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PREVIOUS ARTICLE IN VOLUME NEXT ARTICLE IN VOLUME

Legal Protection Against the Publication of Personal Data on the Supreme Court Site in Criminal Action Cases and Divorce

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7 Legal Protection Against the Publication of Personal Data on the Supreme Court Site in Criminal Action Cases and Divorce

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ABSTRACT

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The constitution guarantees the right of everyone to obtain public information including information on court decision data because based on the KIP Law, judicial decisions are not excluded, which means they can be given to the applicant or can be accessed by the public through the Supreme Court website. Through KMA Number 1-144/KMA/SK/I/2011, it has arranged the disguise of publication of personal data of disputing parties in decency and divorce cases, but in practice many court decisions are found whose identities are not disguised so that legal problems arise. victims of immoral acts and divorce whose names are published on the Supreme Court Website? and What legal remedies must be taken for parties whose identities have already been published in Case Number: 09/Pid.B/2018/PN.Nga and Case Number: 0770/Pdt.G/2016/PA.JP? The research method used is normative juridical with a case and statutory approach. The results of the analysis show that KMA Number 1144/KMA/SK/I/2011 in practice has not provided legal protection because in the first-level decisions there are still many personal identities that have not been disguised. There is no mechanism for legal action to hold accountable parties who publish personal data in court decisions in cases of criminal acts of decency and divorce. It is recommended that courts pay attention to the guidelines before publishing decisions on the Supreme Court's website.

Keywords: Legal protection, publication of personal data, Supreme Court website, decency and divorce

1. INTRODUCTION

1.1 Background

Obtaining information is part of Human Rights,[1] which is protected by the constitution Article 28F of the 1945 Constitution of the Unitary State of the Republic of Indonesia (hereinafter referred to as the 1945 Constitution of the Republic of Indonesia), whose implementation is further regulated in Law Number 14 of 2008 concerning Information Disclosure Public (hereinafter referred to as UU KIP).[3] Before the enactment of the UU KIP, getting a court decision was a difficult thing because it had to go through various kinds of bureaucracy and could not be obtained for free, because people who wanted to have documents categorized as public documents were often charged a number of fees.[4]

Although public information is a protected right, the law also limits the exemption of public information because it provides greater protection of interests. The exclusion of such information is a temporary protection that is valid for a certain period of time, after which the information can be disclosed. However, there are some exceptions that are not

included in the category of excluded information, such as information on judicial decisions.[5]

When referring to Article 1 number 2 of the UU KIP,[6] copies of court decisions can be classified as public information. This is in line with its definition which asserts that "public information is information that is generated, stored, managed, sent, and/or received by a public agency related to the organizers and administration of the state and/or the organizers and administration of other public bodies in accordance with the Law. This law and other information related to the public interest".

It is further explained in Article 1 point 3 of the KIP Law and Information Commission Regulation No. 1 of 2010 concerning Public Information Service Standards that what is meant by public bodies is the Judiciary Institution, namely the Supreme Court which oversees the four lower courts, namely (General Courts, Religious Courts, Military Courts, and State Administrative Courts) and the Constitutional Court. Based on these provisions, as a follow-up to the UU KIP in providing public service to the public regarding information disclosure, the Supreme Court issued "Decree of the Chief Justice of the Supreme Court Number 1-144/KMA/I/2011 Year 2011 concerning Guidelines for Information Services in

Courts (hereinafter referred to as KMA Number 1-144/KMA/1/2011).[7]

Indeed KMA Number 1-144/KMA/1/2011 was created in order to provide legal protection and to maintain the privacy and dignity of certain parties in cases such as domestic violence, crimes of decency, adoption of children, crimes against children or other cases. related to marriage, according to the decision, the Supreme Court is obliged to obscure their identity. However, the regulations made by the Supreme Court were actually violated by the Supreme Court or the courts below it.

In this regard, a decision in both criminal and civil cases is basically open to the public. This is based on the provisions of Article 153 paragraph (3) of the Criminal Procedure Code which states that: "For the purposes of examination, the judge presiding over the trial opens the trial and declares the trial open to the public except in cases concerning morality or when the defendant is a child."

Based on these provisions, it can be interpreted that when the panel of judges wants to open a trial, the judge must declare "the trial is open to the public" and everyone who wants to take part in the trial can enter the courtroom, the doors and windows of the room are open. The opening of the trial is of course taking into account the principle that the trial is carried out in an orderly manner. Except for the examination of decency cases or cases where the defendant is a child, the trial is conducted with closed doors. Violation of this principle results in "annual decision" by law. This is in accordance with the provisions in Article 153 Paragraph (4) of the Criminal Procedure Code. [8], [9] The meaning of closed doors is that the trial cannot be followed by the general public, except for the parties involved in the settlement of criminal cases. Another meaning is that the details of the trial material are prohibited from being published to the public.

In addition to the Criminal Procedure Code, Article 13 of Law Number 48 of 2009 concerning Judicial Power also regulates trials open to the public, namely:[10]

- “1. All court hearings are open to the public, unless the law provides otherwise.
2. A court decision is only valid and has legal force if it is pronounced in a trial open to the public.
3. Failure to comply with the above provisions will result in the decision being null and void.”

Based on this provision, there are exceptions for hearings open to the public for certain cases such as decency and divorce. However, for all court proceedings, both open and closed to the public, the provisions of Article 195 of the Criminal Procedure Code apply which states that all court decisions are only valid and have legal force if they are pronounced in a trial open to the public.

Thus, cases of decency and divorce proceedings are specifically regulated so that the trial

is closed because it involves family privacy and is taboo when disclosed in public, which is then followed up through KMA 1-144/2011 so that after the judge's decision is issued and published the victim of a crime of decency and the parties to the divorce case oblige to disguise their names. However, what happened in the cases that the author found there were still published decisions in cases of criminal acts of decency and divorce whose identities or names were still clearly written in the contents of court decisions.

This can be seen based on the author's findings in the Directory of Decisions of the Supreme Court, there are still uploads of divorce cases where the identities of the parties are still displayed in the form of case summaries in the decision directory.[11] In case Number: 770/Pdt.G/2016/PA.JP in conjunction with Number: 39/Pdt.G/2018/PTA.JK, the identities of the husband, wife and children are clearly stated without any blurring or giving of initials.

Likewise in cases of criminal acts with violence or threats of violence forcing a person to commit or allow obscene acts to be carried out, threatened for committing acts that attack the honor of decency in the case of Decision Number: 09/Pid.B/2018/PN. Nga, where the name of the victim's witness is still mentioned in the court's decision.[12] As a victim of an immoral crime, they have the right to identity confidentiality because this is guaranteed by Law Number 31 of 2014 concerning the Protection of Witnesses and Victims. The victim is also a witness in an immoral crime, it is appropriate for the court handling the immoral case not to mention the name clearly because there are rules that regulate to obscure the true identity.

Considering that the name listed in a court decision is a form of personal data, it is closely related to the right to privacy concerning one's honor, moreover information about him/her being published in decency or divorce cases should be protected because the Supreme Court has arranged to limit publication, especially for divorce and decency cases involving be the subject of this research. Even in Indonesia, there are several regulations that regulate this and provide data privacy security guarantees, namely Article 28G of the 1945 Constitution, the state not only provides legal protection, but also provides protection for personal, family, honor and protection to get a sense of security from others. threats and interference from others.

Meanwhile, in Article 6 Paragraph (3) letter c of the UU KIP, the judicial institution in this case the Supreme Court as a public legal entity explains that it has the right to refuse to provide information related to personal rights. However, in the findings that the authors obtained during a search through the web site in the Supreme Court directory, there is still a lot of personal data information that is open or easily accessible to the public even though the Supreme Court has issued a regulation that regulates to obscure or obscure the names in cases of decency and divorce.

In other statutory provisions as regulated in Article 86 Paragraph (1a) in conjunction with Article 95A of Law Number 23 of 2006 as amended by Law Number 24 of 2013 concerning Population Administration, it regulates the prohibition of the dissemination of personal data. Disseminating personal data is a form of crime that carries a penalty of 2 (two) years and a maximum fine of twentyfive million rupiah.[13]

Protection of personal data is also regulated by Law Number 11 of 2008 as amended by Law Number 19 of 2016 concerning Electronic Information and Transactions (UU ITE), although it has not clearly stated the rules for protecting personal data more specifically. However, in its provisions, Article 26 Paragraph (1) and its explanation of the ITE Law that:[14]

“Unless stipulated otherwise by laws and regulations, the use of any information through electronic media concerning a person's personal data must be carried out with the consent of the person concerned. Where in the explanation it states that in the use of Information Technology, protection of personal data is one part of personal rights (privacy rights). Personal rights have the following meanings:

- a. The right to privacy is the right to enjoy a private life and be free from all kinds of interference.
- b. Privacy rights are the rights to be able to communicate with other people without spying.
- c. Privacy rights are the rights to monitor access to information about a person's personal life and data.”

Based on these provisions, it is stated that several legal regulations have regulated the protection of personal data, but in their implementation, especially in public institutions in this case the Supreme Court has not fully implemented the rules that it made itself, especially for decisions at the first level and appeals. Based on KMA 1-144/2011, the names in divorce cases and immoral crimes should be displayed before being displayed in the decision directory site or given to the applicant for information, the court must disguise or make initials so that the privacy and dignity contained in the decision are protected. Moreover, cases whose identities are not disguised can cause discomfort considering that digital traces are easily accessible to many people and cannot be deleted, plus decisions on divorce and decency crimes whose data is obtained from the Directory of Supreme Court Decisions are used as research material by students who are also often The results of the research are published on university websites.

1.2 Problem

- a. How is the legal protection for cases of victims of immoral acts and divorce whose names are published on the Supreme Court Website?
- b. What legal remedies must be taken for parties whose identities have already been published in Case Number: 09/Pid.B/2018/PN.Nga and Case Number: 0770/Pdt.G/2016/PA.JP?

1.3 Research Method

The research method used is normative juridical with descriptive analytical research. Meanwhile, the type of data used is secondary data which is divided into primary legal materials, secondary legal materials and tertiary legal materials. This study emphasizes data collection techniques with literature studies and data processing techniques by describing in a description with conclusion drawing techniques using deductive methods.

2. ANALYSIS

2.1 Legal Protection Against Cases of Victims of Immoral Acts and Divorce whose names are published on the Supreme Court's Website

Obtaining information is part of human rights guaranteed by the state constitution as regulated in Article 28F of the 1945 Constitution of the Republic of Indonesia which essentially explains that the state provides guarantees to everyone as part of their rights to communicate and obtain information in the context of personal development, and their social environment, and has the right to seek, obtain, possess, and store information using all available channels. However, the constitution also limits it because not all information can be accessed or published, including personal data of a person who has the right to be protected because regarding personal security and privacy because it is protected by law. This is reflected in the provisions of Article 28G paragraph (1) of the 1945 Constitution of the Republic of Indonesia which emphasizes that everyone has the right to personal protection.

Related to the problem of personal data and information in today's era of information technology, it is very important to get protection from the crime of misuse of personal data and information. Therefore, in relation to the disclosure of public information and the public's right to obtain information, the government has issued a legal regulation contained in the UU KIP, which through this law becomes the legal basis for the government in accommodating the interests of various parties to obtain information rights and the obligations of public bodies in this study are the judiciary in providing and serving requests for information in the form of copies of court decisions.

Although the UU KIP provides free space for the public to obtain information, the UU KIP also limits and excludes any information that can be requested from the applicant or published through online media or through the website address of the relevant public institution. The Supreme Court is an institution/public body that has duties related to the administration of the state in the field of justice, which has committed to carry out comprehensive bureaucratic reform, especially in providing services to the public related to information disclosure in court.

Court decisions are one of the legal products of the judiciary. The Supreme Court as a judicial institution oversees 4 (four) judicial institutions, namely general courts, religious courts, military courts and state administrative courts. In Article 18 paragraph (1) of the UU KIP it is stated that the decision of the judiciary is not categorized as exempt information, meaning that the court's decision can be given to the applicant for information and can be accessed by the public if the decision has been uploaded to the Supreme Court's website and the information has been officially published, automatically become public consumption.

Nevertheless, the spirit of openness/transparency of public information does not necessarily ignore the negative excesses that may arise from this publication. For example, in a decision on a crime of decency, even though in a closed examination of witnesses and defendants, all the information submitted will be recorded in the court decision file. If the chronology of the crime of rape or attempted intercourse is included in the decision directory, it indirectly means bringing pornographic descriptions into the public domain which means that everyone can access the information. Likewise, if the victim's name is not disguised, it will have a psychological impact because it is uncomfortable to have his identity published. Pornographic information that exposes vulgarly the way in which the crime took place and the personal identity of the victim's witness in the indictment and verdict of a crime of decency should not need to be published and published on the Supreme Court's website.

Therefore, to harmonize the UU KIP in providing information services to the public in court, the Supreme Court then issued a Supreme Court Decision Number 1-144/KMA/SK/I/2011 concerning Guidelines for Information Services in Courts where KMA Number 1144/ KMA/SK/I/2011 as a substitute for KMA 144/KMA/SK/VIII/2007 of 2007 concerning Information Disclosure in Court. In the attachment it is explained that there are several things that must be considered before providing a copy of the decision information to the applicant or entering it into the site so that personal information in this case the personal data of the litigants listed in the court decision is not spread because it can interfere with their privacy, then there are rules that requires to disguise his identity as the focus of this research, namely in cases of criminal acts of decency and divorce.

According to Rahman Amin, that KMA Number 1144/KMA/SK/I/2011 is good enough and progressive in protecting a person's secrets or personal identity even though it has not been specifically regulated by the above law. The bill for the protection of personal data has indeed been prepared by the government, but so far it has not yet been ratified into law.[15]

Personal data, including name, identity, home address, occupation, and others, should be protected to ensure a person's right to privacy, including in certain cases such as criminal acts of decency and marriage. However, based on the research conducted by researchers in the practice of implementing it in the ranks of the courts of the first instance, the KMA Number 1144/KMA/SK/I/2011 is not very concerned. This can be seen in case Number: 09/Pid.B/2018/PN.Nga, both the perpetrator and the victim's names are clearly mentioned and not obscured or disguised. At least as a form of protection for victim witnesses, their names or identities are disguised or obscured to provide protection for the personal identity of victim witnesses which must be protected.

Likewise in the divorce case in the first instance decision at the Central Jakarta Religious Court in case Number: 770/Pdt.G/2016/PA.JP, the identities of the disputing parties and the identities of their children are still clearly displayed. That is, the decision does not obscure the identity of each party which should be in accordance with the regulations made by the Supreme Court itself in divorce cases, the identity must be disguised because divorce is a dispute resulting from marriage as regulated in KMA Number 1-144/KMA/SK/I/ 2011.

This is different from the decision at the appeal level at the Jakarta Religious High Court in Decision Number 39/Pdt.G/2018/PTA JK, where the decision has met the requirements set out in KMA Number 1-144/KMA/SK/I/2011. All the identities of the litigants were not mentioned and were disguised by changing the names of the Appellant and Appellant.

Based on the two first-degree decisions, cases of criminal acts of decency and divorce are clearly not in line with KMA Number 1-144/KMA/SK/I/2011 because they do not obscure the name of identity in the contents of the court decision. Thus, that this decision has not carried out KMA's order Number 1-144/KMA/SK/I/2011, which is described in Appendix part VI sub 1 point a (i) and point b (1) has regulated the Procedure for Obfuscation of Certain Information Information that is Mandatory to be Announced and Information that can be Publicized which explains that:

- “1. Before providing a copy of the information to the Applicant or including it on the site, the Information Officer is required to obscure information that may reveal the identity of the parties in the decision or determination of the judge in cases of criminal acts of decency are required to obscure the case numbers as follows:

a. Obscuring the case number and identity of victim witnesses in cases:

(i) Crime of decency;

b. Blurring case numbers, identities of litigants, witnesses and related parties in cases:

(i) Marriage and other cases arising from marital disputes.”

In the explanation of “section VI Number 2 regarding what types of identities are obscured in relation to rule number 1, it is only stated that they consist of names and aliases; the job, place of work and identity of the employee concerned; as well as the school or educational institution that is followed. Meanwhile, the population identification number or identity card number is not included in the types mentioned to be obscured in certain cases.”

The lack of socialization of the Supreme Court and the weakness of human resources in the courts of the first instance, are one of the factors that caused KMA 1-144/KMA/SK/I/2011 not to run well. The decision is enforced internally by the Supreme Court and the judicial institutions below it. Admittedly by the Supreme Court, there are indeed many decisions from the regions (first level) who still make many mistakes and do not disguise their identities. Indeed, there is no Service Operational Standard (SOP), so there is no uniformity of identity blurring in decisions. There are those who do the blurring of identity by blanking, blackening, replacing initials, or replacing "with" a string "x".

The way to obscure identity in documents according to KMA 1-144/2011 is to change the name of the party with the position concerned in the case, for example the name IQBAL is changed to Plaintiff. Another way is to shorten the information, as in writing an address. Anonymizing an address is simply to say the name of the city and delete any detailed information such as street names, house numbers, or RT/RW.

Many court decisions at the first level have not obscured identity in cases of criminal acts of decency and divorce which are forms of negligence by their staff. This was acknowledged by the Spokesman of the Supreme Court, Justice Agung Hasan Nangro, who admitted that there was an error so that some of the personal data of the parties in the divorce case was published without censorship on the Supreme Court's website.[16]

According to Rahman Amin, in addition to implementing the provisions of the UU KIP, the Supreme Court has progressively made rules internally to provide protection for personal data. Through KMA 1-144/KMA/SK/I/2011, the applicant limits the information on court decisions that are not entirely accessible and the existence of blurring of identity as a form of protection and provides comfort to the litigants. However, the problem at the field level, especially at the first level court, is that KMA 1-144/KMA/SK/I/2011 is not carried out properly because there are still many court decisions, both cases of criminal acts of decency and divorce whose names

have not been disguised so that they are easily accessible by public. Completely published personal data like that is prone to be misused by irresponsible parties.

Based on the entire explanation above, it is related to Philipus M. Hadjon's opinion on legal protection, that KMA 1-144/KMA/SK/I/2011 is one of the legal instruments or instruments to provide protection related to the disclosure of public information where the KMA is prepared. with reference to UU KIP. Although the court's decision does not include excluded information in the sense that the court's decision can be given to the applicant and can also be accessed through the Supreme Court's website. Through KMA 1-144/KMA/SK/I/2011, it has limited the availability of copies of court decision information which cannot be accessed by the personal data of the litigants. However, at the level of practice in the field, especially in the courts of the first instance in the regions, it has not been maximal in implementing or implementing KMA 1-144/KMA/SK/I/2011. This can be proven in the handling of cases of criminal acts of decency in the case of Decision Number: 09/Pid.B/2018/PN.Nga, and divorce in the case of Decision Number 770/Pdt.G/2016/PA.JP where the identities of the two decisions This is not disguised so that according to the researcher's view, in practice KMA 1-144/KMA/SK/I/2011 has not provided maximum legal protection.

By not achieving the maximum legal protection, then automatically from the implementation point of view KMA 1-144/KMA/SK/I/2011 has not provided legal certainty. This is because legal certainty does not only look at the laws and regulations, but also at the stage of implementation by judges in the first instance court. Judges are not tasked with uploading decisions to the court's decision directory, but at least if you see at the time of the trial there are decisions that still clearly contain names in cases of decency or divorce, at least they can notify the officers regarding the existence of KMA 1-144/KMA/SK/I/2011 concerning guidelines for information services in courts that regulate the disguise of identity. In this case, the Court Leaders or Information Management and Documentation Officers (PPID), namely the Registrar or Chief Registrar who handles information related to cases, and the Secretary or Head of Internal Administration who handles information related to information management.

For cases where the trial is closed to the public, there is indeed a court provision that requires the identity of the parties involved in the decision to be disguised before being published through the decision directory. In contrast to the trial which was declared open to the public as in the case of Decision Number 09/Pid.B/2018/PN.Nga and the Divorce Case of Decision Number 770/Pdt.G/2016/PA.JP, where the judge stated that the trial was open to the public. means that only the public who attend the trial can find out the personally identifiable information of the litigants.

The distribution is also not very wide and the public who witnessed the trial will not get a copy of the decision which contains personal data, unless it has been uploaded to the Supreme Court's website.

Although the KIP Law stipulates that judicial decisions are not exempt, meaning that they can be requested by the applicant and can be accessed by the public online, the Supreme Court's progressive steps to issue KMA 1-144/KMA/SK/I/2011 are aimed at protecting the identities of the litigants. At least it can be implemented properly by all judicial institutions as an effort to protect the personal identity of the litigants.

The importance of disclosing personal data in copies of court decisions regulated in KMA 1-144/KMA/SK/I/2011 aims to prevent personal data information from being easily accessed by the public. Based on information from the Registrar's Office of the Supreme Court, we have received a letter of complaint from the public regarding the publication of the decision on child protection and divorce cases without the process of disguising personal identity information being preceded. As a result, personal information can be accessed by the public. One of the complainants said that due to publication without anonymization, he actually experienced a real impact, namely being decided by his potential partner. Even a complaint from the Indonesian Child Protection Commission (KPAI), stated that a child was deeply traumatized by the publication of his disgrace, so the person concerned submitted an application for a name change to the district court.[17]

2.2 Legal Efforts to Be Done for Parties whose identities have already been published on the Supreme Court's Website Situs

At present, it is rarely heard in media coverage or in court information against parties who report objections or sue public institutions over identities that have been published on the Supreme Court's website, both in cases of morality and divorce. If you look at the website of the Supreme Court, especially in sexual and divorce cases, at the first level courts, both district courts and religious courts, there are many decisions that contain the identities of victims' witnesses or parties without any blurring of identity.

Researchers have also conducted a more in-depth search and found complaint data published in 2016, addressed to the Supreme Court regarding the publication of personal data in court decisions uploaded to the Supreme Court in cases of child protection and divorce.[18]

Further investigations were found in the clinical question and answer rubric about the law on an online legal site published in 2019 by immoral victims who questioned their objections when their identities were published on the Supreme Court's website and the case was also used as research material or a student's thesis/skripsi writing study which later resulted in the research, republished through the campus online

library repository. This publication incident was discovered some time later since becoming a victim in an immoral crime case in 2012. If a flashback is carried out and news searches are carried out, there has indeed been an incident whose news was quite viral in the media, namely a soap opera artist with one of the famous band members from Bandung. This is in accordance with the information conveyed by the questioner in the online legal clinic explaining that he had been a victim in an immoral case in 2012[19].

By looking at the data of the two events, it is indeed difficult to blame on whom given it is so easy for someone to access and disseminate information, even though the information involves the identity of a person's personal data which is private in nature which is then published by public judiciary and educational institutions. Everyone certainly agrees that personal identity which includes name, occupation or place of work and the identity of someone's employment as well as the school or educational institution that is followed is a private matter. If the personal data is published, it will be very vulnerable to be misused by irresponsible parties who can be used to commit crimes, and become a mental burden for someone who is a victim of immoral acts because they get negative stigma from the community.

In the current era of rapid development of information technology, where with the touch of a finger via a smartphone it is very easy to access and publish things that have to do with one's personal data. On the other hand, there are still many people who do not realize and understand the importance of protecting personal data.

Protection of personal data is important to avoid cybercrimes, avoid potential online-based fraud, avoid potential defamation and be able to control control over personal data which has been guaranteed in the 1948 Universal Declaration of Human Rights Article 12 and the International Convention on Human Rights, Civil and Political Rights (ICCPR) 1966 Article 17, in which the Indonesian government has ratified both regulations.

The problems faced by parties whose personal identities have already been published on the Supreme Court website and campus library repository, while there is no legal mechanism that regulates to make demands for accountability to parties or public institutions that publish personal data of a private person.

Considering that there is no legal remedy mechanism to hold the party responsible for publishing the personal data, the steps that can be taken for those who object to the publication of the decision on the crime of decency and divorce without disguised identity can be filed an objection letter addressed to the Supreme Court or other parties. campus to withdraw or unpublish a decision or research (journal/thesis/thesis) temporarily and can be republished after disguised identity.

The Supreme Court may be able to withdraw or unpublish the decision complained of by the

objecting party because in KMA 1-144/KMA/SK/I/2011 the identities of the litigants must be disguised. The clerk can ask the information officer to immediately make a withdrawal and re-upload it after impersonating the identity. As long as the identity has not been disguised, the decision should be postponed for publication.

Meanwhile, if the party that publishes it is the campus in the form of student research, it will be quite difficult considering that based on Article 18 Paragraph 1 letter a of the KIP Law it is stated that the decision of the judiciary is not included in excluded information which means that for research purposes it can be published even though the contents of the decision contain personal data someone who is private. Student research publications have been regulated in the Circular Letter of the Directorate General of Learning and Student Affairs Number B/565/B.B1/HK.01.01/2019 concerning Facilities for Publication of Student Scientific Work (SE Ditjenbelmawa B/565/2019).

These provisions require each student to publish their scientific work (thesis/thesis/dissertation) through the means that have been determined by each campus. In general, each campus has a website address specifically used to publish scientific papers which is often called the campus library repository. If the type of research is in the form of a journal, then on the Tarumanagara University campus for the law faculty, it can be uploaded to the Era Huukm journal portal.

Thus, in the future so that there are no complaints from parties who object in the same case, the campus should be able to select at the stage of submitting proposals using case studies of decisions to be considered carefully. Whether the decision used contains personal information data that has been disguised or not in accordance with the instructions in KMA 1-144/KMA/SK/I/2011.

In this regard, it can also refer to Law Number 19 of 2016 concerning Amendments to Law Number 11 of 2008 concerning Electronic Transactions (UU ITE), which is explained in Article 26 paragraph 9 and paragraph (4) which contains provisions on the right to be forgotten, which states that:

- “3. Each Electronic System Operator is obligated to delete irrelevant electronic information and/or electronic documents that are under its control at the request of the Person concerned based on a court order.
4. Each Electronic System Operator is required to provide a mechanism for deleting information and/or Electronic Documents that are no longer relevant in accordance with the provisions of the laws and regulations.”

Based on Article 1 number 61 of the ITE Law, the electronic system operator itself is any person, state administrator, business entity, and community that provides, manages and/or operates an

electronic system, either individually or jointly to users of the electronic system for his own needs and/or the needs of other parties.

The right to be forgotten is a person's right to have his data forgotten or deleted from the internet if he is found not guilty by the court in the development of a case. Another understanding states that the right to be forgotten is the right to eliminate past events that are no longer relevant.

The right to be forgotten to delete data in the internet media if it has been declared irrelevant at the request of people who object to the data uploaded on an internet site, then referring to Article 26 Paragraph (3) of the ITE Law, it must go through the process of applying for a court order. This means that if the request is granted, then the objecting party can apply to the electronic system operator to delete it from the internet media.

However, the problem is that for the elimination of student research that contains a person's personal identity, there is no mechanism for how to delete it. Thus, the objecting party will find it difficult to follow up, unless other methods are carried out which are more personal in nature by visiting the campus to find the best steps in dealing with this problem. For example, requesting the manager of the campus repository site to retract the research data that has been published and then correcting the identity blurring for further publication.

Students or campuses that have already published scientific papers containing information on someone's private data are not entirely to be blamed. Because the sources obtained from the Supreme Court's website, which are easily accessible and downloadable, have become public consumption.

3. CLOSING

3.1 Conclusion

- a. At the theoretical level, the Supreme Court issues KMA 1-144/KMA/SK/I/2011 as an instrument or legal instrument that aims to protect the personal identities of litigants in criminal acts of decency and divorce whose formation is aligned with the UU KIP that the decision court as public information that is not excluded and can be provided to the applicant or accessed to the public through the website of the Supreme Court. However, at the level of practice at the court of the first instance, the legal instrument has not provided legal protection because in the decision there are still many personal identities that have not been disguised, such as in the case of a criminal offense, Decision Number: 09/Pid.B/2018/PN.Nga and divorce cases. Decision Number 770/Pdt.G/2016/PA.JP. By not achieving the legal protection, then automatically in terms of implementation, the legal instruments of KMA 1-144/KMA/SK/I/2011 have not provided legal certainty.

- b. There is no mechanism for legal action against parties whose personal identity objections are published in court decision data in cases of decency and divorce crimes. However, there are other non-legal efforts, namely sending an objection letter to the Supreme Court or visiting the campus so that the data that has already been published can be corrected by withdrawing the published data and re-uploading it after disguised identity.

3.2 Suggestion

- a. For the Supreme Court, before publishing decisions related to decency and divorce cases, they should pay attention to the provisions for publication of decisions that are guided by pub²³ information services in court, namely KMK 1-144/KMA/SK/I/2011. For cases where the trial is immoral and divorced, the court must disguise the identity of the parties involved in the case before the decision is published in the decision directory.
- b. For the public or parties who object to having their identities published in court decisions and considering that there is no legal mechanism to hold the parties or public institutions responsible for publishing them, they should make non-legal efforts to come and ask personally orally or in writing to withdraw the decision. or the research data has been published and then corrected the identity blurring for further publication.
- c. For the campus in the future so that there will be no complaints from parties who object in the same case, they should be able to select at the stage of submitting a proposal using a case study of the decision so that it is carefully considered whether the decision used contains personal information that has been disguised or not in accordance with the guidelines in KMA 1-144/KMA/SK/I/2011.

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