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Legal Benefits of the Use of Artificial Intelligence Technology in Resolution of Medical Disputes

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Abstract: The demands of healthcare services, as stipulated in Law Number 17 of 2023 concerning Health, which demands excellent healthcare services, make the use of technological advances such as AI highly desirable. The healthcare sector, which utilizes AI, certainly assists in early disease detection, treatment planning, and telemedicine, thus facilitating healthcare services, including law enforcement in medical disputes. How beneficial is it legally to use artificial intelligence technology to settle medical disputes? That is the research's main concern. This study employs descriptive analysis and secondary data to conduct a normative legal analysis. The results show that the legal benefit of using artificial intelligence technology in resolving medical disputes is to facilitate research, data collection, and information processing quickly and accurately. Therefore, the use of AI calculations will eliminate the potential for suspicion from litigants or the public and make the judges' decisions more objective. Thus, the position of AI is not as a decision-maker, but is limited to recommendations from the analysis results. Therefore, in an effort to create legal certainty regarding the use of AI technology in resolving medical disputes, it is necessary to immediately issue legislation on resolving medical disputes that utilize information and communication technology by involving the active role of the community in creating the legislation.

Keywords: Legal Benefits, Artificial Intelligence, Medical

INTRODUCTION

The Indonesian government has an obligation to create conditions that enable every citizen to live healthily. According to Article 28 H, Paragraph 1 of the 1945 Constitution of the Republic of Indonesia (UUD NRI), everyone is entitled to obtain health care, a place to live, a good and healthy living environment, and bodily and spiritual success. While the government is required to provide adequate and equitable health services for all Indonesians, Article 28 H Paragraph (1) of the 1945 UUD NRI does not require the government to provide costly health treatments that are out of the public's reach.

The requirements for medical care as outlined in Law Number 17 of 2023 about Health, which stipulates the rights and obligations of healthcare practitioners, are inherently bound by these binding legal regulations. Providing excellent healthcare services requires the availability of adequate health resources, including personnel, facilities, and infrastructure, in sufficient quantity and quality. Healthcare services, as part of the primary hospital activity, place doctors and nurses as the healthcare professionals most closely involved in patient care. Therefore, when disputes, such as malpractice, arise, patients who feel aggrieved will file legal claims, both criminally and civilly, against healthcare professionals and hospitals.

To resolve these disputes, Article 310 of Law Number 17 of 2023 concerning Health stipulates that if a medical or healthcare professional is suspected of committing an error in their profession that results in harm to the patient, the dispute arising from such error must first be resolved through alternative dispute resolution outside the courts. In practice, the examination of witness data and written data, such as documents and so on, is still manual, meaning it uses humans. This sometimes leads to errors or inaccuracies in concluding cases, resulting in decisions that are unfair and unacceptable to the parties. Therefore, with current technological developments, the capabilities of artificial intelligence (AI) in resolving medical disputes are worthy of attention.

One outcome of information and communication technology advancements is artificial intelligence (AI), which has emerged most quickly and significantly in the past ten years. Artificial Intelligence (AI) is a scientific and technological advancement that allows computer systems to simulate human intelligence. In the era of the internet, artificial intelligence is gaining more and more attention (Sebayang et al., 2024, p. 317).

The concept of AI has its origins in the mid-20th century, but recent advances in computing power, algorithms, and data availability have catapulted AI from theory to widespread reality (Zakir et al., 2023, p. 314). AI's growth has greatly benefited a number of industries, and its application by business is not just in the telecommunications sector, banking, manufacturing, services, government, and even the health sector.

The healthcare sector, which utilizes AI, certainly helps with early disease detection, treatment planning, and telemedicine, thus facilitating healthcare services, including law enforcement in medical disputes. A concrete example of the application of AI technology in law enforcement is the use of electronic ticketing (e-ticketing). E-ticketing is an electronic traffic law monitoring and enforcement system that utilizes CCTV and replaces the manual ticketing system that uses blank tickets.

AI can play a role in decision-making regarding law enforcement in Indonesia. This is because AI can process legal documents, perform risk analysis, search for information, make decisions, manage cases, and prevent fraud. This is what drives the importance of utilizing AI in law enforcement and medical disputes. An interesting area of research is the limitations of AI's role in law enforcement in medical disputes, so that decisions resulting from AI analysis can create justice and legal certainty for the parties.

Based on the background above, the problem in this research is; how do the legal benefits of using artificial intelligence technology in resolving medical dispute cases?

METHOD

Since the focus of this research is law or normative rules in the form of legal systems and principles, it is essentially normative juridical research (Soekanto & Mamudji, 2007, p. 10). This study's normative research thoroughly, methodically, thoroughly, and in-depthly explains or demonstrates the legal advantages of applying artificial intelligence technology to medical dispute resolution. Because it explains relevant laws and regulations and connects them to legal theories in their real-world application pertaining to the topics under study, this

research is descriptive in nature. A qualitative analysis of the collected data will be conducted.

RESULTS AND DISCUSSION

According to the Preamble to the 1945 Constitution of the Republic of Indonesia, health development aims to raise everyone's awareness, willingness, and capacity to live a healthy lifestyle in order to achieve an ideal level of health as one of the components of general welfare. The realization of health as a human right requires the implementation of high-quality, reasonably priced health development programs that benefit the entire community (Sinaga, 2021, p. 2).

In practice, a doctor is someone who provides individualized assistance to the patient, providing medical services. Therefore, when someone visits a doctor for customized medical services, a relationship between the patient and the doctor, known as a therapeutic transaction, is established (Zahra & Marpaung, 2022, p. 889).

The gap in perception and interests between the public and the medical profession often leads to lawsuits (Santoso et al., 2019). Generally, all lawsuits and legal actions stem from facts and health conditions experienced by the patient after undergoing treatment. It is largely due to poor communication between the patient and the doctor. This poor communication can ultimately lead to medical disputes (Muhlis et al., 2020, p. 33).

Medical disputes do not arise just like that, at least there is a problem that is felt to cause dissatisfaction from one party which is considered to be detrimental to the other party and the most common is dissatisfaction from a patient who receives service, treatment or care from a doctor or hospital (Supadmo & Prasetyo, 2024, p. 490). The increasing number of medical disputes, both between patients and doctors who practice independently and between patients and doctors and hospital services, cannot be separated from the changes that occur in society (people changes) itself, resulting in changes in the way patients view themselves as individuals (Wiguna et al., 2025, p. 811).

Due to these conditions, there is a tendency for society to be litigious, meaning that every problem that occurs must be resolved by taking legal action or filing a lawsuit in court, so that it can be seen that doctors are no longer seen as partners in resolving health problems based on good faith, so that any difference regarding what the patient needs that does not match what he or she expects will become a problem (Ricky, 2020, p. 405). This is often triggered by changes in lifestyle and consumerism principles from patients who state, "If I pay, then I can get what I want." (I. W. & Zaimatuddunia, 2023, p. 2757)

According to Timothy Low, the tendency for changes in these patterns in patients could be caused by the following factors: more educated, easy access to information through the internet, lifestyle change, looking for value and demands-expectations differently (Boulle, 2005, p. 41). According to Dickens, there are several causes of conflict seen from the patient's point of view, namely:

1. The patient feels they are not receiving information they can understand or accept.
2. The patient believes the doctor's actions did not meet standards (either in reality or in their perception).
3. The patient feels they are not being treated with compassion or respect.
4. The patient wants information but never receives it or receives it but not as expected.
5. The patient feels they were sent home before they were fully recovered without any explanation, advice, or follow-up.
6. The patient is classified as a chronic complainer (Boulle, 2005, p. 41).

Several cases of medical disputes are mostly caused by poor communication between the health provider and the health recipient, thus triggering an increase in dissatisfaction, which leads to disputes. Some of the problems of poor communication generally start from:

1. Misunderstanding;
2. Differences in interpretation;
3. Unclear rules;
4. Offense;
5. Suspicion;
6. Improper actions;
7. Cheating;
8. Dishonesty, impoliteness, arbitrary behavior, lack of respect, and so on. (Ratman, 2014)

When a conflict arises, one of the alternative resolution options for the patient is mediation (a discussion assisted by a mediator). This option is chosen when negotiations reach an impasse without finding a solution. One party can suggest to the other party that a mediator assist them in the negotiation process. This type of patient can be described as someone who understands their rights and doesn't want the conflict to be exposed publicly (Amriani, 2011, p. 24). Mediation can also be proposed by the doctor or hospital. However, in addition to mediation, the parties can also use another alternative dispute resolution method, namely arbitration.

Law No. 30 of 1999 concerning Arbitration and Alternative Dispute Resolution, Article 1 Number 1, defines arbitration as a process for settling civil disputes outside of the regular courts based on a written arbitration agreement between the disputing parties. If the dispute resolution is chosen by the parties through litigation, then the settlement is resolved in the court forum. However, whatever the choice of the parties in dispute resolution, it cannot be denied that, with increasingly advanced technological developments, the use of AI in medical dispute resolution can be done.

AI is an application and instruction connected to computer programming to perform something that, from a human perspective, is intelligent or to make computers able to do things better than humans (Tjahyanti et al., 2022, p. 16). AI can mimic human intelligence and behavior to the point of replacing humans in certain jobs (Pakpahan, 2021, p. 507).

In the legal field, AI has now become a rapidly developing technology and is starting to be widely used in the professional legal world, such as the AI program called ROSS at the Baker Hostetler law firm in the United States (Bhora & Shravan, 2019, p. 3). ROSS is a legal research engine that uses artificial intelligence to search and provide legal information for handling corporate legal cases. ROSS saves time by narrowing down case analysis results by providing only the most relevant answers using easier-to-understand language.

In contract design, AI has also been involved through the Smart Contract feature (Kurniawijaya et al., 2021, p. 261). This feature ensures accurate standard contract forms, appropriate legal language, and a balance between the parties regarding the substance of the agreement. Furthermore, a similar technology called Lawgeex can review contracts, verify them, and alert to any errors found during the review, allowing for further review by lawyers or legal practitioners. AI's considerable capabilities in analyzing legal documents open up opportunities for AI in broader legal activities, such as AI involvement in civil cases through alternative medical dispute resolution.

The use of AI in civil cases will address formal truth, which tends to be easier to assist with the process (not as a judge/institution, but merely as a tool). This means AI will only be used to assist with procedural matters and not decision-making (as a legal researcher).

The use of AI as a legal researcher also aligns with the principle of simple, expeditious, and low-cost justice as stipulated in Law Number 48 of 2009 concerning the Principles of Judicial Power. This principle stipulates that law enforcement in Indonesia must meet the expectations of justice seekers, who always desire simple, expeditious, and low-cost justice (Wangol, 2016, p. 39). The use of AI specifically designed to perform a single, assigned task can allow for a case to be resolved in a shorter time, thereby reducing the likelihood of

pending litigation. AI's ability to save time spent analyzing cases can minimize costs incurred by the litigants (Tambe et al., 2025, p. 5).

Based on the advantages of using AI, it can provide solutions to problems in medical dispute analysis. It is certainly in line with Roscoe Pound's thinking, who views law as a tool of social engineering. His famous phrase, "law as a tool of social engineering and social control," is "law as a tool of social engineering and social control." Sociological jurisprudence aims to create harmony and balance to optimally meet the needs and interests of humans in society. Justice is a symbol of harmonious and impartial efforts to pursue the interests of the members of society concerned (Lathif, 2017, p. 84).

Understanding justice is not as easy as reading the text of the definition of justice given by experts, because when talking about meaning, the flow of discussion will move to a philosophical level that requires deep reflection to the deepest essence (Angkasa, 2010). According to the legal balancing concept, justice is the balance between the exercise of rights and the fulfillment of obligations, namely the measure of rights and obligations, in the sense of:

1. The rights of each person are equal to or in accordance with the extent of their obligations;
2. Under normal circumstances, it is not right for someone to obtain their rights without fulfilling their obligations, or conversely, it is not right for someone to be burdened with obligations that are not in accordance with their rights;
3. No one can obtain rights without fulfilling their obligations, and no obligation can be imposed on someone without granting their rights (Halim, 2005).

Justice is actually an essential thing in the existence of human life. Therefore, justice should be able to manifest itself in all aspects of life and the values of justice should also be contained in every product produced by humans, because unfair behavior and products will give rise to imbalance and disharmony which will cause damage to humans and the universe (Aburaera, 2013, p. 177). The values of justice should be embodied in every human product, especially legal products, which serve as instruments for creating order and regularity.

This is certainly in line with the concept of AI, which is capable of conducting research, collecting data, and processing information quickly and accurately. Therefore, the use of AI calculations will eliminate the potential for suspicion from litigants or the public and make the decisions of judges more objective. One concern relates to the applicable legal principles underlying the use of AI in medical dispute resolution, namely:

1. Principle of Legality

As of right now, Indonesia has no laws specifically addressing the application of AI to medical dispute resolution. However, Law Number 19 of 2016 concerning Amendments to Law Number 11 of 2008 concerning Electronic Information and Transactions (ITE Law) indicates in Article 1, number 5 that AI itself is being used:

"Electronic Systems are a series of electronic devices and procedures that function to prepare, collect, process, analyze, store, display, announce, send, and/or distribute Electronic Information".

Based on these provisions, it is certainly in accordance with the way AI works, namely "collecting data, processing it, even to the stage of analyzing and displaying and sending electronic information" (Haris & Tantimin, 2022, p. 312). The conformity of how AI works with the definition of AI as an electronic system is not much different from the definition of an electronic agent contained in Article 1 number 8 of the ITE Law which states:

"An Electronic Agent is a device in an Electronic System that is created to automatically carry out an action on certain Electronic Information that is managed by a Person."

Given the previously published Regulation of the Supreme Court of the Republic of Indonesia Number 7 of 2022 concerning Amendments to Regulation of the Supreme Court Number 1 of 2019 concerning Electronic Administration of Cases and Trials in Court, the

Supreme Court Regulation (PERMA) on the use of AI in the judicial process is one of the essential preventive measures. The trial procedure, including the electronic administration of cases and trials, is governed by PERMA Number 7 of 2022, and electronic administration of cases, electronic summons/notifications. The regulations in PERMA Number 7 of 2022 concerning the use of AI in the judicial environment can at least regulate: (1) definitions; (2) risk assessments; (3) working methods; (4) limitations of AI, which can be adopted from the draft of The Artificial Intelligence Act (EU AI Act) issued by the European Commission.

2. Principle of Balance

According to this principle, the use of AI in medical dispute resolution must be implemented in a manner that balances individual and societal interests, physical and mental, and material and spiritual interests. The use of AI in medical dispute resolution can also be interpreted as striking a balance between goals and means, between means and outcomes, and between the benefits and risks arising from the use of AI in medical dispute resolution.

Accordingly, the issue of justice is intimately tied to the application of the principle of balance in the use of AI in medical conflict resolution. Since the distribution of resources in the application of AI in medical dispute resolution is strongly tied to the justice in question, the issue is case-specific.

3. Principle of Good Faith

This principle of good faith is fundamentally based on the ethical principle of doing good in general, which also needs to be applied to the use of AI in medical dispute resolution. Whether mediators, arbitrators, or judges, the application of the principle of good faith will be reflected in respect for the rights of the parties, in this case, the patient and the doctor or hospital. This obligation to do good is certainly not without limits, as doing good must not result in personal harm.

4. Principle of Honesty

Honesty is one of the important principles for growing patient trust in doctors in health services (Hatta, 2013, p. 231). Based on this principle of honesty, doctors are obligated to provide healthcare services according to the patient's needs, namely in accordance with their professional standards. The various resources available at healthcare institutions are used only in accordance with the patient's needs. Furthermore, the application of this principle also forms the basis for the delivery of accurate information, both between patients and doctors, in communication.

It also applies to the use of AI in medical dispute resolution. Parties are expected to provide truthful data, statements, or witnesses to provide honest and impartial testimony. Honesty in conveying information will undoubtedly be instrumental in maximizing the use of AI in medical dispute resolution. The accuracy of this information is closely related to every human being's right to know the truth.

5. Precautionary Principle

As healthcare professionals, doctors must act diligently in carrying out their functions and responsibilities in healthcare. Careless actions that endanger a patient's life can result in criminal prosecution. This principle of prudence is legally implied in Article 276, letter g of Law Number 17 of 2023 concerning Health, which stipulates:

“Patients have the right:

g. obtain other rights in accordance with the provisions of laws and regulations.”

Article 310 of Law Number 17 of 2023 concerning Health states:

“In the event that a Medical Personnel or Health Personnel is suspected of making an error in carrying out their profession which causes harm to the Patient, the dispute arising from the error must first be resolved through alternative dispute resolution outside the court.”

In carrying out physicians' obligations, this principle of prudence is applied by adhering to professional standards and respecting patient rights, particularly the right to information

and the right to give informed consent, which are closely related to informed consent in therapeutic transactions.

The principle of prudence in the use of AI in medical dispute resolution is implemented by ensuring that the AI application runs smoothly and without problems. This prudence principle aims to assess whether an AI system is high-risk and the extent to which it has been used or is likely to be used. Before AI is used by consumers, it must undergo a rigorous review called a "suitability assessment," which determines whether the system meets all requirements within the risk framework.

6. Principle of Openness

The value of respect for rights and obligations, which subtly includes the principle of transparency, is one of the tenets outlined in Article 2 letter h of Law Number 17 of 2023 concerning Health. This can be understood from Law Number 17 of 2023 concerning Health's Explanation of Article 2 Letter H, which states; "What is meant by "the principle of respect for rights and obligations" is that health development must be carried out by respecting the rights and obligations of the community as a form of equal legal status."

The use of AI in medical dispute resolution must ensure respect for human rights as guaranteed by Article 28 of the 1945 Constitution, Law No. 39 of 1999 concerning Human Rights, and Law No. 27 of 2022 concerning Personal Data Protection. Therefore, when AI is used to resolve medical disputes or as a tool to assist judges in judicial decision-making, it is important to ensure that AI will not undermine the guarantee of the right to access to judges and will still respect the judge's independence in the decision-making process.

The author believes that it is necessary to immediately issue legislation on the resolution of medical disputes that utilize information and communication technology, as mandated in Article 25 paragraph (5) of Law Number 17 of 2023 concerning Health. In the formation of legislation on the use of AI technology in resolving medical disputes, lawmakers such as the government and the DPR must involve the public as mandated in According to Article 5 Letter G of Law Number 12 of 2011 concerning the Formation of Legislation, the "principle of openness"—that is, the transparency and openness of the legal process from planning to drafting, discussion, ratification or determination, and promulgation—must be the foundation for the creation of good legislation. As a result, every level of society has the greatest potential to contribute to the creation of legislation. Therefore, the involvement of various parties, such as doctors, medical organizations such as the Indonesian Doctors Association (IDI), researchers, civil society organizations, the general public, legal experts, and international organizations, is essential for the successful creation of legislation on the use of AI technology in resolving medical disputes.

CONCLUSION

The legal benefits of using artificial intelligence technology in resolving medical disputes are to facilitate research, data collection, and information processing quickly and accurately, so that the use of AI calculations will eliminate the potential for suspicion from litigants or the public and make the judge's decision more objective, so that the position of AI is not as a decision maker, but is limited to recommendations from the results of the analysis. Therefore, in an effort to create legal certainty regarding the use of AI technology in resolving medical disputes, it is necessary to immediately issue legislation on resolving medical disputes that utilize information and communication technology by involving the active role of the community in the creation of legislation.

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