

PENDEKATAN REGULATIF UNTUK MEWUJUDKAN PENGGUNAAN *ARTIFICIAL INTELLIGENCE* YANG BERTANGGUNG JAWAB DALAM PROSES REKRUTMEN TENAGA KERJA

ABSTRAK

Penggunaan AI dalam proses rekrutmen tenaga kerja di Indonesia semakin berkembang, namun regulasi hukumnya masih belum mengatur secara spesifik dan memadai untuk mewujudkan penggunaan AI yang bertanggung jawab dalam proses rekrutmen. Hal ini menimbulkan risiko yang signifikan apabila tantangan penggunaan AI yang tidak diatasi dengan baik, seperti diskriminasi algoritmik, kurangnya transparansi, dan pelanggaran hak-hak dasar pencari kerja. Penelitian ini menggunakan metode hukum normatif dengan pendekatan perundang-undangan, konseptual dan komparatif, khususnya terhadap regulasi seperti EU AI Act dan New York City Local Law 144. Hasil analisis menunjukkan bahwa pengaturan hukum di Indonesia masih terfragmentasi, minim sinergi antar-regulasi yang relevan dan belum dilengkapi dengan prinsip etika yang mengikat serta mekanisme pengawasan yang efektif. Penelitian ini menyimpulkan bahwa pendekatan regulatif yang paling strategis adalah membentuk peraturan perundang-undangan yang komprehensif dan berlaku lintas sektor serta mengintegrasikan prinsip etika, pengawasan yang mendorong *beyond compliance*, serta ruang inovasi seperti *regulatory sandbox* dan *self-regulation*. Oleh karena itu, disarankan agar pemerintah segera menyusun peraturan perundang-undangan yang responsif dan adaptif terhadap perkembangan AI, sementara pemberi kerja, pencari kerja, dan organisasi profesi juga berperan aktif dalam memastikan proses rekrutmen berbasis AI yang adil dan transparan.

Kata Kunci: Kecerdasan Buatan, Rekrutmen Tenaga Kerja, Regulasi, Etika, Regulasi Cerdas

REGULATORY APPROACHES TO ENSURE RESPONSIBLE USE OF ARTIFICIAL INTELLIGENCE IN THE EMPLOYMENT RECRUITMENT PROCESS

ABSTRACT

The use of AI in the employee recruitment process in Indonesia is increasingly developing; however, the existing legal regulations have yet to specifically and adequately address the realization of responsible AI use in recruitment. This situation poses significant risks if the challenges associated with AI use—such as algorithmic discrimination, lack of transparency, and violations of job seekers’ fundamental rights—are not properly addressed. This research employs a normative legal method with statutory, conceptual, and comparative approaches, particularly examining regulations such as the EU AI Act and New York City Local Law 144. The analysis shows that the legal framework in Indonesia remains fragmented, lacks synergy among relevant regulations, and is not yet equipped with binding ethical principles and effective oversight mechanisms. The study concludes that the most strategic regulatory approach is to establish comprehensive, cross-sector legislation that integrates ethical principles, oversight mechanisms that promote beyond compliance, as well as innovation-enabling frameworks such as regulatory sandboxes and self-regulation. Therefore, it is recommended that the government immediately draft responsive and adaptive legislation to keep pace with AI developments, while employers, job seekers, and professional organizations actively participate in ensuring a fair and transparent AI-based recruitment process.

Keywords: *Artificial Intelligence, Employment Recruitment, Regulation, Ethics, Smart Regulation*