayanti, "Hubungan Antara Pusat Dan Daerah Dalam Negara Kesatuan Republik Indonesia Berdasarkan Undang-Undang Nomor 23 Tahun 2014" 23, no. 2 (2016): 186–99, <https://doi.org/10.18196/jmh.2016.0079.186-199>.

⁹ Delisya Fransiska Simamora et al., "Otonomi Daerah Dalam Kerangka Mewujudkan Good Governance Melalui Pelayanan Publik" 3 (2023): 8541–55.

¹⁰ Siti Zahra, Nabila Syifa Auliya, and Fadlah Nur, "Menakar Ulang Kedudukan TAP MPR Dalam Konstelasi Peraturan Perundang Udangan Pasca Amandemen Siti" 8, no. 1 (2025), <https://doi.org/10.14421/mtj7m772>.

¹¹ Nugraha Gading Priandana et al., "Implementasi Good Governance Sebagai Upaya" 3, no. 6 (2025): 1136–47, <https://doi.org/10.61722/jipm.v3i6.1787>.

implement regional autonomy, assist in fulfilling assigned duties, and address the specific conditions of a region. This is in line with the historical purpose of autonomy, namely to provide local self-reliance without undermining the principle of a unitary state.¹²

As technology advances, there is a growing need to integrate AI (AI) into the legislative process (e-lawmaking) to improve efficiency, accuracy, and public participation. The second amendment through Law No. 13 of 2022 has paved the way for digitization by incorporating the use of information technology. Articles 97A, 97B, and 97C provide the legal basis for the creation of electronic-based legislation. Article 96 allows for public participation (meaningful participation) that can be conducted electronically through portals or remote information systems. Although Law No. 13 of 2022 has opened the door to digitization, this regulatory framework is currently limited to governing administrative automation such as digital archiving, the transmission of electronic drafts, and public websites and does not yet specifically address digital cognition (intelligent systems/AI) capable of analyzing or generating substantive decisions.

Furthermore, the enactment of a Regional Regulation cannot be carried out arbitrarily or based solely on pragmatic political interests. To ensure that every regulation enacted has a solid philosophical, sociological, and legal foundation, the drafting process must include an Academic Paper. An Academic Paper is the result of research or legal analysis on a specific issue that can be scientifically justified as a solution to legal problems and the needs of the community. Provisions regarding the preparation of Academic Papers for Provincial Draft Local Regulations (Raperda) apply *mutatis mutandis* to Regency/Municipal Draft Local Regulations (Raperda). This scientific review procedure is an absolute and integral requirement in the legislative process at the local level, where the Academic Paper serves as a crucial instrument ensuring the substantive quality of regulations throughout their entire drafting cycle. The use of AI in the drafting of Academic Papers as an absolute requirement (*conditio sine qua non*) for the enactment of Regional Regulations presents a tangible paradigm clash.

On a philosophical level, AI is indeed capable of instantly comparing legal philosophy across countries and eras. This system can provide a rapid synthesis of how universal principles such as justice, humanity, and the common good are translated into written legal structures, thereby helping the drafting team enrich the theoretical framework in the initial draft of the Academic Paper. However, this acceleration is mechanical in nature because AI lacks moral agency and human empathy. When forced to formulate specific legal ideals (*rechtsidee*), such as Pancasila or sacred religious and regional cultural values, AI merely plagiarizes or compiles normative texts from the internet. As a result, the philosophical foundation of the academic manuscript at risk of losing its core values and becoming a text whose content is essentially already contained in various citations, devoid of the living human moral values found in the region.

¹² Yoga Andriyan et al., "Eksistensi Naskah Akademik Dalam Pembentukan Rancangan Peraturan Daerah" 3, no. 1 (2023): 1–18, DOI: 10.36232/jppadap.v3i1.4596.

AI can process and aggregate sociodemographic data, trends in digital public complaints, and large-scale socioeconomic statistics (big data) in a matter of seconds.¹³ This computational capability greatly assists policymakers in mapping clusters of issues facing urban communities or island regions recorded in local government electronic systems at the macro level. Unfortunately, AI's quantitative strengths are limited by an inherent flaw: data bias. Global AI training datasets are heavily dominated by the perspectives of large, centralized urban centers. Many unwritten customary laws, local wisdom, and sociological norms such as the philosophy of the local community in Ternate, are absent from the digital realm. If the sociological foundation is constructed by AI, the resulting regulatory recommendations will be prone to data bias, producing rules that are alienating, substantively flawed, and potentially at odds with the "living law" that exists within society.

At the legal level, AI demonstrates its highest efficiency through its ability to automatically perform regulatory mapping. AI can scan thousands of regulations (from laws and government regulations to ministerial regulations) in a matter of seconds to detect potential legal overlaps. This is believed to minimize the risk of legal procedural defects and uphold the principle of *lex superior derogat legi inferiori*. However, this legal efficiency is undermined by a critical vulnerability in generative AI, which frequently produces "legal hallucinations." AI tends to fabricate law numbers, section citations, or fictitious case law, all presented in highly convincing legal language. If these legal drafts are accepted at face value without rigorous human verification, the enacted local regulations will be absolutely legally flawed. Furthermore, the "black box" nature of AI makes it difficult to trace the legal reasoning process, thereby threatening the very principle of legal certainty itself.

The absence of comprehensive regulations on AI governance in the public sector could make draft local regulations that are not yet final vulnerable to digital manipulation or exploitation by third parties before the documents officially become binding on the public. Of course, the development of academic drafts has a significant influence on the formulation of local regulations themselves, from the planning stage through to the ratification stage. Procedurally, the process of drafting a Regional Regulation at both the provincial and regency/city levels consists of five main phases.

The first phase is the planning stage. At this stage, the plan is incorporated into the Provincial Program for the Formulation of Local Regulations (Propemperda), which applies *mutatis mutandis* to regencies and cities.¹⁴ The Propemperda outlines the program for drafting the Local Regulation, including the title of the draft, the subject matter to be regulated, and its relationship to other regulations. These subject matters include an explanation of the draft regional regulation's concept, background, objectives, targets, fundamental principles, scope, and regulatory direction. The final version of the

¹³ Valerio Capraro et al., "The Impact of Generative Artificial Intelligence on Socioeconomic Inequalities and Policy Making," 2023, 1–45.

¹⁴ Rusdianto Sudirman, "Urgensi Pembentukan Tim Analisis Kebutuhan Perda (AKP) Dalam Penyusunan Program Pembentukan Peraturan Daerah" 2, no. 2 (2024): 102–11, <https://doi.org/10.35905/sultan>.

Propemperda, developed jointly by the Regional People's Representative Council (DPRD) and the local government, is mutually agreed upon and ratified in a plenary session through a DPRD resolution.

During the planning stage, AI can be used to instantly perform grid-scanning of thousands of regulations at the central government level, including omnibus laws and ministerial regulations. This makes it easier for the Propemperda drafting team at the Regional People's Representative Council (DPRD) to prioritize the urgency of draft regional regulations (Raperda), detect potential overlaps, and quickly assess the vertical alignment of their content. However, AI operates based on digitized data. If the database of local community aspirations or those of marginalized communities has not yet been incorporated into the digital system, AI will overlook the region's actual sociological needs.¹⁵ Consequently, Propemperda planning will be dominated by formalistic issues derived from internet data, which distances local regulations from their primary function as a vehicle for community aspirations.

The second stage is the drafting stage.¹⁶ A draft regional regulation (Raperda) may be submitted by the Regional People's Representative Council (DPRD) or the Regional Head (Governor/Regent/Mayor). Members, committees, joint committees, or the DPRD's regional regulation drafting body responsible for legislation may also submit a draft regional regulation accompanied by an explanatory statement or an academic paper. This document is drafted by the proposer and harmonized by the local government's legal bureau or division in collaboration with stakeholders. The draft regional regulation is then drafted by the proposer under the direction of the Regional Head by forming a drafting team that includes representatives from the legal bureau/division, relevant agencies, and regulatory drafters, and may invite researchers or experts from universities as needed. The drafted Raperda is then coordinated through stages of harmonization, refinement, and conceptual consolidation before it is finally submitted to the Regional Head.

In the drafting of academic papers, generative AI can accelerate the search for international legal comparisons, develop regulatory frameworks, and organize the structure of legal drafts in accordance with legislative drafting techniques. This significantly reduces administrative workload and cuts research operational costs. Generative AI has the potential to create fictitious statutory references or erroneous legal analogies, yet present them in highly convincing legal language. Furthermore, AI lacks moral and cultural awareness, so the resulting draft local regulations tend to be "sterile" and may conflict with customary legal values or local wisdom that are not documented in the AI's training dataset.

¹⁵ Aybike Mergena, Nergiz Cetin-Kilica, and Mustafa Ozbilginb, "Artificial Intelligence and Bias Towards Marginalized Groups: Theoretical Roots and Challenges," 2024.

¹⁶ Yosi Angel Dirawati, "Tahapan Pembuatan Peraturan Daerah Terkait Pendidikan Di Kabupaten Solok Yosi" 02, no. 01 (2025): 115–20.

The third stage is the deliberation stage.¹⁷ Deliberations on the draft regional regulation are conducted by the Regional People's Representative Council (DPRD) together with the Regional Head through two levels of discussion. These deliberations take place in meetings of the commissions, committees, or bodies responsible for legislation, as well as in plenary sessions. In this context, AI can process input from various factions, automatically record meeting minutes, and conduct real-time regulatory impact assessments to predict the effectiveness of the provisions currently being debated between the Regional People's Representative Council and the Regional Head. However, a potential implication is that reliance on AI-generated draft documents could fuel acute political pragmatism. Legislators may delegate their critical analytical functions to machines and become reluctant to engage in in-depth, dialectical debates. There is a risk that policymakers will use AI's technocratic arguments as a shield to avoid public scrutiny and disregard direct input from civil society groups.

The fourth stage is the ratification stage.¹⁸ The draft regional regulation (Raperda) is ratified into a regional regulation (Perda) after receiving joint approval from the Regional People's Representative Council (DPRD) and the Regional Head. The Regional Head ratifies it by signing it within a maximum of 30 days from the date of joint approval. If it is not signed within that timeframe, the draft regional regulation remains valid as law and must be promulgated. At this stage, AI can help ensure that ratification occurs within the 30-day timeframe.

AI can perform an automatic final verification to ensure that no editorial changes or the insertion of illegal clauses "smuggling clauses" occur between the final draft agreed upon in the plenary session and the text to be signed by the Regional Head. On the other hand, AI faces a problem known as the "Black Box Problem," which hinders accountability. If AI is used to validate the final feasibility of a draft regional regulation and a substantive error that harms the public occurs after ratification, a crisis of legal accountability will arise. Policymakers (the Regional People's Representative Council and the Regional Head) may shift legal responsibility onto one another under the pretext of technical errors in the digital system.

Local regulations are promulgated in the Local Gazette by the Regional Secretary, and explanations of these regulations are published in the Supplement to the Local Gazette. Certainly, at this stage, AI can accelerate the process of dissemination and enhance public transparency. Once a local regulation is promulgated in the Local Gazette by the Regional Secretary, AI can immediately translate, summarize, and categorize the crucial points of the regulation into a digital information system that is easily accessible and understandable to the general public. However, the potential for data breaches and cyberattacks on electronic promulgation systems is inevitable. The absence of comprehensive regulations regarding AI

¹⁷ Sudirman, "Urgensi Pembentukan Tim Analisis Kebutuhan Perda (AKP) Dalam Penyusunan Program Pembentukan Peraturan Daerah."

¹⁸ Dirawati, "Tahapan Pembuatan Peraturan Daerah Terkait Pendidikan Di Kabupaten Solok Yosi."

governance in the public sector could leave draft Regional Regulations vulnerable to digital manipulation or exploitation by irresponsible third parties before the documents officially become binding on the public.

Furthermore, in the drafting process, regulations must take into account the ten principles of content to uphold the dignity of regulations as a vehicle for public aspirations and ensure they do not conflict with higher laws. These ten principles include: protection, humanity, nationalism, kinship, archipelagic identity, unity in diversity, justice, equality before the law and in government, order and legal certainty, as well as balance, harmony, and coherence. The application of AI across the five stages of local regulation formulation actually produces dichotomous effects that directly conflict with these ten substantive principles.

On the one hand, during the planning stage (*Propemperda*), AI has a positive impact by accelerating the mass scanning of regulations to detect overlapping rules. However, the negative impact is the risk of legal sterilization. If AI only detects data that has been globally digitized, it will ignore the sociological aspirations of marginalized communities that have not yet been documented on the internet. This has the potential to violate the Principle of Protection and the Principle of Humanity, as the planned legal products risk becoming non-inclusive and failing to protect the basic rights of local residents.

During the drafting stage (draft regional regulations and academic papers), AI makes a positive contribution by accelerating legal comparisons and streamlining the structure of drafts in accordance with legislative drafting techniques. Conversely, a negative impact of this generative technology is the emergence of “legal hallucinations,” where AI produces fictitious statutory references or erroneous legal analogies presented in a convincing manner. If this slips past human oversight, the draft could, in the worst-case scenario, undermine the very principle of legal certainty itself.

During the deliberation phase, AI has a positive impact by helping to simulate real-time estimates of regulatory impacts. However, the dominance of AI’s technocratic analysis has a negative impact in the form of an erosion of political dialectics. Legislators trapped in pragmatism may use AI arguments as a shield to avoid public debate and reject input from civil society groups. This situation distances legal products from the Principle of Justice, which should arise from an honest sociological consensus.

During the ratification stage, AI helps verify that no “smuggling clauses” illegal provisions have been slipped in before the draft is signed by the regional head. However, the operational nature of AI which functions like a “black box” triggers a crisis of legal accountability. If an approved draft regional regulation turns out to contain substantive flaws that harm the public, the lack of clarity regarding who bears legal responsibility, whether the policymakers or the digital system, will undermine the Principles of Balance and Harmony in good governance.

These ten principles of content and five stages of formulation are essential tools for ensuring responsive legal products. However, in today’s fast-paced environment that

demands high efficiency, the question arises as to whether these manual procedures are still sufficient or whether they require technological integration to address future challenges.¹⁹

3.2 The Disruptive Impact of AI Technology on the Transformation of Electronic Legislation

While the previous subpoint focused on the procedural and sociological aspects of the local regulation formulation process, the disruptive dynamics of AI in this section must be examined through the lens of ontology and legal dogmatics. The presence of AI in e-lawmaking does not merely transform the efficiency of budgetary bureaucracy; rather, it shakes the very foundations of Indonesia's positive law, which struggles to address non-human legal subjects. This gap creates an acute legal vacuum as intelligent systems begin to encroach upon the realm of substantive legislative cognition.²⁰

In the current landscape of Indonesian positive law, the status of AI is subject to a misguided oversimplification. Under Law No. 11 of 2008 on Electronic Information and Transactions (ITE Law), as last amended by Law No. 1 of 2024, AI is analogously positioned solely as an "Electronic Agent." From a legal-theoretical perspective, this classification represents a reductionist and anachronistic approach.

In the traditional framework of the ITE Law, an "electronic agent" is understood as an automated device that operates based on rigid, deterministic instructions (if-this-then-that). In contrast, modern AI particularly Generative AI and systems based on Large Language Models possesses characteristics of self-learning, autonomy, and generative probability that enable it to make decisions or produce text beyond the initial predictions of the algorithm's creator. This legal vacuum can be sharply dissected through two theoretical analytical frameworks:

First is Jan M. Broekman's Theory of Legal Certainty. Legal certainty requires not only written rules but also legal predictability and clarity in the attribution of liability.²¹ When AI is used to draft legal documents and gives rise to the phenomenon of "legal hallucinations", such as inventing fictional statute numbers or case law with convincing grammar, the principle of legal certainty collapses instantly.

The ITE Law lacks regulatory teeth because it does not provide a clear framework for sanctions or legal liability regarding a machine's cognitive failures. The law struggles to distinguish whether such errors stem from an "error in objecto" in the program, programmer negligence, or corpus data bias. As a result, the resulting local regulations are subject to absolute legal uncertainty.

¹⁹ I Ketut Agus et al., "Asas Keterbukaan Dalam Pendahuluan" 6 (2025): 55–61.

²⁰ Imelda Mardayanti, Yenni Arfah, and Dedy Dwi Arseto, "Pemanfaatan Artificial Intelligence (AI) Dalam Pembentukan Peraturan Perundang- Undangan Serta Implikasinya Terhadap Etika Dan Keamanan" 3, no. 1 (2024): 1–10, <https://doi.org/10.70021/csp.v3i1.136>.

²¹ Itok Dwi Kurniawan and Souad Ezzerouali, "Revisiting the Principle of Legal Certainty: A Contemporary Analysis through the Lens of Legal Positivism" 3, no. 2 (2024): 137–46, <https://doi.org/10.5281/zenodo.17385496>.

The second theory is Technology Regulation Theory, which draws on the ideas of Roger Brownsword.²² Technology regulation must address the “regulatory disconnect”, a condition in which the pace of technological innovation moves exponentially while the law moves in a linear, bureaucratic manner. The government’s attempt to bridge this gap through Circular Letter (SE) No. 9 of 2023 from the Minister of Communication and Information Technology on AI Ethics has hit a normative dead end because it is trapped within this regulatory disconnect. Although the Circular contains crucial principles such as humanity and justice, this instrument is merely an internal administrative policy regulation (*beleidsregel*). Based on the theory of technology regulation, “code as law” cannot be governed by an instrument that lacks generally binding legal force (*algemeen verbindend*), cannot impose new legal obligations, and does not provide for direct legal sanctions for substantive violations in society.

To escape this legal vacuum, Indonesia does not need to build a system from scratch; instead, it can use a comparative legal analysis approach to examine several global AI governance models in order to develop legislation tailored to domestic conditions.

The Estonian System (Algorithmic Advisory Model). Estonia employs an AI algorithm (Robot Judge) to analyze legal documents and minor cases. Indonesia currently only utilizes AI within ministries to map regulations internally. One principle that can be adopted from Estonia is the “Demarcation of Authority” principle, under which AI is strictly prohibited from making decisions or formulating norms independently; instead, it is explicitly designated solely as a pre-analytical tool before drafts are reviewed by humans.

The Singapore System (Technical Sandboxing & NLP Registry). Singapore uses Natural Language Processing (NLP) to precisely identify regulatory gaps. Unlike Indonesia, where AI usage remains limited and lacks standardization across agencies, Singapore has incorporated this technology into its AI Governance Framework. One principle that can be adopted is the Principle of Algorithmic Transparency, under which every LLM algorithm used in e-lawmaking must undergo testing in a controlled environment (regulatory sandbox) to detect “legal hallucinations” before a draft is submitted to the legislature.

The U.S./California System (Anti-Bias and Data Provenance Audit). In California, AI is used to detect regulatory inconsistencies, with strict oversight of bias in AI training datasets. In Indonesia, the absence of data audits makes AI prone to disregarding the local wisdom of marginalized communities. One principle that can be adopted is the Data Provenance and Representation Principle, which requires verification of data representativeness before an AI system is used to draft academic papers.

Faced with this impasse, the law must not remain passive, merely confined to the realm of ethical considerations or simply describing the practices of other nations. Borrowing Roscoe Pound’s concept of “law as a tool of social engineering,” Indonesia’s positive law must undergo progressive transformation to achieve legal certainty in the digital realm. The

²² Gabriël van Rosmalen, “The Role of Competition Law in Addressing Worker Dependency on Digital Labour Platforms,” no. February 2025 (2026).

law must be consciously used to guide, control, and shape the behavior of technology (AI) so that it aligns with the nation's fundamental values (Grundnorm) and the sociological interests of society through the adoption of the aforementioned global principles into the system for enacting local regulations.

In the context of local regulation formulation in Indonesia, the implementation of these three principles derived from a global comparison must be realized in two ways: Clear Attribution of Responsibility and Local Data Sovereignty through Data Provenance.

Regarding the Legal Liability Framework and in this context, rejecting the notion of extreme "electronic personhood" Indonesia must adopt the Principle of Authority Demarcation through the expansion of the "human-in-the-loop" doctrine. The law must affirm that AI outputs during the drafting stage of a Regional Regulation Bill are merely non-binding technical recommendations. Legal liability for material defects resulting from AI hallucinations remains absolutely vested in the human drafting team and the regional head/Regional People's Representative Council (DPRD) as the formal policymakers. This is essential to uphold the principle of legal certainty.

Local Data Sovereignty through Data Provenance asserts that social engineering through the law must be able to mitigate centralistic global data bias²³. In regions rich in cultural identity and customary law, such as the city of Ternate, the use of AI in legislation must not result in the loss of local values due to the dominance of global algorithms shaped by a centralistic, large-city perspective. The law governing the formulation of local regulations must adopt the Principle of Data Provenance Audit by mandating the development of a "Local Digital Data Corpus" that codifies sociological wisdom, sultanate philosophy, and the customary laws of Ternate which have long remained unwritten. By legally incorporating local wisdom into AI data training, the social engineering produced by e-lawmaking will not result in alienated regulations, but rather in a modern legal product that remains rooted in the "living law" that thrives within Ternate society.

3.3 Analysis of Risks and Challenges in Implementing AI in Ternate City

Indonesia's pluralistic society requires local governments to carefully accommodate its aspirations through inclusive regulations. The Indonesian legal system designates Local Regulations (Perda) as a crucial legal instrument within the hierarchy of legislation (Law No. 12 of 2011), serving as an extension of national laws based on the principle of autonomy. In the City of Ternate, the formulation of Perda involves a dual complexity: it must align vertically with national law (especially following the enactment of the Job Creation Law) and, horizontally, must integrate with local customs (adat seatoran) as well as the sociological characteristics of the island community.²⁴

Plans to integrate AI into the legislative process at the Ternate City Regional People's Representative Council (DPRD) by 2026 signal a progressive ambition to digitize the

²³ Patrik Hummel et al., "Data Sovereignty : A Review," 2021, <https://doi.org/10.1177/2053951720982012>.

²⁴ Miftahul Jannah, "Perubahan Struktur Sosial Masyarakat Perkotaan Dalam Perspektif Ilmu Sosial Dan Budaya Kontemporer" 1 (2026): 34–52.

bureaucracy. However, this plan presents the region with an existential challenge: how can algorithms interpret local identities without undermining the principle of popular sovereignty? If AI integration is forced upon the current status quo of the council, which still faces weaknesses in its digital database and limitations in public participation, then the use of this technology could actually trigger the risk of dehumanizing local legislative democracy.

Ternate, known as the “Spice Island,” has deep historical roots and a strong tradition of customary law.²⁵ Based on interviews with the Ternate City Regional People’s Representative Council (DPRD), there is a genuine concern that “customary norms and the values of the social order are not recorded in digital formats that can be read by AI.” When AI, which operates based on global big data, is forced to draft regulations, it tends to fail to capture these sociological nuances.

Theoretically, this phenomenon can be analyzed using Eugen Ehrlich’s concept of “Living Law.” Ehrlich asserts that the center of legal development lies not in statutes or judicial decisions, but in society itself.²⁶ AI suffers from an inherent flaw because it is only capable of processing digitized “law in books.” Consequently, the *ius constituendum* generated by AI will undergo cultural sterilization, producing legal products that are sterile, rigid, and alienated from the very pulse of Ternate society itself due to the loss of its cultural spirit.

The legislative process is, in essence, a space for political dialectics and dynamic public engagement. However, field data shows that public participation in Ternate, particularly among marginalized communities on the outermost islands, remains very limited due to budget-efficiency policies affecting discussion forums in the Regional People’s Representative Council (DPRD). There are concerns that the presence of AI could serve as a technocratic justification for this political inaction.

Philippe Nonet and Philip Selznick agree in their theory of responsive law: good law is law that is sensitive to social needs and opens up the widest possible space for citizen participation.²⁷ The dominance of AI in drafting regulations has the potential to lead to the dehumanization of democracy. Members of the Ternate City Regional People’s Representative Council (DPRD) may become trapped in acute pragmatism, delegating their critical analytical functions to machines and using AI-generated instant drafts as a shield to avoid substantive public debate. When human dialectics are replaced by algorithmic calculations, the democratic legitimacy of such local regulations is flawed from the very outset.

²⁵ Yulia Nurliani H Lukito et al., “Revisiting Fort Heritage in Ternate , North Maluku : Nostalgia , Tourism , and Community Engagement,” *Built Heritage*, 2025, <https://doi.org/10.1186/s43238-025-00181-4>.

²⁶ Tegar Saputra, “Relevansi Teori Living Law Eugen Ehrlich Dalam Membangun Legitimasi Sosial Hukum Formal Di Indonesia” 1, no. 2 (2026): 204–18.

²⁷ Joemarthine Chandra and Zainal Arifin Hoesein, “Penerapan Teori Hukum Responsif Dalam Pembentukan Regulasi Di Indonesia” 06, no. 05 (2025): 1483–99, <https://doi.org/https://doi.org/10.54209/judge.v6i05.1898>.

The fact that AI operates as a “black box” makes it difficult to trace the logical flow of legal decision-making.²⁸ “If a draft generated by AI contains provisions that overlap or infringe upon communities’ customary rights, who should be sued?”

This situation triggers an accountability crisis through the phenomenon of shifting blame from legislators to the failure of digital systems. Viewed through Satjipto Rahardjo’s concept of Progressive Law, the law is for humans, not humans for the law.²⁹ The presence of technology should bring joy and serve humanity, not create a labyrinth of digital bureaucracy that disregards substantive justice due to the absence of moral agency in machines.

AI output is highly dependent on the training data it receives “garbage in, garbage out”.³⁰ Given that the Ternate City Government’s digital data governance remains weak and has not accurately codified the sociological characteristics of island communities, the integration of AI will only replicate and reinforce existing data errors (amplification of bias). As a result, the resulting local regulations will be irrelevant, discriminatory toward coastal communities, or even in extreme conflict with higher-level laws and regulations.

To prevent the erosion of local values, the City of Ternate must firmly reject the paradigm of AI as a “replacement technology.” Instead, the Ternate City Council must adopt a conceptual model of AI as “Assistive Technology” (complementary technology) that is strictly controlled by humans (human-in-the-loop).

The following is an ideal model for the use of AI in the process of drafting local regulations that uphold the principles of legal pluralism and public participation:

Table 1. The Role AI and Human Oversight Mechanisms Across the Stages of Local Legislative Drafting in Ternate City

Stages in the Formulation of a Local Regulation	The Role of AI as Assistive Technology	Mechanisms for Safeguarding Local Values and Public Participation (Human Control)
Planning (Propemperda)	Quickly review national regulations and the Omnibus Law to identify vertical regulatory overlaps.	AI scan results must be cross-checked through public consultation forums (Musrenbang) involving the indigenous communities of Ternate to ensure that local aspirations are accommodated.
Penyusunan (Raperda & Naskah Akademik)	Organize the structure of the draft legislation in accordance with regulatory drafting techniques.	AI is prohibited from drafting sociological clusters on its own. The legislative body is required to invite local academics and the Sultanate’s Customary Council to review the

²⁸ Murilo Karasinski, “AI’s Black Box and the Supremacy of Standards,” 2024, <https://doi.org/10.4013/fsu.2024.251.13>.

²⁹ Pantja Satata, Yusandi Rakhman, and Ridha Ramadhana Megafitri, “Politik Hukum Pembentukan Peraturan Daerah Dan Implikasinya Terhadap Prinsip Otonomi Daerah Di Indonesia,” 2025, 16–30.

³⁰ Petra Heck, “Garbage in , Garbage out . A Mapping Study on Data Quality Engineering for AI Systems,” 2024.

		Compare the formal draft provisions for consistency with those of other island Kolasino customary law regions.
Drafting Regional Regulations & Academic Papers)	(Draft Generate automatic meeting minutes and create a real-time comparison matrix of the general views of the factions in the Regional People’s Representative Council (DPRD).	Dialectical debates are still conducted manually and in person by members of the Regional People’s Representative Council. AI-generated arguments may not be used as the basis for final decisions; they may only serve as secondary data to support the debate.
Approval & Promulgation	Conduct a final text verification to prevent the inclusion of illegal clauses before the Mayor signs it.	The signing and final validation of feasibility are entirely the political and legal responsibility of the Regional Head and the Regional People’s Representative Council. The “black box” problem is mitigated by a written statement that AI system failures do not absolve public officials of their legal responsibility.

Source: Secretariat of the Ternate City Regional People's Representative Council

Table 1 maps out how AI is integrated into each stage of local regulation formulation in Ternate City, alongside the safeguards put in place to protect local values and ensure human oversight. In the planning stage, AI assists by quickly reviewing national regulations for overlaps, but its findings must be verified through public forums involving indigenous communities. During drafting, AI helps structure the text and compare it with other regions, yet it is barred from writing sociological sections a task reserved for local academics and the Sultanate's Customary Council to ensure alignment with Kolasino customary law. In the legislative debate phase, AI supports administrative work like minute-taking and comparison of faction views, while substantive debates remain fully manual and in-person; AI-generated inputs may only serve as secondary references, not as a basis for decisions. Finally, during approval and promulgation, AI conducts final text verification to detect illegal clauses, whereas the signing and ultimate legal responsibility rest solely with the Regional Head and the DPRD, reinforced by a clear disclaimer that AI failures do not exempt officials from legal accountability. Overall, the table demonstrates that AI functions as a supportive tool for efficiency, while all value-laden and legally binding decisions remain firmly under human control, grounded in local culture and participatory governance.

Through this conceptual model, the process of electronic lawmaking (e-lawmaking) in Ternate City will not lose its sociological direction. The integration of technology is no longer disruptive or destructive; rather, it has become a responsive tool that strengthens the connection between modern law and the “living law” of the Sultanate of Ternate.

4. CONCLUSION

This study concludes that the integration of Artificial Intelligence (AI) into the formulation of local regulations in Ternate City offers substantial administrative and analytical efficiency, but cannot replace human deliberation, legal judgment, and participatory decision-making. The findings demonstrate that AI may assist regulatory mapping, drafting, comparative analysis, documentation, and final-text verification; nevertheless, its reliance on digitized datasets creates significant risks of legal hallucination, algorithmic bias, limited accountability, and the exclusion of unwritten customary norms and local sociological values. The principal novelty of this study lies in identifying the risk of “Digital Extinction of Living Law,” whereby excessive dependence on globally generated AI outputs may progressively marginalize locally embedded legal values that are absent from digital datasets. On this basis, the study proposes a human-centered AI model for local lawmaking, positioning AI exclusively as an assistive instrument under continuous human oversight, while legally binding and value-based decisions remain the responsibility of the DPRD and regional government. The model further requires data provenance, verification of AI-generated legal outputs, meaningful public participation, and the incorporation of local legal knowledge into a reliable digital corpus. The study therefore contributes to the socio-legal discourse on AI governance by connecting technological regulation with legal pluralism and living law at the local level. Its findings suggest that digital transformation in legislative processes should be pursued not merely through technological efficiency, but through institutional safeguards that preserve legal certainty, democratic participation, accountability, and the sociological legitimacy of local regulations.

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