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Sinta Dewi

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Privacy: An Overview of Indonesia Statutes Governing Lawful Interception

The right to privacy is an issue that draws 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 disrupted 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, honour, dignity, and property (including personal data). The statement also affirmed in Article 32 of Law No. 39 the 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 an 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 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.

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ABSTRACT

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(Privacy rights, Legal Interception, Communications)

Privacy : An Overview of Indonesia Statutes Governing Lawful Interception

Sinta Dewi¹

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

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