Legal Analysis of Online Health Consultation Through Artificial Intelligence-Based Mental Health Chatbot from the Perspective of Legal Certainty

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| ABSTRACT

The development of artificial intelligence (AI) technology has given rise to new innovations in mental health services through the use of chatbots as a means of online consultation. However, this progress raises complex legal issues due to the lack of regulations that explicitly govern the legal status and responsibilities of AI systems in providing healthcare services. This study aims to analyze the legal regulations regarding the use of AI-based mental health chatbots and examine legal certainty in online healthcare consultation practices in Indonesia. The method used is normative juridical research, examining relevant laws, doctrines, and legal literature. The results indicate that to date, there are no regulations specifically governing the use of mental health chatbots. Existing regulations are scattered across several general regulations, such as Law Number 11 of 2008 concerning Electronic Information and Transactions, Law Number 27 of 2022 concerning Personal Data Protection, and Law Number 17 of 2023 concerning Health. The absence of these specific norms creates legal uncertainty, particularly regarding the responsibilities of providers, personal data protection, and guarantees of user psychological safety. This study concludes that legal certainty regarding the use of artificial intelligence-based mental health chatbots is still weak because positive law has not been able to accommodate the dynamics of developing technology.

| KEYWORDS

Artificial Intelligence; Mental Health Chatbot; Online Consultation.

I. INTRODUCTION

Artificial Intelligence (AI) is the imitation of human thought processes applied in machines controlled to function like humans and imitate their behavior. AI itself is created to solve problems in an intelligent way, such as learning, drawing conclusions, solving problems, understanding language, and even demonstrating creativity. John McCarthy (one of the "fathers" of AI) defines AI as "the science and engineering of intelligent machines, especially intelligent computer programs." This definition emphasizes the creation and programming of computers to perform tasks that require human intelligence [1]. Even as time progresses, artificial intelligence has significantly enhanced human roles. For example, in the creation of robots and films, we also experience the presence of AI when utilizing features like Google Assistant or Siri found on today's smartphones. Artificial intelligence is a technology that requires data to function. Therefore, AI cannot operate independently like the human brain [2].

The widespread use of AI in various fields has significantly impacted human activities, including addressing health issues, both physically and mentally. This includes managing stress, adapting difficulties, relating to others, and related aspects of the decision-making process. Mental health is a state in which a person is aware of their own abilities, can cope with normal life pressures, can work productively, and can contribute to their environment [3].

Artificial intelligence (AI), which can learn, adapt, and even mimic human intelligence, is now entering the mental health sector. AI is being used to diagnose, predict, and provide support in the field of mental health, while considering the

potential and associated risks [4]. This need has driven the emergence of new innovations related to online healthcare services, utilizing available technological advances. Currently, we can conduct health consultations remotely via the internet or telemedicine [5]. Artificial Intelligence, or better known as AI, is generally described as a series of algorithms that enable machines to imitate human thinking and cognitive functions such as solving problems, recognizing words and objects, and making decisions [6].

These AI bots are rule-based chatbots, meaning they cannot generate their own responses and must rely on a pre-written set of responses. One review of Chatbots noted that genuine artificial intelligence, that is, generating spontaneous responses, is not currently implemented in most chatbots, but the reasons for this are varied, but are primarily due to security concerns related to the unpredictability of generative AI. The use (and misuse) of AI as a variety of technical systems and devices, as well as as a powerful promotional symbol, will be a concern in research [7]. Given the opportunities offered by this still-nascent technology, there may be limitations and areas of concern that could put users at risk. Concerns about accuracy, cybersecurity, lack of empathy, and technological maturity have been reported as factors that may contribute to delays in the acceptance or integration of chatbots into healthcare systems [8].

Previous research on online health consultations through AI-based mental health chatbots, which address health issues using AI, firstly, Khairan, C and Habib, M (2024) explained that artificial intelligence technology, especially AI-based chatbots, offers promising possibilities for early detection of mental health disorders by offering round-the-clock support and screening for early signs [9].

In a second study, Haque and Rubya (2023) explained that AI chatbots are systems that can communicate and interact with human users using spoken, written, and visual language. In recent years, along with advances in artificial intelligence (AI), the use of chatbots has increased in various sectors, such as retail, customer service, education, and healthcare [10].

The third study, Samrenaldy and Humaira, N (2025), analyzed from a positive regulatory perspective, where Law Number 17 of 2023 concerning Health is a normative framework that updates and eliminates a number of old regulations, as well as providing a basis for regulating health technology [11].

Of all the research addressing the use of AI in mental health care, most discuss the benefits and uses of AI in mental health, as well as the legal basis for health laws that examine the use of online health consultations via AI-based mental health chatbots. No research has yet addressed the legal certainty of using AI-based chatbots in mental health consultations.

This study aims to examine in more depth the applicable normative legal analysis regarding the use of AI in online health consultations via AI-based mental health chatbots and their legal certainty. With this deeper understanding, it is hoped that appropriate solutions can be found to create legal certainty between optimal use of AI and fair protection of legal rights and obligations from legal gaps.

II. METHODOLOGY

This research uses a normative juridical method, namely legal research conducted by examining library materials (secondary data) [12]. This method was chosen because the issue being studied is not an empirical issue, but concerns the construction of norms and legal formulations that govern the problem. In this study, normative juridics is used which allows the author to examine the relationship between legislation and legal principles. This study uses a legislative approach (Statute approach) and conceptual approaches (conceptual approach). Legislative approach (Statute approach) is an approach that is carried out by examining all laws and regulations related to the legal issues being discussed (researched). Conceptual approach (conceptual approach) is an approach that takes a view of the doctrines that have developed in law in seeking answers to legal issues in a legal research [13].

In collecting data, this study uses literature study techniques. Literature studies (bibliography study) is the study of written information about law that comes from various sources and is widely published and needed in normative law research. The various sources of written information are a) State law makers, the legal products are called legislation, b) Courts, the legal products are called judges' decisions (jurisprudence), c) Interested parties, the legal products are called legal science books, d) Law writers, the legal products are called legal science books, e) Legal observers, the legal products are called legal reviews contained in the print media [14]. The data analysis technique used is qualitative analysis which is a data analysis that does not use numbers but provides descriptions (descriptions) in words of findings and therefore prioritizes the quality of the data, and not quantity [15].

III. RESULTS AND DISCUSSION

This study shows that the use of artificial intelligence in mental health services poses various legal and practical risks for users. These risks are primarily related to data security issues, inaccuracies in algorithm-based diagnoses, and the limited capacity of AI systems to understand complex psychological conditions. Error in AI-generated responses may lead to incorrect assessments, which can potentially worsen users' mental health conditions, such as anxiety or depression. Moreover,the absence of human emphaty in AI systems further raises concerns regarding the reability and safety of AI-based mental health consultations. These findings indicate that the current implementation of AI in mental health services has not yet fully met the standards of safety and reliability required in healthcare practices.

In the Indonesian legal context, the use of AI-based mental health chatbots has not been specifically regulated. Existing regulations mainly address information technology and electronic transactions, such as Law Number 11 of 2008 on Information and Electronic Transactions, as amended by Law Number 19 of 2016 and Law Number 1 of 2024. These laws provide general frameworks for digital activities and stronger protection for users, particulary children, but they do not explicitly regulate AI-based mental health services. Similary, Law Number 17 of 2023 concerning Health regulates health technologies and the use of information and communication technology in health service, including telehealth and telemedicine. However, these provisions do not specifically those conducted without direct involvement of licensed health professionnals.

The absence of specific regulations governing AI-based mental health chatbots demonstrates the existence of a legal vacuum in this field. This legal uncertainty creates ambiguity regarding accountability and liability when haem arises from the use of AI systems. From a civil law perspective, the legal relationship between users and service providers is generally based on contractual agreements through terms and conditions of digital applications. Nevertheless, such aggreements are often one-sided, placing users in aweaker bargaining position and allowing service providers to limit their liability through disclaimer clauses. This situation contradicts the principles of contractual fairness and consumer protection, which require business actors to ensure the safety and clarity of digital services provided to the public.

Futhermore, artificial intelligence is not recognize as a legal subject under Indonesian law. As a result, responsibility for errors or harm caused by AI-based mental health chatbots becomes unclear, further weakening legal certainty for users. This condition illustrates that existing legal frameworks, including the information and Electronic Transactions Law and the Personal Data Protection Law, have not yet provide adequate legal certainty for AI-based mental health services.

In addition to legal uncertainty, the use of AI-based mental health chatbots raises ethical concerns related to confidentiality, data protection, and the validity of consultation results. In practice, many users are unaware that their interactions with chatbots may be stored, processed, and utilized for algorithm development by service providers. The data collected often contains highly sensitive personal information, such as psychological conditions, trauma histories, and family-related issues. Without clear legal arrangements and strict data protection mechanisms, such practices pose a significant risk of personal data misuse and violations of privacy rights. These findings confirm that the current regulatory framework is insufficient to ensure legal certainty and adequate protection for users of AI-based mental health services.

Therefore, Chatbot AI replaces the role of clinical psychologists and psychiatrists in carrying out their duties and providing recommendations that are legally only allowed to be made by human health workers. By law, AI chatbots are not health workers who do not have legal legitimacy which includes the realm of the psychology and psychiatric professions. The responsibility of AI can become unclear because AI itself is not a legal subject. This results in a legal vacuum regarding the use of AI in mental health diagnosis, in addition to the ITE Law and the Personal Data Protection Law have not been able to provide adequate legal certainty for AI-based diagnosis systems [16].

According to Satjipto Raharjo, legal protection is to provide protection for human rights (HAM) that are harmed by others and that protection is given to the community so that they can enjoy all the rights provided by the law. The law can be used to realize protection that is not only adaptive and flexible, but also predictive and anticipatory. Law is needed for those who are weak and not yet strong socially, economically, and politically to obtain social justice [17].

IV. CONCLUSION

This study concludes that the use of AI-based mental health chatbots in online health consultations has not yet been adequately regulated under Indonesian law. Although existing health, information technology, and personal data protection regulations provide a general legal framework, they do not specifically address the unique risks of AI-based mental health services. This condition results in a legal vacuum that creates uncertainty regarding accountability, liability, and user protection, thereby undermining the principle of legal certainty.

This research is limited by its normative juridical approach and the absence of empirical data on the practical implementation of AI-based mental health chatbots. Future studies are encouraged to adopt empirical and comparative approaches to further examine the regulation and impact of AI-based mental health services, particularly in ensuring effective legal protection for users.

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