

**Privacy : An Overview of Indonesia Statutes Governing
Lawful Interception**

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**9th International Conference on Legal, Security
and Privacy Issues in IT Law (LSPI), Lisabon,
Portugal, 15-17 Oktober, 2014**

Date: 2014-8-20

Re: Manuscript Acceptance Letter

Dear Professor Sinta Dewi
Faculty of Law, University of Padjadjaran, Bandung, Indonesia

After careful double blind review, the Organising-Program Committee is pleased to inform you that your abstract

Title of Abstract: Privacy : An Overview of Indonesia Statutes Governing Lawful Interception

has been selected for presentation at the 9th Legal Privacy and Security Issues Conference (LSP1), 5th International Private Law Conference, 4th Intl. Public Law Conference and the 8th International Law and Trade Conference (www.lspi.net) which will be held in Lisbon, Portugal from October 15-17, 2014.

Please note that at least one author must register for and present the abstract at the conference. Please visit the website www.lspi.net for detail concerning full paper submission and registration. Please note the following important dates:

Submission Deadline for Full Research Papers (peer reviewed): September 15, 2014

Submission Deadline for Presentations based on short abstract: October 1, 2014

- Notification of Acceptance (Full Research Papers): September 20, 2014. For papers submitted before the deadline, authors will be notified 1-7 days after submission.


- Final Camera-Ready (Proceedings) Version and Registration Payment: September 30, 2014

All full papers are peer-reviewed and will be published both in a top law journal (with impact factor) and ISBN book. The article will be published in the International Journal of Private Law.

If you have any questions, please contact

Prof. Sylvia Kierkegaard (sylvia.kierkegaard@iaitl.org)

Look forward to seeing you in Lisbon.


Prof. Sylvia Kierkegaard
Organizing Committee of the ILTC-LSPI


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Dekan Fakultas Hukum Universitas Padjadjaran dengan ini memberi tugas kepada :

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Untuk mempresentasikan makalah yang berjudul "*Privacy : An Overview of Indonesia Statutes Governing Lawful Interception*" pada The 9th International Conference on Legal, Security and Privacy Issues in IT - Law yang di adakan oleh IAITL (International Association IT Lawyer), dan diselenggarakan pada tanggal 14 - 19 Oktober 2014. di Lisbon, Portugal.

Demikian surat tugas ini kami buat untuk dipergunakan sebagaimana mestinya.

Bandung, 29 Agustus 2014

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Sehubungan dengan diterimanya abstrak yang bersangkutan berjudul "**Privacy : An Overview of Indonesia Statutes Governing Lawful Interception**" pada The 9th International Conference on Legal, Security and Privacy Issues in IT - Law yang di adakan oleh IAITL (International Association IT Lawyer), dan diselenggarakan pada tanggal 14 - 19 Oktober 2014. di Lisbon, Portugal.

Berkenaan dengan hal tersebut, dengan ini kami mengajukan permohonan izin bagi yang bersangkutan untuk mengikuti kegiatan tersebut.

Atas perhatian dan bantuan Bapak kami ucapkan terima kasih.

Bandung, 1 September 2014

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ABSTRACT

The right to privacy is an issue that draw a lot of public attention, especially when associated with the frequent interceptions made by the state upon state citizen private communications in the course of legal enforcement. Yet, those state practices in the form of surveillance and interception of communications have disrupt citizen's privacy right indeed. In Indonesia, in the post-Constitutional Amendment, the right to privacy is recognized as one of the fundamental rights of citizens that must be protected. This protection is asserted in paragraph G of Article 28 (1) of the 1945 Constitution, states that every person has the right of self-protection (privacy), family, honor, dignity, and property (including personal data). The statement also affirmed in Article 32 of Law No. 39 Year 1999 on Human Rights, which among other things stated that the independence and confidential communications by electronic means should not be disturbed except by order of a judge or other authority duly authorized by law.

Notwithstanding , the current situation in Indonesia shows that there is no single rule on procedures for interception. Thus has created vulnerability towards interception of citizens' private communications , including in the use of internet communication, such as electronic mail and various social media tools. To date, Indonesia has at least twelve legislations regulating interceptions in different ways. Those confusing and overlapping regulations have threatened the human rights, especially privacy rights. In Indonesia , the war against corruption and terrorism has somehow affected the practices of wiretapping and reduced the protection of privacy rights.

(Privacy rights, Legal Interception, Communications)

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Sinta Dewi

A. Introduction

The major issue in information privacy law is a tension between privacy and security. In order to investigate the crime, the law enforcement must gather information by monitoring suspected individuals that has pose substantial threats to privacy¹. This situation is exacerbated by the advancement of new technologies and the internet that have provided new challenges to long-standing human rights norms. By facilitating increased State surveillance and intervention into individuals' private lives, the spread of digital technologies has created a serious need for States to update their understandings and regulations of surveillance and modify their practices to ensure that individuals' human rights are respected and protected.²

Privacy has been embraced in the Asian Region. There are two major factors that influenced the privacy protection development in Asia, specifically in Indonesia. Firstly, the influences of international law such as *Universal Declaration of Human Rights* and Indonesia as a signatory to several international human rights convention. Privacy in Indonesia is considered as a part of fundamental human rights. Indonesia as a signatory to international instruments, such as the *Universal Declaration of Human Rights* and *International Covenant of Civil and Political Rights* 1966 and ratified with Law Number 12, 2005. Secondly, the privacy awareness in the Indonesia has increased due to the development of information technology with its capabilities to collect, analyze and disseminate information. This new development worldwide became an enabling factor to other sector industries, such as

¹ Daniel J. Solove and Marc Rotenberg, *Information Privacy Law*, Aspen Publishers, New York, 2003, p. 275-276

² <https://www.privacyinternational.org/reports/the-international-principles-on-the-application-of-human-rights-to-communications>