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CONSIDERING THE IMPACT OF RIGHT TO BE FORGOTTEN IN THE LAW STRUCTURE IN INDONESIA: AN ANALYSIS ON SOME LEGAL CASES IN INDONESIA

Abstract:

After successfully getting the attention of countries in the Southeast Asia Region as the pioneer in presenting the Right to be Forgotten policy in its legal instruments, Indonesia must now account for the decision. The country must not only make sure the policy can be implemented, but also anticipate problems that will arise due to its implementation.

The Law Number 19 of 2016 concerning Amendment to the Law Number 11 of 2008 concerning Information and Electronic Transactions is the basis for the enactment of the Right to be Forgotten policy in Indonesia (UU ITE) . This arrangement has led to debates, considering that to these days Right to be Forgotten is still a sore subject in European countries and the United States. Not only that, Indonesia currently has not had any laws specifically regulating data protection, even the provisions of Right to be Forgotten have not been regulated in detail that it has may lead to different interpretations.

Cyberspace data or information related to legal cases in Indonesia is one of the problems that might occur; this includes not only the data existed before the case go on trial, but also the data presents after the case is decided by the court and the convict has served a sentence. This paper will discuss several events related to data and legal processes in Indonesia. The first is about a past photo of Angelina Sondakh, which proved her ownership of a Blackberry mobile phone that led to Supreme Court verdict for 10 years in a corruption case. The second is related to the release of data of legislative candidates who are ex-convicts by the General Election Commission in the General Election Process in 2019. The next data will be information to prove the public lie of Ratna Sarumpaet, an activist who claimed to have been persecuted, and the lie has sparked public criticism against the incident.

These three cases have one thing in common, i.e. the presence of information or data that can be accessed via the internet having the potential to be used as an object of Right to be Forgotten. Therefore, regulations to ensure that Right to be Forgotten can work well in accordance with the legal provisions in Indonesia and without reducing other existing rights are necessary.

Keywords:

Right to be forgotten, data privacy, general data protection regulation

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