Innovation in Community Protection Against AI-Generated Content: Urgency of Applying Sunset Clause Method with Regulatory Impact Analysis Approach

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Abstract: *Dependence on Artificial Intelligence in helping to carry out daily tasks and activities is becoming increasingly significant. Various Artificial Intelligence services ranging from software development to foreign language translators have significantly increased the impact of Artificial Intelligence on society. However, the content produced by Artificial Intelligence can have major negative impacts, including the spread of disinformation through AI-Generated Content that threatens democracy and public trust, violations of privacy resulting from unauthorized use of personal data, discrimination, and prejudice. This study uses a normative legal research method with a legislative approach, a conceptual approach, and a comparative approach. This study shows that the Sunset Clause method in Indonesian law enforcement has great potential to increase the efficiency and relevance of laws and regulations in protecting society from the threat of the development of Artificial Intelligence technology, in line with SDGs point number 16 to ensure sustainable development in realizing the goals of the SDGs. This research provides innovation in the form of implementing the Sunset Clause model, which includes the validity period of a law, as well as a mechanism for reviewing laws and regulations through Regulatory Impact Analysis to protect the public from the threat of AI-Generated Content.*

Keywords: *AI-Generated Content, Artificial Intelligence, Regulatory Impact Analysis, Sunset Clause.*

1. INTRODUCTION

The rapid development of Artificial Intelligence (AI) technology has brought a significant impact on various aspects of people's lives. Currently, AI is not only a tool to help with daily activities, but has also become an integral part of various services used by the wider community, from software development to foreign language translation. However, behind the benefits offered, AI also carries the potential for serious threats, especially related to content generated by AI or better known as AI-Generated Content. AI-Generated Content poses new challenges in the realm of law and public policy. One of the most prominent threats is the spread of disinformation that can undermine the foundations of democracy and erode public trust. In addition, the unauthorized use of AI in processing personal data also poses a risk of privacy violations. On the other hand, the bias and discrimination embedded in AI algorithms can lead to social injustice.

A real example of this detrimental consequence occurred in 2022, the first being when a fake video featuring Ukrainian President Volodymyr Zelensky was widely circulated. He was seen urging Ukraine to surrender to Russia (Wakefield, 2022). Second, in 2023 a similar incident occurred when a fake video of Russian President Vladimir Putin emerged, in which

he falsely stated that Ukraine was planning to launch an attack on Russia (Gavin, 2023). Third, a fake audio of Monika Tódová, a journalist from Denník N, was used in Slovakia to undermine the credibility of the media. This was done by spreading fake conversations about interference in the 2023 general election. Unfortunately, this audio recording was widely circulated on social media during a quiet period, and the Slovak authorities were unable to refute its veracity. As a result, widespread public discontent and the reputation of the democratic party in Slovakia become disrupted (Atherton, 2023). The three cases mentioned above demonstrate the ability of AI-Generated Content to trigger panic and confusion in an already volatile environment. AI-Generated Content has a significant impact not only on social and political aspects but also on the sensitive realm of financial crime. In 2019, a British energy company executive fell victim to a deepfake audio that convincingly imitated the voice of one of his superiors. This fraudulent scheme resulted in a significant monetary loss of Rp. 3.7 billion (Damiani, 2019). These cases demonstrate the potential for sophisticated technology to be exploited for fraudulent purposes, resulting in significant material losses.

AI-Generated Content has significant and harmful impacts, including but not limited to privacy violations, defamation, copyright infringement, financial losses, and social instability. As society becomes more dependent on AI technology, it is imperative to review the existing regulatory framework to ensure adequate protection for the public. In this context, this study highlights the urgency of implementing the Sunset Clause method with the Regulatory Impact Analysis (RIA) approach as an innovative approach to law enforcement in Indonesia. This method aims to improve the relevance and efficiency of laws and regulations in addressing the threats posed by AI-Generated Content. This emphasizes the urgency to develop effective strategies in addressing this challenge. Therefore, this study is here to fill the gap in the literature related to the proposed application of the Sunset Clause model which can provide a more dynamic and responsive legal basis in dealing with technological developments, especially in protecting society from the negative impacts of AI-Generated Content. Thus, it is hoped that this policy can contribute to the achievement of the Sustainable Development Goals (SDGs), especially point 16 which emphasizes the importance of sustainable development supported by strong and fair institutions.

2. LITERATURE REVIEW

In fact, there are several studies that have examined AI-Generated Content from various perspectives. Such as a study entitled, "Trusting AI: Factors Influencing Willingness of Accountability for AI-Generated Content in the Workplace" (Aumüller) where the study

discusses how AI Generated Content can contribute to the decision-making process within an organizational environment (Aumüller & Meyer, 2024). The second is a study by Douglas entitled, "The Corporate Control of Free Speech: Ethical Constraints and the Terseness of AI-Generated Content" Where the study tries to explore a company's interest in guidelines for the use of AI-Generated Content can be a threat to freedom of speech (Youvan, 2024). The last is a study conducted by Pan, Wang, and Zhang entitled, "The Research On The Ownership Of Copyright Of AI-generated Content" which explains the ambiguity about copyright ownership of AI-Generated Content itself (Pan et al., 2024).

If we look at the three studies, the scope of the discussion on AI-Generated Content itself is very broad and diverse. Starting from its impact on decision-making to ownership of the copyright of the content itself. The three studies also explain each of the challenges and dangers faced in the context of using AI-Generated Content itself. However, the three studies do not explain the threats in a broader scope and scope regarding the dangers arising from AI-Generated Content to society. There is also no step in an effort to protect the community from AI-Generated Content itself. Based on this explanation, there needs to be a step in an effort to protect the community from the dangers caused by AI-Generated Content. Namely in the form of optimizing the National Legal Development Agency (BPHN) which uses the Sunset Clause method and the Regulatory Impact Analysis approach. This is because this method is considered relevant and efficient in establishing a dynamic and responsive legal basis that always follows the development of the times. One of them is handling problems that arise due to AI-Generated Content.

3. METHODS

This study uses a normative legal research methodology, which is based on law, legal principles, and legal theory. In addition, the author conducts a comprehensive review of the legal principles and perspectives of legal experts to improve understanding and answer the legal problems in question. This study uses three different approaches, namely the legislative approach, the conceptual approach, and the comparative approach. First, the legislative approach involves an analysis of the laws and regulations relating to the legal problems being faced. These laws and regulations include the 1945 Constitution of the Republic of Indonesia, Law Number 12 of 2011 concerning the Formation of Legislation, and Law Number 11 of 2020 concerning Job Creation. Second, this study uses a conceptual approach by taking a different perspective from the ideas and theories that apply in legal science. This study uses the concepts of stufenbau theory, certainty, justice, and benefit to analyze the subject matter. Third, the

comparative approach involves analyzing the law by comparing it. In this study, a comparative study was conducted on the laws and regulations of the United States, Canada, and England related to the challenges in implementing the sunset clause model. The implementation of the Sunset Clause model from these three countries succeeded in cutting 50% of overlapping regulations and the United States (Arizona and Texas) because the initial idea was initiated by the 3rd President of the United States, Thomas Jefferson. The source of legal materials consists of 2 (two) types of data, namely primary and secondary data. The use of this data is used to solve the problems that have been created, namely using primary data, as follows:

a. Undang-Undang Dasar Negara Republik Indonesia tahun 1945;
b. Undang-Undang Number 12/2011 about Pembentukan Peraturan Perundang-Undangan;
c. Undang-Undang Number 15/2019 about Perubahan atas Undang-Undang Nomor 12 Tahun 2011 tentang Pembentukan Peraturan Perundang-Undangan;
d. Undang-Undang Number 13/2022 about Perubahan Kedua atas Undang-Undang Number 12/2011 about Pembentukan Peraturan Perundang-Undangan; and using secondary data legal materials consisting of explanations of laws and regulations, books, or literature that explain the Sunset Clause model, research results, and opinions of competent experts.

4. RESULTS AND DISCUSSION

Threats of AI-Generated Content as a Technology in its Scope in Society

A complex subset of algorithms known as "generative artificial intelligence" (AI) is used to generate new data samples that are similar to previously existing data. These models are able to do more than simply identify patterns; they also understand the underlying distribution of the data, allowing them to generate truly original material while preserving the essential elements of the input data set (Sihombing & Adi Syaputra, 2020). Process Unlike discriminative models, which group data into pre-existing clusters, generative models are designed to generate new samples that are similar to the training data. The ability to generate original content has wide applications in a variety of fields, including text writing, music composition, and the creation of realistic images and videos. The ability of generative AI to mimic and represent the intricacies of real-world data is its core idea. For example, generative models can create new faces that are identical to real faces using a dataset of human faces. This is done using various strategies, each with its own specific method for collecting and analyzing data. Variational Autoencoders (VAEs), Generative

Adversarial Networks (GANs), and transformer-based models such as the Generative Pre-trained Transformer (GPT) are important techniques in generative AI. Each method has revolutionized the sector in its own unique way by offering different tools and frameworks for generating good and realistic data. There are many different types of generative models, each with its own specific method for modeling the data distribution and creating new instances. The most common types include (Guadamuz, 2021).

a. Gaussian Mixture Models (GMMs): The underlying assumption of GMMs is that the data comes from a mixture of many Gaussian distributions, each with its own variance and mean. GMMs can generate new data points that fit the taught distributions by learning the parameters of these distributions.

b. Hidden Markov Models (HMMs): When modeling sequences of data, HMMs are used, assuming that the system is a Markov process with hidden states. HMMs are particularly helpful for applications such as speech recognition and time series data.

c. Restricted Boltzmann Machines (RBMs): One type of energy-based generative model that takes the ability to represent data in terms of hidden variables is RBMs. These models are often used as building blocks of deep belief networks.

d. Variational Autoencoders (VAEs): Neural networks and probabilistic graphical models are combined in VAEs. They gain the ability to sample from a lower-dimensional latent space to create new data points by encoding the input data into a lower-dimensional latent space and then decoding it back into the original space.

e. Generative Adversarial Networks (GANs): Two neural networks make up a GAN: a discriminator and a generator. The discriminator assesses the validity of newly generated data samples, while the generator generates new data. Realistic data is generated by the generator more effectively due to this opposing process.

f. Normalizing Flows: Using a set of invertible functions, normalizing flows transform simple distributions—such as Gaussian—into more complex ones. As a result, density estimation and sampling can be performed effectively.

g. Autoregressive Models: Using predictive patterns, each element of a sequence based on the previous element, these models generate data. Examples include WaveNet for audio and PixelCNN for images.

For some individuals, Generative-AI can enhance creativity and foster constant skill development, despite increasing privacy concerns. An organization can gain a lot from accelerated innovation and operational efficiency. However, it is necessary to address ethical and bias challenges and regulate workload changes through reskilling initiatives.

Socially, Generative-AI can promise economic growth but can increase unemployment rates, which ultimately calls for policies on job recruitment and equal access to technology to prevent socio-economic inequalities (Tuomi, 2018). A comprehensive legal framework is also needed to ensure that AI development is in line with societal ideals. Finally, innovation must be balanced with respect for human creativity and originality, which requires navigating cultural and ethical issues. These consequences highlight the need to implement generative AI methodically, considering the potential benefits and pitfalls it poses in various fields. It will be easier to negotiate the challenges of Generative-AI if we are aware of the potential for job displacement, ethical and bias mitigation, workforce transformation, privacy issues resulting from extensive data use, the need for ongoing skills development, equitable access to technology, and the need for a comprehensive regulatory framework and cultural and ethical navigation. The findings of this study can be used by stakeholders, such as legislators, educators, and business executives, to guide their decision-making and create policies for responsible Generative-AI deployment (Guadamuz, 2021).

While generative AI can drive economic growth and creativity, it also has its drawbacks, including potential job losses and worsening socioeconomic disparities. It is important to ensure equitable access to AI technologies to prevent further social divisions. Furthermore, to preserve human creativity and uniqueness, it is important to carefully manage the ethical and cultural issues surrounding AI-generated content. a comprehensive regulatory framework is needed to control the creation and application of generative AI, prevent moral deviations, and ensure conformity to societal norms. Ultimately, addressing these social consequences requires a coordinated effort by legislators, business executives, and the general public to maximize the benefits of generative AI while minimizing its negative impacts on people and society. The world's population could be affected by the potential of generative AI to transform social relations, cultural production, and economic systems (Youvan, 2024).

Efforts to Protect Society Against the Dangers of AI-Generated Content Through the Sunset Clause Method with a Regulatory Approach Impact Analysis

The implementation of the sunset clause in Indonesia will have an impact on the revision of the Law on the Drafting of Legislation which has been amended several times with the latest amendment being Law Number 13 of 2022. The law includes the omnibus law method in the renewal of related laws. However, it is necessary to consider the various weaknesses of the omnibus law approach, one of the main weaknesses of which is the

tendency towards a lack of democracy and pragmatism. Omnibus law tends to prioritize practicality over democratic values. The second weakness is the process which is generally carried out briefly and without significant public involvement, thus limiting the public space in providing aspirations and input from the community in making laws (Yasin, 2020). The involvement of experts in small numbers coupled with a limited scope of research can have detrimental consequences for the general public. The third weakness comes from a lack of accuracy and caution. Caution needs to be emphasized in making each norm of the article in the omnibus law due to the inclusion of several provisions from other laws. However, in reality this is not done as in the Job Creation Law which has caused controversy (Tysara, 2021). Based on these weaknesses, the application of the sunset clause method through the reformulation of the Law on the Drafting of Legislation is a solution to ensure increased quality and participation in the legislative process. This renewal can efficiently overcome the obstacles associated with a comprehensive legislative method. In order to prevent overlapping methods of simplifying the formation of legislation in Indonesia, it is necessary to eliminate the provisions of the omnibus law method contained in Law No. 13 of 2022 and replace it with the preparation of legislation through the sunset clause method.

The concept of a sunset clause is a legal instrument that imposes a time limit on laws and regulations and requires a review before the regulations can be extended or abolished. The purpose of implementing this approach is to ensure the accuracy, effectiveness, and efficiency of current laws and regulations and to increase the relevance and efficiency of laws and regulations in addressing the threats posed by AI-Generated Content. As with the types of sunset clause methods explained previously, the type that is appropriate to be applied in Indonesia is the selective review model, which gives the National Legal Development Agency (BPHN) the authority to review laws and regulations. This authority is given to BPHN because it is in line with the authority in carrying out its duties and functions, one example of which is to conduct analysis and evaluation of laws and regulations as regulated in Article 368 of Permenkumham Number 28 of 2023. By using the selective review model for BPHN, the evaluation of laws and regulations becomes more efficient. BPHN has extensive legal expertise and a deep understanding of the national legal system, enabling it to conduct comprehensive and accurate reviews. This eliminates the need to allocate extra time and resources to review in creating a new institution that may not have equivalent expertise in legal examination. The evaluation of laws and regulations by BPHN must be carried out consistently and to the same standard, namely by using the

regulatory impact analysis (RIA) mechanism. This is very important to uphold integrity and fairness in the implementation of the law and ensure that each regulation is assessed consistently and fairly.

The implementation of regulatory reviews by BPHN against laws and regulations prevents unnecessary expenditure of resources that would arise if the evaluation was carried out by a newly formed independent institution. Establishing a new institution requires additional funding allocation, staff training, and the formulation of new regulations to regulate the operation of the institution. By utilizing BPHN, existing resources can be used efficiently without requiring additional allocations for the formation and functioning of the new institution. BPHN, as an established institution, demonstrates sustainability and empowerment in fulfilling its responsibilities. Delegating the responsibility to analyze and assess laws and regulations to BPHN not only increases the institution's competence and capability, but also ensures the continuity of the review process, regardless of changes in organizational or political structure. This ensures stability in the process of reviewing laws and regulations. BPHN is directly responsible to the government and the public, ensuring that the review process is carried out with transparency and accountability. This allows the public to provide input and criticism and increase public trust in the legislative and law enforcement process. The use of the sunset clause selective review model at BPHN provides several benefits, such as increased efficiency, consistency, prevention of waste of resources, institutional sustainability, and increased accountability and transparency. Therefore, this method is a very effective choice to ensure that laws and regulations in Indonesia can maintain their relevance, effectiveness, and efficiency in meeting the legal needs of society.

In the early stages of implementing the sunset clause approach, there will be an effort to informally synchronize conflicting or overlapping laws and regulations. So that this approach can be achieved more efficiently by simplifying the review process for the current situation. This involves eliminating unnecessary rules and regulations and reformulating the systematic application of the sunset clause as a legal basis for regulatory review institutions to assess outdated laws and regulations. The National Legal Development Agency (BPHN) is the institution entrusted with this authority. This institution will require active involvement from each ministry, as well as involvement from external experts who are not part of the government entity. BPHN will operate under the jurisdiction of the Ministry of Law and Human Rights and has direct accountability. BPHN will establish a standard process for evaluating regulations using the Regulatory Impact Analysis (RIA)

mechanism. This will be included in the latest version of the Law on the Drafting of Legislation as a standard evaluation process. The implementation of the Sunset Clause mechanism will begin by collecting public aspirations and opinions related to laws and regulations that will expire under the sunset clause. BPHN will recapitulate public opinion on unnecessary regulations and coordinate with the regulatory agency to make improvements or submit a request for review to BPHN by the relevant agency if the regulation is an important regulation. To be categorized as an important regulation is any regulation that has a long-term impact on the economy, has an impact on 1 million people or more, has an impact on damaging competition, etc. These improvements must be reported immediately and will then be evaluated by BPHN to determine their compliance with the principles of justice and public welfare. During the assessment stage, BPHN has the authority to provide conclusive and binding conclusions. Therefore, if the institution does not implement the decision, the legal product of the institution is considered no longer valid. In determining the validity period of the sunset clause given in a regulation, it will be reviewed every 5 (five) years. After all the regulations that will be abolished have been effectively synchronized, the regulations that have redundancies or duplications will be abolished and their validity period will end. The rationale for using the Sunset Clause for 5 (five) years is aligned with the term of office of the DPR. The selection of this period is linked to the term of office of the DPR (People's Representative Council) because the DPR has a significant role in formulating development plans and strategic plans which are then realized into legislation.

The concept of the BPHN mechanism that will establish a standard process for evaluating regulations using the Regulatory Impact Analysis (RIA) mechanism, can be further explained that Regulatory Impact Analysis or RIA is a comprehensive and methodological assessment of the potential beneficial and detrimental impacts of new laws or regulations. The purpose of this assessment is to determine whether the proposed regulation can effectively achieve the objectives that have been set and to identify potential unexpected outcomes. RIA uses an established methodology to collect, condense, and assess data related to the impact of the regulation. The evaluation of the structure, data utilization, and alternative options included in the RIA draft paper are heavily influenced by the consultation process (Wicaksono, 2023). RIA excels because it focuses on explaining the impact of the proposed regulation rather than supporting a particular method. Cost-benefit analysis, strengthening evidence-based decision-making, and increasing stakeholder engagement are all examples of RIA that can improve the relevance and

efficiency of regulatory legislation in addressing the threats posed by AI-Generated Content. However, several issues arise, such as the amount of time and resources required to conduct a comprehensive analysis, and the need to ensure that the process is impartial and unaffiliated (Retnosari et al., 2024).

The effectiveness of a sunset clause depends on the quality of its design, language, and implementation. When analyzed from a legislative quality perspective, the previously identified and evaluated sunset clauses show several shortcomings that may explain some of their lack of effectiveness. A common concern in all the laws analyzed is the lack of precision and clarity in defining what is subject to sunset, the specific time period for sunset, and the procedures required for the expiration of the provision. If the effectiveness of a law is measured by its ability to clearly communicate the regulatory message to all parties involved, then the application of the sunset clause can be said to be unsuccessful. So that it must convey a concise message, not using complicated, complex, and ambiguous or incomprehensible sentences. This can be seen in the application of sunset clauses in various countries as follows:

a. United States

   The US Patriot Act of 2001 begins with an exception before referring to the title and amendments that will expire, but in between it lists in detail all the parts that are excluded from sunset. The emphasis is on what does not end rather than on what does end, the references to amendments are confusing and the result is a very vague provision that cannot be understood by anyone who is not familiar with the details of the act, its sections and its amendments: "Except as provided in subsection (b), this title and the amendments made by this title (other than sections 203(a), 203(c), 205, 208, 210, 211, 213, 216, 219, 221, and 222, and the amendments made by those sections) shall cease to have effect on December 31, 2005."

b. Canada

   The Anti-Terrorism Act 2001, in particular section 83.32(1), identifies certain sections that will cease to apply and also sets out an end date. The end date is: "at the end of the fifteenth sitting day of Parliament after December 31, 2006". This is a complicated formulation and can be difficult for individuals who are not familiar with parliamentary procedures. When does the sitting day begin? Do weekends count as part of it? Does the schedule include all working days? On what date does the fifteenth sitting day take place? This is confusing because there is no clear reason for the need to specify a sunset

date in such a convoluted manner. How easy is it for any interested party to accurately determine the date of the fifteenth sitting of Parliament?

The Terrorism Act 2006 under section 25 refers to the following: "any time which – (a) is more than one year after the commencement of section 23; and (b) does not fall within a period in relation to which this section is disapplied by an order under subsection (2)". The method for determining the precise date is still unknown, as is the need for such a complex provision. The second problem is that some of these provisions set out very vague conditions as to their extension. The decision to extend the duration of a sunset provision can in most instances be made without any explicit link to a full review, other than the need for approval by the Parliamentary Assembly. The Anti-Terrorism Act (Canada) 2001 refers to a resolution passed by both Houses of Parliament, and the Terrorism Act 2006 (UK) to an order of the Secretary of State made by a statutory instrument (Section 25 paragraph 2) which must have been tabled in Parliament and approved by a resolution of each House (Section 25 Paragraph 6). These provisions rely on the decision of a particular authority without explicit reference to a review process that would examine the effectiveness or operability of these provisions. The emphasis is more on the procedural aspects of the approval than on its substance. But even when the substance aspect is explicitly mentioned, the way in which this is done is so convoluted and unclear that the message is lost. Thus the implementation of sunset clauses fails due to ineffective communication of the regulatory message, including the specifics of what ends, when it ends, how it ends, and the substantive requirements for any extension. Thus, the failure of sunset clause implementation can be caused by ineffective communication of its regulatory messages, including specific details about what ends, when it ends, how it ends, and the substantive requirements for each extension. Therefore, it is essential that provisions such as sunset clauses, given their extraordinary nature and function, need to meet a high level of clarity, precision, and unambiguity to be effective. The challenges identified above validate that sunset clauses may not be a solution to various problems related to legislation and can reduce legal certainty if they do not include two important elements, namely strict design and drafting standards, and a comprehensive framework for examination and evaluation (Molloy et al., 2022). This can be explained as follows:

a. Drafting Considerations

In drafting effective sunset provisions, it is essential to prioritize clarity and certainty in the regulatory message regarding the subject of expiration, the expiration period, the subject and timing of the review, the competent body, and the required process,

including decisions and follow-up. When formulated in this manner, sunset clauses tend to be more precise, less susceptible to manipulation, and more effective in establishing a substantial framework for evaluation. The primary purpose of a sunset clause is to clearly indicate the provisions that will be affected when the clause expires. Sunset clauses can apply to the entire regulation, or they can apply only to certain sections. In the latter case, it is important to clearly define and specify the segments to which they apply. Section 89 of the Coronavirus Act 2020 (England) covers the whole of the Act, but section 9 of the Coronavirus (Scotland) (No. 2) Act 2020 relates specifically to Part 1 of the Act. References to expired sections, clauses or subsections should be concise and not unduly complex. It is important to avoid ambiguity in sunset clauses to ensure legal certainty. Before the clause expires, a comprehensive assessment should be made of any potential gaps in the exercise of rights or the actual situation that arose when the provision came into force. In such cases, transitional provisions, which address or deal with any outstanding matters, should be applied.

b. Establish a framework for oversight/review

Sunset clauses should be accompanied by a comprehensive review procedure. This procedure should involve the appointment of a review body that will produce a report to be submitted to the legislature. The evaluation process should determine whether the law has achieved its intended purpose and whether it is necessary to continue its implementation. The review process should involve democratic deliberation and accountability by allowing the legislature to review the provisions, their implementation, and their impact before making further decisions. This could include reauthorization of expired provisions or amendments needed to improve the effectiveness of the law.

5. CONCLUSION

In facing the development of AI technology, especially related to AI-Generated Content, public protection must be prioritized to prevent negative impacts such as the spread of disinformation, privacy violations, and social injustice. The application of the Sunset Clause method with the Regulatory Impact Analysis (RIA) approach in Indonesia is urgent to ensure that existing regulations remain relevant and effective in addressing these challenges. The Sunset Clause allows for periodic evaluation of regulations, thereby preventing the enactment of regulations that are no longer in accordance with current conditions. With the selective review model, the National Legal Development Agency (BPHN) is given an important role in

reviewing and evaluating laws and regulations, ensuring integrity and fairness in the implementation of the law, and increasing the relevance and efficiency of laws and regulations in addressing threats posed by AI-Generated Content. Here are some recommendations that the author provides:

a. Strengthening the Capacity of BPHN: To improve the effectiveness of the implementation of sunset clauses and RIA, BPHN needs to strengthen the capacity of its human resources and policy monitoring system. Training and competency development will ensure that BPHN can carry out regulatory evaluations more efficiently and comprehensively.

b. Updating the Legal Framework: The government needs to revise the Law on the Formation of Legislation to integrate the sunset clause and RIA methods as a standard process in the formation of regulations. This update will provide a strong legal basis for the implementation of both methods.

c. Involvement of External Experts: In the evaluation process, it is important to involve external experts who are not part of the government entity. This will provide a more objective perspective and increase the credibility and accountability of the evaluation process.

d. Public Participation: The regulatory evaluation process must be carried out with transparency and accountability, including involving the public to provide input and criticism. This will increase public trust in the legislative process and law enforcement. By adopting these measures, Indonesia can build a more adaptive and responsive regulatory framework to technological developments, ensuring effective protection for the public from the negative impacts of AI-Generated Content.

LIMITATION

This research acknowledges several limitations inherent in its scope and methodology. First, the study employs a normative legal research method with legislative, conceptual, and comparative approaches. While these methods are effective for analyzing existing legal frameworks and proposing innovations, they inherently limit the empirical validation of the proposed solutions. The absence of primary data collection, such as interviews or surveys with stakeholders directly affected by AI-generated content, restricts the ability to measure the practical applicability and societal reception of the proposed Sunset Clause model. This limitation may impact the comprehensiveness of the study's conclusions regarding the real-

world effectiveness of the Regulatory Impact Analysis mechanism in mitigating the risks posed by AI-generated content.

Second, the research primarily focuses on the Indonesian legal system and its compatibility with the Sunset Clause model, which might limit its generalizability to other jurisdictions with different legal, cultural, and technological contexts. Although a comparative approach was utilized, the analysis of foreign legal systems was not exhaustive, potentially leaving out relevant practices that could enhance the proposed framework. Additionally, given the rapidly evolving nature of Artificial Intelligence technology, there is an inherent challenge in keeping the analysis up to date with the latest advancements. These factors suggest that further research incorporating empirical methods and a broader comparative analysis would be necessary to strengthen and validate the study's findings.

REFERENCES

Atherton, D. (2023, October 7). *Incident 573: Deepfake Recordings Allegedly Influence Slovakian Election*. Incidentdatabase.Ai. https://incidentdatabase.ai/cite/573/.

Aumüller, U., & Meyer, E. (2024). Trusting AI: Factors Influencing Willingness of Accountability for AI-Generated Content in the Workplace. *Human Factors and Systems Interaction*, 154, 77–84. https://doi.org/10.54941/ahfe1005355.

Baugus, B., & Bose, F. (2018). Sunset Legislation in the States: Balancing the Legislature and the Executive. *SSRN Electronic Journal*. https://doi.org/10.2139/ssrn.3211623.

Damiani, J. (2019, September 3). *A Voice Deepfake Was Used To Scam A CEO Out Of $243,000*. Forbes. https://www.forbes.com/sites/jessedamiani/2019/09/03/a-voice-deepfake-was-used-to-scam-a-ceo-out-of-243000/?sh=2aac4e822416.

Ekatjahjana, W., Hauerstein, K., & Heilmann, D. (2019). Regulatory Reform in Indonesia A Legal Perspective.

Gavin, G. (2023, June 5). *'Fake Putin' announces Russia under attack as Ukraine goes on offensive*. Politico.Eu. https://www.politico.eu/article/fake-vladimir-putin-announces-russia-under-attack-ukraine-war/.

Guadamuz, A. (2021). *Do androids dream of electric copyright? Comparative analysis of originality in artificial intelligence generated works*. Artificial Intelligence and Intellectual Property, 147–176. https://doi.org/10.1093/oso/9780198870944.003.0008.

Ihsanul Maarif, I., & Arifin, F. (2022). Komparasi Penggunaan Analysis Regulatory Method Sebagai Instrumen Pendukung Kebijakan Dalam Penyusunan Peraturan Perundang-Undangan. *Litigasi*, 23(2), 272–290. https://doi.org/10.23969/litigasi.v23i2.6128

Molloy, S., Mousmouti, M., & De Vrieze, F. (2022). *Sunset Clauses and Post-Legislative Scrutiny: Bridging the Gap between Potential and Reality*. The PLS Series, February, 1–31.

Pan, Z., Wang, S., & Zhang, C. (2024). *The Research On The Ownership Of Copyright Of AI-generated Content*. 39, 362–368.

Ranchordás, S. (2014). *Sunset Clauses and Experimental Legislation: Blessing or Curse for Innovation?* https://pure.uvt.nl/portal/files/11966586/Ranchordas_sunset_26_05_2014_emb_tot_01_06_2016.pdf.

Retnosari, A., Rizqi, H., Syaif, A., & Airlangga, U. (2024). Penerapan Regulatory Impact Assessment dalam Pembentukan Peraturan Perundang-Undangan : Suatu Kewajiban atau Saran?. *Cakrawala Journal*, 18(1), 143–153.

Sihombing, E. N., & Adi Syaputra, M. Y. (2020). Implementasi Penggunaan Kecerdasan Buatan dalam Pembentukan Peraturan Daerah. *Jurnal Ilmiah Kebijakan Hukum*, 14(3), 419. https://doi.org/10.30641/kebijakan.2020.v14.419-434.

Suparmiatun, E., Syarifah, N., Perdana, R., Wahanu, H., & Priyono, E. (2011). Pengembangan dan Implementasi Metode Regulatory Impact Analysis (RIA) untuk Menilai Kebijakan (Peraturan dan Non Peraturan) di Kementerian PPN/BAPPENAS. *Biro Hukum Kementerian PPN/BAPPENAS*, 1–23.

Tuomi, I. (2018). *The Impact of Artificial Intelligence on Learning, Teaching, and Education Policies*. In Science for Policy. https://doi.org/10.2760/12297.

Tysara, L. (2021). *Kelemahan Omnibus Law adalah Membatasi Ruang Partisipasi, Begini Penerapan di Indonesia*. Liputan6.Com. https://www.liputan6.com/hot/read/4979567/kelemahan-omnibus-law-adalah-membatasi-ruang-partisipasi-begini-penerapan-di-indonesia?page=3.

Wakefield, J. (2022, March 18). *Deepfake presidents used in Russia-Ukraine war*. Www.Bbc.Com. https://www.bbc.com/news/technology-60780142.

Waller, J. K. (2009). *The Expenditure Effects of Sunset Laws in State Governments*. https://search.proquest.com/docview/304865008%0Ahttps://search.proquest.com/docview/304865008.

Wicaksono, D. A. (2023). Quo Vadis Pengaturan Regulatory Impact Analysis (RIA) Dalam Pembentukan Peraturan Perundang-Undangan. *Jurnal Legislasi Indonesia*, 20(2), 44–60. https://e-jurnal.peraturan.go.id/index.php/jli/article/view/44.

Yasin, M. (2020). *Plus Minus Metode Omnibus Law*. Hukumonline.Com. https://www.hukumonline.com/berita/a/plus-minus-metode-iomnibus-law-i-lt5f8bd2cf64081?page=3.

Youvan, D. C. (2024). *The Corporate Control of Free Speech: Ethical Constraints and the Terseness of AI-Generated Content*. July. https://doi.org/10.13140/RG.2.2.15458.75209.