The Urgency of Reformulating Digital Policing Regulations Within the Framework of E-Polmas and Police 5.0 to Address the Legal Vacuum Regarding the Use of Artificial Intelligence in the Field of Public Order and Security

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Abstract: The development of artificial intelligence (AI) technology has had a significant impact on the transformation of policing models in Indonesia, particularly in the context of public safety and order (kamtibmas). The concepts of Police 5.0 and Electronic Community Policing (E-Polmas) are responses to the challenges of the 5.0 Industrial Revolution era, which demands that the police operate digitally, predictively, and collaboratively with the community. However, the use of AI technology by police institutions lacks a strong legal foundation. This study found that current regulations, such as Law No. 2 of 2002 on the National Police of the Republic of Indonesia, Law No. 27 of 2022 on Personal Data Protection, and the ITE Law, do not specifically address the governance of AI in law enforcement. This legal vacuum raises a number of issues, ranging from unclear accountability, and the risk of algorithmic discrimination, to potential human rights violations. Through a normative legal approach, this study emphasizes the urgency of reformulating digital policing regulations that must include the principles of algorithmic transparency, institutional accountability, human rights protection, and public participation. Besides, it is necessary to design new regulations that are in harmony with international standards, as well as to establish an independent supervisory commission to ensure oversight of the use of technology in police duties. Recommendations are given to lawmakers and the Indonesian National Police to immediately develop an adaptive, ethical, and progressive legal framework to ensure legal protection and the effectiveness of digital policing in the future.

Keywords: Digital Policing, Artificial Intelligence, E-Polmas, Police 5.0, Regulatory Reformulation, Legal Protection, Policing.

INTRODUCTION

The development of artificial intelligence (AI) technology has penetrated various sectors of life, including the field of public security and order (Sudaryanto, 2023). AI is now

used to process large amounts of data, recognize crime patterns, and direct crime prevention policies that are faster and more precise (Maryani, 2025). In modern policing, AI has become a critical tool to support police work, such as in the use of facial recognition systems, AI-based surveillance cameras, and predictive software (Syauket, 2024). The advantages of AI in terms of analysis speed and efficiency make it very attractive for adoption by law enforcement agencies (Kushariyadi, 2024). However, this adoption raises crucial issues when its use is not balanced with an adequate legal foundation. When technology is used faster than the regulations governing it, legal loopholes arise that can impact the protection of civil rights (Sudira, 2025).

The emergence of the concept of digital policing is a form of adaptation by police institutions to the ongoing global transformation of digital technology (Ismail, 2023). Digital policing changes the way the police interact with the public and how data is collected and analyzed for law enforcement purposes (Wibowo, 2023). In its development, the term Police 5.0 has emerged, reflecting the latest phase of police evolution, which is not only technology-based but also rooted in humanistic values, public participation, and service efficiency (Kusumawardani, 2021). The Police 5.0 model leverages AI and big data to support quick and responsive decision-making processes (Mahendra, 2024). However, this concept still faces normative challenges because it is not yet supported by a comprehensive legal framework, especially in the Indonesian context. The absence of specific regulations creates uncertainty in its implementation and opens up opportunities for abuse of authority.

Current regulations still govern policing within a traditional framework that does not comprehensively consider the use of advanced digital technology. Law No. 2 of 2002 on the National Police of the Republic of Indonesia does not explicitly regulate the use of AI and predictive technology in police activities. Meanwhile, regulations such as the ITE Law and the Personal Data Protection Law only address certain aspects of protection in the digital space, without detailing the boundaries and accountability of AI use in the public safety domain (Apriandi, 2024). This situation shows how the law lags behind social and technological realities. When AI is used to detect or even predict criminal acts, the validity of data, transparency of algorithms, and the right to obtain explanations become urgent legal issues (Farid, 2023). Without clear norms, digital policing can violate the principle of due process and threaten substantive justice.

In addressing this issue, the concept of Electronic Community Policing (E-Polmas) is one relevant approach that needs to be developed. E-Polmas emphasizes collaboration between the community and law enforcement agencies through electronic media, with the aim of creating a conducive security and public order situation (Suseno, 2016). Principles such as information transparency, active community participation, and public accountability are core values in this approach. The digitalization of Polmas enables the community to easily report incidents, provide information, and participate in problem-solving processes within their environment (Chafid, 2024). With the support of AI technology, the E-Polmas system can be enhanced to provide faster, more interactive, and evidence-based services. However, for E-Polmas to operate ethically and legally, regulations are needed that not only support innovation but also protect the community's rights from potential violations.

AI in the field of public safety is not only used for surveillance but also to analyze crime patterns and predict potential future crimes (Berk, 2021). Predictive algorithms, for example, can identify high-risk areas for crime, enabling authorities to allocate resources efficiently. Although effective in terms of operational efficiency, such systems are vulnerable to data bias, especially if the data sources are discriminatory or inaccurate (Alikhademi, 2022). When legal decisions are made based on algorithmic predictions without objective human intervention, the principle of presumption of innocence can be overlooked. The public can become victims of racial profiling or stigmatization without clear accountability mechanisms. Therefore, it is

crucial to understand that AI is not a neutral tool and there is always the potential for abuse that impacts the fundamental rights of citizens (McDaniel, 2021).

The potential misuse of AI in digital policing also poses a real risk to civil liberties, privacy, and non-discrimination. AI-based surveillance systems that continuously monitor individuals' movements without time or space limitations can have a chilling effect on society. In practice, such technology could be used to silence freedom of expression or monitor certain groups for security reasons (Herdian, 2025). When there is no independent external oversight, the police can act beyond their authority without being effectively controlled. It is a significant concern in the context of a constitutional state that guarantees the protection of human rights. If the use of AI is not strictly regulated, its technological advantages can turn into a very powerful tool of repression.

The development of AI systems in policing must take into account the fundamental values that exist in society and are guaranteed by the Constitution. The principle of due process of law requires that any intervention in the rights of citizens must be based on fair and testable laws. In the context of digital policing, this means that any use of AI must have a clear legal basis, transparent accountability mechanisms, and effective complaint procedures. It is not enough to rely solely on internal Polri policies or technical instructions, as the use of AI touches on highly sensitive areas of privacy (Darmawan, 2024). Legal aspects must be designed to balance the need for efficiency in law enforcement with the protection of individual freedoms. AI-based law enforcement needs to be tested periodically to ensure that there are no violations of constitutional principles.

In the study of legal theory, the responsive legal approach is very appropriate to be used to examine this issue. Responsive law views law as a tool that must follow social needs and developments, including technological advances. This approach not only sees the text of the law as a source of legal truth, but also considers the values, interests, and social conditions of society (Sulaiman, 2023). By using responsive law, AI regulations in policing can be designed by considering the voices of the community, including vulnerable groups affected by digital surveillance systems. This approach is also in line with progressive legal theory which encourages law to become a tool for social transformation, not just a tool of state power. When AI is used in law enforcement, progressive law demands that the technology be controlled in such a way as not to harm the principle of substantive justice (Ambarwati, 2022).

The relevance of this approach is even stronger when considering that technology cannot operate in a value vacuum. The sophistication of technology must be subject to the basic values of the rule of law, namely justice, humanity, and participation. In this case, AI in the police system needs to be seen as a complement, not a substitute for the role of humans. The police must continue to act based on wisdom, empathy, and a sense of social justice that cannot be replaced by machines. When regulations are formulated based on a value approach, the system built is not only efficient but also humane. In the context of digital policing, ethical principles are an important foundation so that the use of AI does not sacrifice human dignity. Laws must be present to ensure that innovation is not used as a shield to violate the principles of justice.

The concept of E-Police, Police 5.0, and the use of AI in the realm of public order and security should be built within a legal framework that is not only legalistic but also participatory and progressive. Digital transformation in the police is not enough to rely only on the latest technology, but must also be guarded by fair regulations. In a democratic society, every use of power, including technology-based power, must have strong legal legitimacy. The public has the right to know how the AI system works, what the basis for its decisions is, and how to question the results if an error occurs. When the police and the public work together to develop a fair and transparent security system, public trust will increase. This trust is the main foundation for the success of modern, democratic, and service-oriented policing.

METHOD

This study uses a normative legal method with a regulatory approach and a conceptual approach. The regulatory approach is carried out by examining and analyzing relevant positive legal provisions on the use of artificial intelligence (AI) in policing activities, both general and specific. The analysis covers Law No. 2 of 2002 on the Indonesian National Police, Law No. 27 of 2022 on Personal Data Protection, Law No. 11 of 2008 in conjunction with Law No. 19 of 2016 on Electronic Information and Transactions, and Regulation of the Indonesian National Police No. 12 of 2024 on Professional Ethics and the Police Ethics Commission. The purpose of this approach is to identify the extent to which these legal instruments have or have not regulated aspects of AI technology use, as well as to examine gaps or inaccuracies in existing norms. Additionally, a conceptual approach is used to examine the fundamental ideas and principles of digital policing, such as the concepts of Police 5.0 and Electronic Community Policing (E-Polmas), as well as the legal principles underlying the use of technology in the judicial system and law enforcement. This approach helps formulate a theoretical and normative framework for the urgency of regulatory reformulation and offers an ideal direction for future digital policing regulations that align with the principles of the rule of law, human rights, and global technological developments. By combining both approaches, this research aims to provide conceptual and practical contributions to strengthening the national legal system in addressing the challenges of the digital era.

RESULT AND DISCUSSION

Analysis of Positive Regulation and Identification of Legal Gaps Related to the Use of Artificial Intelligence in Public Order and Security Policing

The legal framework governing the Indonesian National Police currently refers to Law Number 2 of 2002. This law establishes the role and function of the police in maintaining public security and order, enforcing the law, and providing protection and services to the community. However, throughout the entire content of this law, no article explicitly regulates the use of digital technology, let alone artificial intelligence (AI). The general provisions in Articles 13 and 14 only mention the main duties of the police without considering technological developments. This indicates that the existing legal framework is not responsive to the digital transformation that has now become an operational necessity for modern policing.

Several other regulations, such as Law Number 27 of 2022 on Personal Data Protection, do have relevance in the context of AI usage by the police, especially regarding the collection, storage, and processing of personal data. Articles 20 to 22 regulate the obligations of data controllers to ensure the security of personal data. When the police use AI systems that involve biometric data, location data, and other sensitive information, the protection of this data becomes crucial. Unfortunately, this law has not specifically regulated how law enforcement entities like the police can use personal data while still respecting the rights of citizens.

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Law No. 6 of 2023 on the Enactment of the Job Creation Perppu into Law, which contains a number of new norms on digital technology and innovation, does not specifically address the relationship between policing and AI. This law focuses more on facilitating the digital economy, simplifying business licensing, and investing in technology. Thus, aspects of public safety and order related to the use of AI in law enforcement institutions are still lacking in normative discussion. It indicates that there is no unified legislative vision in responding to the challenges brought about by the use of AI in the field of security.

The absence of legally binding standard operating procedures is a crucial issue in the use of AI within the Indonesian National Police. Without legally-based SOPs, the implementation of this advanced technology is highly dependent on the interpretation of each work unit, which ultimately has the potential to lead to arbitrariness. There are no regulations that describe how to verify the results of algorithmic decisions, nor who is responsible if AI makes prediction errors or discriminates. This reinforces the assumption that the use of AI is currently not within a well-organized legal framework.

The lack of clarity regarding accountability and legal responsibility is also a major challenge in the context of positive law. In a legal system based on the principle of legality, every form of repressive action by the state must be traceable to the responsible. However, when decisions are made based on complex AI systems that operate autonomously, it is difficult to determine who should be held legally responsible if the system causes violations of the law or human rights. The absence of provisions addressing legal responsibility for technological failures creates a serious normative vacuum.

The absence of independent oversight mechanisms for AI use also creates a gray area that is vulnerable to abuse. Ideally, law enforcement agencies that use advanced technology systems should be subject to objective external control. However, Indonesia does not yet have an independent body specifically tasked with monitoring the use of algorithms and predictive technology in security institutions. There are no regulations requiring regular technology audits or mechanisms to ensure that the algorithms used are not biased against certain groups. This makes it very difficult to uphold the principles of transparency and accountability.

The application of AI in security systems has the potential to violate citizens' rights to privacy and freedom of expression. When camera-based surveillance systems, facial scanners, and digital conversation analysis are carried out without strict legal controls, individual privacy is under serious threat. Article 28G paragraph (1) of the 1945 Constitution guarantees every person's right to security and protection from threats. In reality, the invasive use of AI has the potential to create a sense of insecurity, especially if there is no legal clarity regarding the limits of personal data collection and use.

One of the greatest risks is the emergence of algorithmic discrimination. AI systems trained on historical data may contain racial, social, or economic biases, which are then repeated and reinforced by the system itself. If not critically monitored, this technology will reproduce structural injustice under legal legitimacy. Without legal regulations prohibiting algorithm-based discrimination in policing, the public is vulnerable to becoming victims of non-neutral data-based policies. This contradicts the principle of non-discrimination guaranteed in Article 28I paragraph (2) of the 1945 Constitution.

The absence of adequate complaint mechanisms against AI systems closes the space for correction of possible errors or violations. In the context of policing using AI technology, individuals who feel aggrieved have no formal channel to complain. The Personal Data Protection Law does regulate the rights of data subjects, but it does not address rights in relation

to algorithms and automated assessments. Without clear and institutionalized complaint procedures, AI systems are likely to continue operating without accountability, thereby creating a chilling effect on civil liberties.

Urgency of Reformulating Digital Policing Regulations within the Framework of E-Polmas and Police 5.0 and the Design of Ideal Regulations

The urgency of reformulating digital policing regulations has become increasingly significant in an era where cybercrime is growing not only quantitatively but also qualitatively. The modus operandi of digital crime is becoming increasingly complex, including artificial intelligence-based phishing, identity fraud through deepfakes, and the use of malware trained to evade traditional detection systems. Law enforcement agencies are required to have a legal framework that is responsive to these dynamics, as not all current legal instruments explicitly address the emergence of these challenges. Articles in Law No. 2 of 2002 on the Indonesian National Police, such as Articles 13 and 14, which regulate the duties and authorities of the Indonesian National Police, have not clarified the boundaries and technical authorities in the context of AI-based cyberspace. This situation has the potential to create an imbalance between the development of digital crime and the ability of regulations to deal with it effectively. In the context of administrative law, the principle of legality requires that all actions by state officials, including the use of AI technology, have a clear and specific legal basis.

The expansion of police duties in the digital space requires a regulatory framework that is not only reactive but also proactive in establishing the working parameters for law enforcement officials. In addressing issues such as the spread of hoaxes, hate speech, and digital terrorism propaganda, the police are often at the forefront, but they lack legal guidelines that cover technical standards for the use of predictive technologies such as Natural Language Processing (NLP) or facial recognition systems. The ITE Law (Law No. 11 of 2008 as amended by Law No. 19 of 2016) also does not explicitly recognize the use of predictive technology in policing processes. In practice, however, this technology has been used to detect potential criminal acts before they occur. Without clear normative standards, the use of predictive technology has the potential to violate human rights, particularly the right to presumption of innocence and the right to freedom of expression as guaranteed in Article 28E of the 1945 Constitution of the Republic of Indonesia and Article 19 of the International Covenant on Civil and Political Rights.

In formulating the direction of regulatory reform, the principle of algorithmic transparency must be applied to ensure the public has access to the logic behind the systems used. This principle is crucial because decisions made based on AI, such as in scoring systems or crime prediction models, can directly impact an individual's freedom. Without transparency, the public cannot know whether the algorithms used contain systemic biases that have discriminatory effects. This aligns with the principle of a fair trial as stipulated in Article 14 of the International Covenant on Civil and Political Rights (ICCPR). Additionally, the data sources used in AI systems must come from legitimate, valid databases that do not violate individual privacy, as stipulated in Articles 16 and 20 of Law No. 27 of 2022 on Personal Data Protection. Any use of personal data for law enforcement purposes must obtain explicit consent or be based on a court order.

Institutional accountability is a vital pillar in the reformulation process. Accountability must be emphasized at the institutional level, not just the individual level, because AI technology works as an integrated system across various decision-making levels. If there are errors in algorithm output, such as false positives in surveillance systems, then accountability mechanisms must be clear, including technical reviews and periodic audits by external agencies. Regulatory instruments such as Police Regulation No. 12 of 2024 on Professional Ethics and the Police Ethics Commission can be expanded to cover ethical responsibility in the

use of AI technology. These internal regulations also need to be linked to independent external oversight, given that technological accountability cannot be entirely left to internal institutional mechanisms.

AI ethics and the principle of caution must serve as the framework for decision-making regarding technology within the Police environment. The principle of caution is not merely normative rhetoric but must be realized in the form of testing stages, risk assessments, and ethical testing of every system to be used. For example, before implementing facial recognition technology on a large scale, there needs to be an ethical impact analysis on vulnerable groups such as minorities, women, and children. This is also in line with the recommendations of the United Nations Interregional Crime and Justice Research Institute (UNICRI), which emphasizes the importance of ethical AI in law enforcement processes. In the Indonesian legal system, this approach is also relevant to prevent abuses of power that contradict the principles of proportionality and human rights protection as enshrined in Articles 28G and 28I of the 1945 Constitution.

Public participation and judicial oversight are integral aspects of the reformulation of digital policing regulations. Any use of AI-based technology by the National Police must adhere to the principles of constitutional democracy, including the public's right to access information and participate in policy-making processes that affect their lives. This participatory model can be realized through public consultation forums or the involvement of NGOs, academics, and practitioners in the policy formulation and evaluation stages of police technology. Judicial oversight must also be ensured, for example by providing access for parties who feel disadvantaged by AI-based decisions to file objections or appeals through administrative courts or material review mechanisms. This principle has long been recognized in the administrative legal system as a form of checks and balances on executive authority.

The ideal regulatory framework should take the form of a separate law that specifically regulates digital policing and the use of artificial intelligence technology in law enforcement processes. This law should include operational definitions of AI, limitations on its use, ethical standards, oversight mechanisms, and public rights regarding the use of data and algorithms. References can be drawn from international legal frameworks, such as the European Union's Artificial Intelligence Act, which establishes risk classifications for AI use and the responsibilities of actors. In the national context, strengthening the Indonesian National Police's Information Technology Division should be part of the regulation to ensure that there is a technical institution tasked with validating, testing, and certifying AI systems before they are used in the field. The supervisory function should not be carried out internally but should be assisted by an independent supervisory commission with investigative authority.

This independent oversight commission could be designed like the National Human Rights Commission or the Ombudsman but with a specialization in policing technology. The commission should have the authority to audit algorithms, receive public complaints, and issue binding recommendations on the use of high-risk technology systems. The commission's position must be guaranteed by law so that it cannot be interfered with by the police or other executive agencies. Such a function has been adopted in the framework of the UN Center for Counter-Terrorism (UNCCT), which recommends independent oversight of AI-based surveillance technology in the security sector. The experiences of countries such as Canada and the Netherlands show that the presence of such an institution can increase public trust and the accountability of law enforcement institutions in the digital age.

The integration of the E-Polmas and Police 5.0 concepts into digital policing regulations can serve as a bridge between technological and humanistic approaches. E-Polmas is a community-based policing strategy that uses information technology as a tool for communication and community empowerment. In this context, the use of AI can be directed toward understanding the specific needs of communities based on their location, history of

local conflicts, and unique public safety issues. For example, by analyzing community complaints through digital platforms, the Indonesian National Police can identify patterns of security disturbances that frequently occur and design evidence-based policing responses. This model will be helpful in building trust between the police and citizens, while also improving the efficiency of police work.

The Police 5.0 concept emphasizes the transformation of policing based on advanced technology, while still placing democratic values and public service as the main foundation. In this point, data is not only used to predict crime, but also to measure the effectiveness of services, transparency of processes, and public satisfaction with police performance. AI should be positioned as a tool, not a replacement for the humanistic functions of law enforcement officers. This approach emphasizes that technology can only function optimally if it is designed based on strong values, ethics, and legal principles. The integration of the E-Polmas and Police 5.0 concepts into the Indonesian legal system can serve as a transformative model for security sector reform in the digital age.

CONCLUSION

This study found a significant legal vacuum in regulating the use of artificial intelligence by the police in Indonesia. The absence of adequate regulations creates a legal gray area that potentially leads to human rights violations, abuse of authority, and uncertainty in law enforcement processes. Current regulations, including Law Number 2 of 2002 concerning the Indonesian National Police, do not explicitly govern the management of AI-based digital technology utilization, especially in the context of modern policing such as Police 5.0 and E-Polmas. The still-dominant conventional policing model does not align with the demands of the digital era, which prioritizes speed, efficiency, and data-driven responses. Amid the dynamics of global digital transformation, regulatory reformulation is essential not only to strengthen the legal framework but also to ensure institutional accountability and the protection of citizens' constitutional rights. Legal clarity accompanied by the principles of transparency and accountability will form a strong foundation for establishing professional, ethical digital policing practices consistent with the principles of a democratic rule of law.

The government, together with the People's Representative Council of the Republic of Indonesia, needs to promptly draft a Bill on Digital Policing and Artificial Intelligence that substantively regulates standards, limitations, and accountability in the use of AI technology in law enforcement. This bill must accommodate international legal principles such as algorithmic transparency, caution in data usage, and guarantees of citizens' privacy rights and civil liberties. The Indonesian National Police also needs to develop and implement internal Standard Operating Procedures (SOPs) grounded in ethical, legal, and human rights principles in every step of police task digitalization. In addition, intensive and participatory training involving legal, technology, and human rights experts is necessary to enhance law enforcement officers' understanding of the role, potential, and risks of AI in modern policing. Such training will promote the development of an adaptive, professional institutional culture capable of balancing security and the protection of civil rights in the digital era.

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