

Privacy Preservation In The Digital Era In A Secure Documentation Policy Paradigm

Heri Tahir¹

¹Faculty of Social and Legal Sciences, Universitas Negeri Makassar, South Sulawesi, Indonesia

Ririn Nurfaathirany Heri²

²Faculty of Social and Legal Sciences, Universitas Negeri Makassar, South Sulawesi, Indonesia

Asri Ismail³

³Faculty of Social and Legal Sciences, Universitas Negeri Makassar, South Sulawesi, Indonesia

*email:heri.tahir@unm.ac.id, ririn.nurfaathirany@unm.ac.id, asriismail@unm.ac.id

Abstract

The distribution of personal data is not only related to misuse of data in banking cases. Currently there are many posts on social media related to videos or photos of other people for the benefit of personal accounts, organizations or companies, as well as the distribution of documentation in social media groups without the consent of the person concerned, so that someone in the photo or video experiences a violation of their personal rights and right to privacy. Seeing the phenomenon of people who are still not fully aware of the personal rights and privacy rights of other people, it is very interesting to research related to maintaining privacy in the digital era. This research will be carried out using the Juridical-Normative research method, which has the character of a perspective or applied science, Legal Science as Sui Generis. Researchers use a statutory approach and a comparative approach. Awareness of the right to privacy and protection of personal data increases every year but is still relatively low when compared to electronic media users. The development of digital technology, social media, and the use of online platforms in everyday life has had a significant impact on people's understanding and awareness of the importance of protecting privacy and personal data. On the other hand, despite increasing awareness, there is still ignorance, a lack of understanding of the law, and a lack of attention to the potential risks of personal data breaches in the digital world. Factors that influence public awareness of the protection of privacy rights and personal data protection in Indonesia are the lack of understanding and education regarding digital literacy from the perspective of privacy

37



rights and protection of personal rights.

Keywords: *Protection of Privacy Rights, Privacy Rights, Secure documentation.*

INTRODUCTION

The right to privacy is a right inherent in every human being. The right of every person to be able to obtain protection for personal rights regarding the publication and documentation of their personal data and honor. The right to privacy is part of human rights which will provide protection to each person from interference by other parties regarding unexpected things related to each person's personal life. Maintaining privacy is an inseparable part of the individual freedom inherent in every human being. The right to privacy can include personal information, identity, interactions on social media and other means of communication, personal activities, wiretapping, surveillance carried out by other parties that are not in accordance with statutory provisions.

Protection of the right to privacy is a concern of many countries, both for the privacy rights of living and deceased humans. Many countries consider the right to privacy to be an important part or "key of life" for developing and developed countries, based on this philosophy, maintaining privacy is guaranteed in the constitution of every country. Protection of the right to privacy is regulated in statutory regulations, including law related to electronic transactions, data protection, regulations related to the protection of other personal rights and regulations related to organizational policies.

Along with technological developments, the right to privacy has become central to protection and is a new challenge in the 4.0 and 5.0 eras. Privacy rights are evolving with new technologies and new challenges in the digital era, including the protection of personal data online, information security, and privacy issues related to the collection and use of data by large technology companies and governments. Apart from the increasing cases of data misuse, the distribution of documentation on social media in public spaces is also an interesting concern. Currently there is a lot of content from YouTubers or vloggers who post videos or photos of other people for the benefit of their accounts, as well as distributing photos or videos in chains from groups or private communications without the consent of all parties/people included in the photo or video, so that someone who is in the photo or video experiences a violation of their personal rights and privacy rights. Seeing the current habits of Indonesian people who are still



not fully aware of their personal rights and privacy rights, it is very interesting to research related to Privacy Protection in the Digital Era.

RESEARCH METHODS

This research will be carried out using the Juridical-Normative research method, what is meant here is legal research which has the character of a perspective or applied science, Legal Science as Sui Generis. This is in accordance with the characteristics of jurisprudence. This research is normative in nature, so the researcher first uses a statutory approach, then a comparative approach is used as a means to compare the system of protection for personal rights and privacy in documentation in Indonesia with other countries.

RESULT AND DISCUSSION

The right to privacy and protection of personal data is the basic right of every human being to control and manage their personal information. Protection of privacy rights and protection of personal data in the current era is very much needed and is an important asset that needs attention. The right to privacy is the right to safeguard personal information from unauthorized access, use or disclosure. The importance of the right to privacy lies in the ability of individuals to determine how their personal information is used. Seeing the development trend of social media, it has become a part of life for obtaining, sharing and disseminating information¹. We Are Social in 2022 shows that the largest number of social media users currently is Facebook with a population level of 2,910 million users, while the largest number of social media users in second place are YouTube with a population level of 2,562 million, WhatsApp with a total population of 2000, and Instagram with total population of 1,478 users throughout the world². Seeing the development trend of social media has become a part of life for obtaining, sharing and disseminating information. With increasing popularity social media, then the issue of information security and privacy is very important nowadays³. One form of vulnerability in the information technology era that is increasingly occurring is privacy violations in the form of eavesdropping, theft and cybercrime on personal data spread across the internet⁴. Law Number 27 of 2022 concerning Personal Data Protection (PDP), which states that every individual is legally responsible for processing and controlling personal data including Specific Data and General Data so that freedom of expression on the internet must be accompanied by responsibility and morals. the user ⁵.



Personal information is the most important part of human life. This is because the information contains sensitive matters and should only be known by themselves⁶.

The definition of Personal Data Security refers to the protection of personal data from threats or risks that could compromise the integrity, confidentiality and availability of that data. This security includes technical and procedural measures to protect data from unauthorized access, theft, or leak. Personal Data Privacy concerns the rights of individuals to control their personal information and ensure that such data is not used without permission or for undesirable purposes. This concept includes the right to access, correct and delete personal data collected by third parties.

In a world that is increasingly connected via the internet, freedom of expression is no longer limited to physical spaces or public forums, but has expanded to cyberspace, where individuals can speak and interact with a global reach. However, on the other hand, the digital world also brings new challenges related to personal data protection and privacy. One of the big problems facing freedom of expression in the digital world is the threat to privacy. Many social media platforms and other data collection applications allow individuals to share their opinions, but at the cost of having their personal information collected, analyzed, and often shared with third parties. This could lead to personal data being misused for the purposes of political manipulation, aggressive marketing, or even identity theft. Unfair, non-transparent, or misused use of personal information can damage people's trust in digital systems, organizations, and even existing laws. Conversely, fair and transparent practices in managing personal data can strengthen trust and create a safe and fair environment for all parties. If individuals feel that their personal data is being used without permission or unfairly, they may lose trust in the institutions or platforms that collect that data. Misuse of data can include unauthorized distribution of personal information, use of data for unapproved purposes, or even identity theft.

Apart from cases of misuse of personal data, currently there is also an increase in the right to privacy in documentation in public spaces. Regulations governing data privacy in various countries have been established to protect individual personal data. The regulations that apply in Indonesia regarding documentation in public spaces and the protection of personal data are regulated in Law Number 27 of 2022 concerning Personal Data Protection (UU PDP) which regulates the collection, use, storage, management and deletion of personal data. This law aims to provide protection for individuals' privacy rights over their personal data, as well as providing guidelines for organizations that will collect and manage personal data. Documenting personal data



in public spaces, especially in the context of its collection, distribution or use by authorized parties or companies, is an issue that receives special attention in the PDP Law. Article 1 Number 1 of the PDP Law emphasizes that personal data is data relating to individuals who can be identified, either directly or indirectly, through information such as name, address, telephone number, email address, health data, biometric data, and so on. In the context of documentation in public spaces, personal data connected to individuals in photos, videos, voice recordings, or other information that can identify a person is included in the scope of the PDP Law.

Documentation and use of personal data in public spaces including the collection, storage and use of documents taken in public spaces must comply with the provisions regulated in the PDP Law, namely that there is consent, personal data can only be collected and processed after obtaining explicit consent from the data owner (data subject). In the context of documentation in public spaces, such as taking pictures or video recordings involving individuals, consent from the individual being recorded must be given first, except in conditions specifically regulated by law. For example, if an organization or authority wants to use personal data in the form of photos or videos for publication purposes, they must first ask permission from the individual concerned, unless the photo is taken in a public place and falls into the category of use that does not require consent, such as in the context of legitimate journalism or documentation. Clear Purpose of Use, Access and Correction Rights, Data Security and related to Data Deletion. As stated in Article 19 of the PDP Law, personal data that is no longer needed for the purposes of collection must be deleted or destroyed. If personal data recorded in a public space is no longer used or required by the party collecting it, then the data must be deleted to prevent potential misuse.

CONCLUSION

Awareness of the importance of privacy and protection of personal data has increased in recent years, but understanding of privacy rights is still relatively low among the majority of society. The development of digital technology, social media, and the use of online platforms in everyday life has had a significant impact on people's understanding and awareness of the importance of protecting privacy and personal data. On the other hand, despite increasing awareness, there is still ignorance, a lack of understanding of the law, and a lack of attention to the potential risks of personal data breaches in the digital world. Factors that influence the lack of public awareness regarding the protection of privacy rights and personal data protection in Indonesia are the lack of understanding and education regarding digital literacy from the



perspective of privacy rights and protection of personal rights.

Personal data protection regulations in Indonesia relate to documentation in public spaces specifically through Law Number 27 of 2022 concerning Personal Data Protection (UU PDP), which provides a legal framework to regulate the collection, use and processing of personal data in all sectors, including in context of documenting personal data in public spaces. Documentation in public spaces, such as Taking photos, videos or other information that can identify individuals must comply with the principles regulated by the PDP Law so that individual privacy rights remain protected.

REFERENCES

- Betty Yel, M., & M Nasution, M. K. (2022). Information Security of Personal Data on Social Media. *Kaputama Informatics Journal (JIK)*, 6(1), 92–101.
- Dian Nurdiansyah, etc. *Digital Security Socialization to Improve Digital Media Education in Depok Baru Community Environment. Karunia: Journal of Indonesian Community Service Results. Vol. 2 No. March 1, 2023.*
- Fachruddin et al. *Workshop on Personal Data Security and Digital Ethics for SMA Negeri 9 Jambi City Students. UNAMA Community Service Journal (JPMU). Vol 3 No 2 October 2024. DOI: 10.33998/jpmu.v3i2*
- Revilia, et al. *Social Media Literacy: Millennial's Perspective of Security and Privacy Awareness. Journal of Communication and Public Opinion Research, 24(1), 1–15. Year 2020* <https://doi.org/10.33299/jpkop.24.1.2375>
- Sutriawan et al. *Socialization of the Importance of Maintaining Privacy and Data Security in the Digital Era. Sewagati: Multidisciplinary Journal of Community Service. Vol.02 No.1 March 2023.*

