

ABSTRACT

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PROTECTION OF THE PRIVACY OF SOMEONE WHO IS PHOTOGRAPHED OR RECORDED WITHOUT CONSENT ON SOCIAL MEDIA IN INDONESIA'S REGULATIONS

(xi + 138 pages)

Everyone has the right to have their rights respected by others. The right to privacy is one of the basic rights that everyone has. The rapid development of technology and information makes people increasingly dependent on social media. Social media can provide information in any form that is widely spread quickly in society, both domestically and abroad. So that social media is also used as a place to express one's opinion and expression about something. Apart from the various benefits generated from social media, there are also negative impacts generated from social media if social media doesn't use wisely. Nowadays, there is often a phenomenon where people upload photos or videos of other people on social media which are taken without the permission of the person concerned. This action is carried out only for content needs so that it can be viral on social media. Without realizing it, this seemingly trivial action is already a violation of privacy rights on social media, which can defame the person concerned if the uploaded content forms a bad public opinion. However, not a few people normalize this action on social media just because it has become something that happens a lot on social media. After conducting an examination and analysis, there are two examination results. First, there is no strict regulation in Indonesia regarding the act of photographing or recording other people without permission which is then uploaded to social media, as is applied to other countries, especially the United States and South Korea. But for now, it refers to Law Number 11 of 2008 Concerning Information and Electronic Transactions as amended by Law Number 19 of 2016 Concerning Amendments to Law Number 11 of 2008 Concerning Information and Electronic Transactions (UU ITE) and other related regulations that are generally regulated regarding protection privacy rights. Second, if this action defames the person concerned, then the perpetrator can be charged with Article 27 paragraph (3) of the UU ITE with the criminal provisions stipulated in Article 45 paragraph (3) of the UU ITE. However, in Article 27 paragraph (3) of the UU ITE, a complaint offense applies, so there must be a victim herself who reports the perpetrator, if there is no complaint from the victim, the perpetrator cannot be held legally responsible.

Keywords: Protection of Privacy Rights, Social Media

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