

In Television Broadcast Content, Violations Of Privacy Rights Are Reviewed Based On Law Number 32 Of 2002 Concerning Broadcasting And Law Number 27 Of 2022 Concerning Personal Data Protection

Annisa Rami Rivani Israwan^{1*}, Danrivanto Budhijanto², Prita Amalia³

^{1,2,3}Faculty of Law, Universitas Padjadjaran

Email: annisa20023@mail.unpad.ac.id

**Corresponding author*

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Abstract : *This research aims to analyze the legal protection of personal data subject rights in television broadcast content against violations of privacy right based on Law Number 32 of 2002 concerning Broadcasting (Broadcasting Law) and Law Number 27 of 2022 concerning Personal Data Protection (PDP Law). The approach method used in this research is normative juridical. The data used is primary and secondary data. The collected data is then analyzed using a qualitative juridical method. The result of this research shows that broadcast programs that exploit private life by broadcasting personal information of objects in their content without first providing clear information about the purpose and use of the personal data can be defined as an indicator of privacy violation in television broadcast content when linked to the rights of personal data subjects based on the PDP Law. In addition, legal protection of personal data subject rights in television broadcast content against violation of privacy right is designed to provide legal certainty to personal data subject in television broadcast content. Victims of privacy violation in television broadcast content who are data subject now have their right strengthened, including the right to sue and receive compensation.*

Keywords : *Personal Data Protection, Data Subject Rights, Television Broadcast Content*

Abstrak : Penelitian ini bertujuan untuk menganalisis perlindungan hukum hak subjek data pribadi dalam konten siar televisi terhadap pelanggaran hak privasi ditinjau berdasarkan Undang-Undang Nomor 32 Tahun 2002 tentang Penyiaran (UU Penyiaran) dan Undang-Undang Nomor 27 Tahun 2022 tentang Pelindungan Data Pribadi (UU PDP). Metode pendekatan yang digunakan dalam penelitian ini adalah yuridis normatif. Data yang digunakan adalah data primer dan sekunder. Data yang terkumpul kemudian dianalisis dengan menggunakan metode yuridis kualitatif. Hasil penelitian ini menunjukkan bahwa program siaran yang mengeksploitasi kehidupan pribadi dengan menyiarkan informasi pribadi objek dalam isi siarannya tanpa terlebih dahulu memberikan informasi mengenai kejelasan tujuan permintaan dan penggunaan data pribadi yang jelas dapat dirumuskan sebagai indikator pelanggaran hak privasi dalam konten siar televisi apabila dikaitkan dengan hak-hak subjek data pribadi berdasarkan UU PDP. Selain itu, perlindungan hukum hak subjek data pribadi dalam konten siar televisi terhadap pelanggaran hak privasi ditujukan untuk menghasilkan suatu kepastian hukum terhadap subjek data pribadi dalam konten siar televisi. Korban pelanggaran hak privasi dalam konten siar televisi yang merupakan subjek data pribadi kini diperkuat haknya, diantaranya adalah untuk menggugat dan menerima ganti rugi.

Keywords : *Pelindungan Data Pribadi, Hak Subjek Data Pribadi, Konten Siar Televisi*



I. INTRODUCTION

The rapid development of information and communication technology (ICT) in the era of digital transformation has eliminated boundaries for people to access information, both nationally and internationally. Television, as one of the mass media with the highest frequency of use in Indonesia, plays a significant role in the dissemination process of information. Nielsen's 2023 research data shows that 130 million people in urban areas in Indonesia watch television, indicating the significant influence of this media. This projection demonstrated a significant increase compared to previous research, which indicated a television audience of 58.9 million people, encompassing previously underrepresented or unrepresented regions.¹ The ease of accessing information through television is further strengthened by the presence of online streaming platforms or *Over The Top* (OTT) that allow people to access television content anytime and anywhere. Television viewing habits have evolved, with audiences no longer strictly bound by broadcast schedules and times.²

Although it plays an important role in the dissemination process of information, television also has the potential to violate individual privacy rights through its broadcast contents. The freedom of people to obtain information facilitated by television must be balanced with the protection of personal information. Privacy, as the individual's right to maintain the confidentiality of personal information such as health, financial and family conditions, is vulnerable to violation. A clear example of this violation of privacy rights can be seen in infotainment programs that often exploit the personal lives of celebrities, public figures, or even ordinary people. As a result, the Indonesian Broadcasting Commission (KPI), an independent state institution established under the authority of Law Number 32 of 2002 concerning Broadcasting (Broadcasting Law), which is responsible for regulating various matters related to broadcasting, will issue a written warning as a form of administrative sanction. The program "Insert Siang" aired on Trans TV on June 12, 2023 received one of these written warnings. The program was found to have broadcast content that violated the privacy rights of Nursyah, the mother of celebrity Indah Permatasari, by conducting an interview using a hidden camera without her consent. KPI then said that as the legal basis for imposing a written warning sanction, the broadcast content was proven to have violated several articles stated in the KPI Regulation Number 01/P/KPI/03/2012 concerning Broadcasting Code

¹ <https://www.marketeers.com/nielsen-perkiraan-jumlah-penonton-tv-tembus-130-juta-orang/>. Dikutip 27 Desember 2023

² Rizky Ramadhan Putra dan Zinggara Hidayat, "Komunikasi Pemasaran Layanan Video Streaming Dan On Demand MNC Group (Studi Kasus: Aplikasi RCTI+)", *Jurnal Ilmu Sosial dan Pendidikan (JISIP)*, Vol. 6, No. 1 (2022), hlm. 2256

of Conduct or Pedoman Perilaku Penyiaran (P3), including Article 13 and Article 32 letter a.³ Infotainment “Insert Siang” has also been sanctioned in the form of a written warning by KPI for similar reasons in 2020. The show, which premiered on June 26, 2020, was known to feature content that violated Dewi Perssik's privacy rights. Specifically, the show featured a hypnotized video recording of the celebrity discussing her domestic life. The woman's desire for a divorce, her husband's failure to pay maintenance, and her belief that he was seeing other women were among the personal issues. As the legal basis for imposing a written warning sanction, the broadcast content was proven to have violated Article 13 paragraph (1) of KPI Regulation Number 02/P/KPI/03/2012 concerning Broadcasting Code of Ethic or Standar Program Siaran (SPS).⁴

As a fundamental component of human rights, privacy highlights the crucial need for the protection of personal data.⁵ Law Number 27 of 2022 concerning Personal Data Protection (PDP Law) serves as a legal basis for protecting personal data in Indonesia. PDP Law regulates categories of personal data, both general and specific and also personal data subjects, namely individuals who own personal data. In addition, the rights of personal data subjects are also thoroughly regulated. In relation to what happened to Nursyah and Dewi Perssik, these two cases are just a few of the many other cases of celebrity privacy rights violation within the scope of television broadcasting in Indonesia that have occurred over the years. The personal lives of these celebrities, which include marital status, health, financial and family conditions and so on, can be categorized as personal data, thus making celebrities can be categorized as personal data subjects whose rights must be fulfilled as stated in the PDP Law.

The Broadcasting Law and the P3 SPS KPI regulations are proven enough have not sufficiently accommodated the protection of privacy rights arising in the scope of broadcasting based on the many cases of privacy rights violation in broadcasting itself, especially in television broadcasting. In this regard, the presence of PDP Law can be used as a legal basis regarding the rights of personal data subjects in line with the fulfilment of privacy rights in personal data protection in order to formulate a legal protection and then produce legal certainty regarding violation of privacy rights in television broadcast content associated with Broadcasting Law as the existing legal basis in the scope of broadcasting in Indonesia.

³ <https://kpi.go.id/id/umum/38-dalam-negeri/37071-langgar-hak-privasi-insert-siang-trans-tv-kena-sanksi>. Dikutip 19 Februari 2024

⁴ <https://kpi.go.id/id/umum/38-dalam-negeri/37071-langgar-hak-privasi-insert-siang-trans-tv-kena-sanksi>. Dikutip 19 Februari 2024

⁵ Sinta Dewi Rosadi, *Cyber Law: Pelindungan Privasi Atas Informasi Pribadi dalam E-Commerce Menurut Hukum Internasional*, Widya Padjadjaran, Bandung, 2009, hlm. 23

The purpose of this research is to analyze the legal protection of personal data subject rights in television broadcast content against violation of privacy right as reviewed based on Broadcasting Law and PDP Law.

II. RESEARCH METHOD

This research employs a normative juridical approach, involving the analysis of secondary data through an inventory of positive laws, which are then examined in relation to the research object.⁶ Primary, secondary, and tertiary legal materials are the data sources used as part of the literature review phase of the research. Written and legally binding regulations relating to the legal issues studied are the primary legal materials used in this research. Secondary legal materials used include books that discuss broadcasting law, privacy law and personal data protection law in Indonesia. The secondary legal materials used in this research include legal dictionaries, encyclopedias, and electronic mass media. In addition, The Chairman of the West Java Regional KPI was interviewed as part of the field study to complement the secondary data of this research.

The data analysis method used in this research is qualitative juridical, which is a data analysis method that relies on the inventory of laws and regulations as positive law by elaborating them descriptively in the form of words and not in the form of numbers.⁷

III. RESULT AND DISCUSSION

Indicator of Violations of Privacy Rights in Television Broadcast Content When Linked to the Rights of Personal Data Subject Based on Law Number 27 of 2022 concerning Personal Data Protection

The broadcasting of television content as a mass communication media within the scope of broadcasting in Indonesia is an effort to fulfil citizens' right to obtain information. However, this endeavor to fulfil the right to obtain information inevitably raises the question of how to balance this right with the protection of the privacy rights of individuals who are the subjects of television broadcast content. It is often forgotten that both celebrities or famous people and ordinary people featured in a television programs are citizens who also have privacy rights that are protected and recognized.

The conception of privacy is closely related to a person's personal information which results in the expectation of not disclosing the personal information to others based on Privacy

⁶ Soerjono Soekanto dan Sri Mamudji, *Penelitian Hukum Normatif*, PT Raja Grafindo Persada, Jakarta, 2003, hlm. 62

⁷ E. Saefullah Wiradipradja, *Penuntun Praktis Metode Penelitian dan Penulisan Karya Ilmiah Hukum*, Keni Media, Bandung, 2015, hlm. 25

Theory by Alan Westin and Ronald Standler. The display or disclosure of one's personal information is one of the main elements in the conception of privacy that allows an individual to have control over whether their personal information will be displayed or disclosed to others. The same should apply to the application of the conception of the right to privacy in television broadcast content.

However, on the other hand, it can be argued that the problem of privacy rights violation in broadcast television content stems from the broadcasting democratization. The basic function of a healthy information dissemination service is reflected in the Broadcasting Law, which results in the principles of Diversity of Content and Diversity of Ownership. The principle of Diversity of Content can trigger various broadcasters through their respective television stations to broadcast a wide variety of interestingly packaged content as an effort to attract viewers to maintain their position in the competition among broadcasters. This is based on the Broadcasting Law, which licenses broadcasters to prevent ownership monopoly and encourage healthy competition in the broadcasting sector, and is supported by the KPI to play a role in creating a climate of healthy competition among broadcasters and related industries.⁸

Television broadcast content that exploits the personal lives of both celebrities or famous people and ordinary people for public consumption, such as what is often done by infotainment broadcast programs, is an effort to attract viewers who in this case can be fans of celebrities or famous people who are the object of related broadcast content, and also by broadcasting viral news that is not even limited to celebrities but also ordinary people to fulfil the curiosity of the wider audience as viewers so as not to feel left out of information about what is being discussed. This reflects the fact that Indonesian society is a community with a voracious appetite for information, to the point where they could be considered as an “info-junkies”.⁹

The point of violation of the right to privacy in broadcast television content, which in this case is infotainment broadcast programs, is that infotainment often ignores the right of objects in broadcast television content to control whether their personal information will be displayed or disclosed to others, which can be interpreted as the right to give consent to the display or disclosure of personal information. In addition, the context of giving consent also seems to be invalidated in the case of surreptitious recording using a hidden camera of celebrities such as what happened to Nursyah, who is not even a celebrity but the mother of a celebrity, Indah Permatasari, who, without

⁸ Adiyana Slamet, et. al., *Menjaga Mata dan Telinga Masyarakat Jawa Barat: Edisi Revisi*, Komisi Penyiaran Indonesia Daerah Jawa Barat, Bandung, 2024, hlm. 31

⁹ Danrivanto Budhijanto, *Hukum Telekomunikasi, Penyiaran dan Teknologi Informasi: Regulasi dan Konvergensi*, PT Refika Aditama, Bandung, 2010, hlm. 3

her consent, broadcasted content in which she was interviewed by being secretly recorded using a hidden camera. Both of these broadcast contents were aired by Trans TV television station through the infotainment “Insert Siang” and led to administrative sanctions in the form of written warnings by KPI due to violation of privacy rights in the personal life of the broadcast object.

In reality, not only for celebrities or famous people, the context of giving consent is also often neglected for ordinary people who become objects in a television broadcast content. This is also often found in infotainment broadcast programs. The massive use of the internet in the convergence era through the adaptation of the use of internet technology has a major influence on the content of infotainment, no longer only presenting information about the lives of famous people, but also the phenomenon of virality of news originating from social media platforms as a form of expansion of internet utilization.

The infotainment program production team broadcasts content containing viral news by downloading it first from social media platforms that carry the *User Generated Content* (UGC) concept. This can facilitate the phenomenon of virality of news from the content resulting from the application of the UGC concept.¹⁰ Viral news involving ordinary people basically also contains information about personal life so that the ordinary person being reported also has the right to give his consent to the appearance or disclosure of his personal information. However, this is not the case with SCTV's infotainment program “Status Selebritis” which features video content from Instagram social media with the @manaberita account. The content contains someone's personal life, specifically a husband who caught his wife having an affair with a man who allegedly served as a village head. In addition, the program repeatedly aired amateur video footage showing the husband crashing and expressing his anger at the couple. The object of the broadcast, which in this case is not a celebrity or famous person, has violated the right to privacy in their personal life, therefore KPI Pusat imposes administrative sanctions in the form of a written warning to “Status Selebritis”.

Broadcasting in Indonesia should be subject to the rules stipulated in Broadcasting Law, especially to the provision of broadcast content implementation which is expected to always be in accordance with the principle, purpose, function and direction of broadcasting. In addition, broadcasting in Indonesia must also comply with the rules contained in P3 SPS, which is compiled and determined by KPI as an independent state institution mandated by Broadcasting Law to regulate broadcasting matters.

¹⁰ Yoga Adi Wijaya dan Erlita Ridanasti, “Pengaruh *User Generated Content* terhadap Niat Pembelian Oleh Konsumen Melalui Channel GadgetIn”, *Reslaj: Religion Education Social Laa Roiba Journal*, Vol. 6, No. 8 (2024), hlm. 4259

It can be reiterated that the conception of the right to privacy identifies the protection of personal data as an important right. Among others, Ahmad M. Ramli argues that the PDP Law is intended to address the reality of the lack of norms and criteria for the idea of personal data protection.¹¹ This should be applicable to broadcasting in Indonesia. PDP Law can form a new standard and criteria for the problematic violation of privacy rights in television broadcast content in the concept of personal data protection, considering that based on the results of an interview with the chairman of the West Java Regional KPI who argued that until now there has been no specific regulation regarding the substance of personal data protection as part of the right to privacy as stated in the PDP Law in terms of broadcasting operations in Indonesia. Thus, PDP Law can improve by filling the void of the substance of Broadcasting Law and P3 SPS KPI, which in this case is specific to the rules related to the protection of privacy rights in television broadcast content linked to the concept of personal data protection, including in formulating an indicator of violation of privacy rights in television broadcast content when linked to the rights of personal data subjects.

The PDP Law provides a definition of personal data and classifies each type of personal data as specific and general. It also defines a personal data subject as any individual who possesses personal data. Personal data protection can be understood as a comprehensive effort to safeguard personal data during its processing, in order to ensure that the constitutional rights of personal data subjects are protected. The PDP Law regulates the rights of personal data subjects which are detailed in Article 5 to Article 15, adopting similar provisions found in the *General Data Protection Regulation of the European Union* or often abbreviated as GDPR.

Before recognizing the rights of personal data subjects, the PDP Law first introduces terms related to parties involved in the processing of personal data other than the personal data subjects themselves, namely personal data controllers and personal data processors. To prevent their personal information from being misused during processing by personal data controllers and processors, personal data subjects are guaranteed certain rights.

These terms are important components in the concept of personal data protection regulated by the PDP Law. This should be implemented to the problem of violation of privacy rights in broadcast television content. First, the exploitation of the personal life of objects in a television broadcast content, whether celebrities or famous people or ordinary people, for public consumption often includes information about marital status, family conditions, financial

¹¹ Ahmad M. Ramli, *Tafsir Undang-Undang Pelindungan Data Pribadi*, PT Refika Aditama, Bandung, 2023, hlm. 2

conditions, and so on, which can be categorized as personal data, so that the objects in a television broadcast content can be categorized as personal data subjects.

Second, the problematic violation of the right to privacy in broadcast television content is caused by the appearance and disclosure of personal information of the object in the broadcast television content which is the subject of personal data so that it can be interpreted that the appearance and disclosure of personal information is included in the processing of personal data. The rights of personal data subjects can be implemented to personal data subjects in television broadcast content to protect information about their personal lives from being displayed and disclosed for consumption by a wide audience by television broadcasting institutions through the production team of the relevant broadcast program which can be categorized as personal data controllers because they are responsible for the display and disclosure of personal information.

One of the rights of personal data subjects is the right to information, as stipulated in Article 5 of the PDP Law, which states:

“A data subject has the right to obtain clear information regarding the clear identity, legal basis, purpose of the request for, and use of Personal Data, and the accountability of the party requesting Personal Data.”

The rights of personal data subjects can be linked to the right of personal data subjects in broadcast television content to control whether their personal information will be displayed or disclosed to others or which can be interpreted as the right to give consent to the display or disclosure of their personal information, which is often neglected by television broadcast programs. Without the provision of consent, the right of personal data subjects in broadcast television content to obtain information about the clarity of the purpose of the request and use of their personal data is neglected. Thus, broadcast programs that perform exploitative actions by broadcasting personal information of personal data subjects without first providing clear information about the purpose and use of the personal data such as what happened to Dewi Perssik, Nursyah, and a husband caught his wife cheating on him which later became viral news, which in this case is often done by infotainment, can be defined as an indicator of privacy violation in television broadcast content when linked to the rights of personal data subjects based on the PDP Law.

Legal Protection of the Rights of Personal Data Subject in Television Broadcast Content Against Violations of Privacy Rights Based on Law Number 32 of 2002 concerning Broadcasting and Law Number 27 of 2022 concerning Personal Data Protection

As described earlier, it can be said that the problem of violation of privacy rights in television broadcast content stems from the implementation of broadcasting democratization. Broadcasting democratization can significantly broaden the public sphere, fostering a diversity of opinions and ensuring easier access for all.¹² The principle of Diversity of Content as the basis of healthy information dissemination service function reflected in Broadcasting Law which should be promoted by broadcasting organization in Indonesia and is part of broadcasting democratization is enforced to fulfil public interest, i.e. so that people can watch broadcast television content in accordance with their wants, needs and expectations through alternative choices of diverse broadcast television content, not because of coercion and broadcast monopoly.

Among various authorities owned by KPI, it can be analyzed that there is no authority to prevent broadcasting so it can be said that KPI has no authority to cancel a broadcast program when it is being aired, but only limited to the authority to compile and stipulate P3 SPS then sanction when there is a violation of P3 SPS in its existence as an executor in terms of broadcast content control enforcement. KPI's authority can be likened to a referee in a soccer match. The referee cannot prevent a violation to happen and can only act after the violation then give appropriate sanction to the violation.

The enforcement of Diversity of Content principle in the implementation of broadcasting democratization, the effectiveness of P3 SPS KPI and the limitation of authority owned by KPI can be a strong background to formulate the protection of personal data subject rights in television broadcast content against violation of privacy rights in the concept of personal data protection while still associated with Broadcasting Law as the existing legal basis in the scope of broadcasting operations in Indonesia.

The protection of personal data subject rights in broadcast television content against violation of privacy rights is reflected by the provisions of Article 36 paragraph (5) and (6) of Broadcasting Law. Both articles reflect the violation of privacy rights in broadcast television content, which often contains lies and slander, as well as humiliating and degrading the dignity of the subject of personal data in broadcast television content as a human being. In addition, anyone who violates the provisions of Article 36 paragraph (5) and paragraph (6) is subject to the criminal provisions of the Broadcasting Law contained in Article 57 letter d and letter e, as amended by the provisions in Law Number 6 of 2023 concerning the Stipulation of Government Regulation in Lieu of Law Number 2 of 2022 concerning Job Creation into Law.

¹² Judhariksawan, *Hukum Penyiaran*, Rajawali Pers, Depok, 2013, hlm. 93

Broadcasting Law authorizes KPI to develop and stipulate P3 SPS. The protection of personal data subject rights in television broadcast content against violation of privacy rights in P3 SPS is reflected by the substance of respect for privacy rights contained in Article 13 of P3. Broadcast programs that are proven to legally and convincingly violate the provisions regarding respect for privacy rights as stated in Article 13 of the SPS are subject to administrative sanctions in the form of written warnings by KPI. Administrative sanction in the form of written warning is imposed at most 3 (three) times with a maximum period of 30 (thirty) calendar days (one month) each. If a broadcast program has been given a written warning up to 3 (three) times but does not heed and continues to broadcast a broadcast program that is indicated to violate privacy rights, it can be subject to a specific administrative fine sanction for television broadcasting services in the amount of Rp 1,000,000,000.00 (one billion rupiah). In the event that a broadcast program aired by LPS does not implement the administrative fine sanction within 30 (thirty) days, the sanction is increased to the suspension of broadcast activities until the obligation to pay the administrative fine is fulfilled.

However, there is no regulation regarding legal protection specifically aimed at victims of privacy rights violation in broadcast television content both in their status as celebrities or famous people and ordinary people who are personal data subjects. Therefore, the PDP Law can improve by filling the legal vacuum to formulate the protection of the rights of personal data subjects in television broadcast content against violation of privacy rights in the concept of personal data protection. This is strengthened by the existence of PDP Law which is based on the principles of legal certainty and protection. The former states that every processing of personal data is carried out to be based on a legal basis to realize the protection of personal data and everything that supports its implementation so that it gets legal recognition both inside and outside the court. The latter states that any processing of personal data is carried out by providing protection to the subject of personal data over his/her personal data and personal data so that his/her personal data is not misused.

The effort to formulate the protections for the rights of data subjects is grounded in the application of the Development Law Theory (Teori Hukum Pembangunan) by Mochtar Kusumaatmadja, which posits that law is the forefront of driving change. In this context, the enactment of the PDP Law is expected to bring about legal certainty for data subjects. This aligns with the concept of law as an instrument of societal change, especially in the context of the rapidly evolving ICT landscape and digital transformation.

Violation of privacy rights in television broadcast content can take the form of false light in the public eye or disclosure of information that describes something that is not true and

disclosure of private facts or disclosure of personal information in the form of facts or opinions to a wide audience that should not be done.¹³ Violation of the right to privacy can then cause both material and immaterial losses.

In this regard, in addition to the right to information, personal data subjects have the right to sue and receive compensation as stated in Article 12 paragraphs (1) and (2) of the PDP Law. Paragraph (1) of the article indicates that personal data subjects have the right to take legal action, in this case against television broadcasters by suing and receiving compensation for losses caused by violation of privacy rights in television broadcast content which can be categorized as violation of personal data processing. However, the draft government regulation as referred to in paragraph (2) has not yet been enacted as it is still at the harmonization stage, so there is currently no more detailed information on the procedure for imposing compensation for violation of personal data processing. However, Article 14 of the PDP Law confirms that the exercise of the right to demand and receive compensation as one of the rights of personal data subjects can be submitted in advance through a registered application submitted electronically or non-electronically to the controller of personal data, which in this case is a television broadcaster.

A television broadcaster can be categorized as a personal data controller in the event of disclosure and display of personal information of personal data subjects in the broadcast program it airs because both of these are included in the processing of personal data. Personal data controllers have various obligations set out in Chapter VI of the PDP Law. According to Article 20 paragraph (1) of the PDP Law, personal data controllers must have a legitimate basis for processing personal data. Article 20 paragraph (2) stipulates that the basis for processing personal data includes the explicit lawful consent of the personal data subject, the fulfilment of the legal obligations of the personal data controller in accordance with laws and regulations, and the fulfilment of the protection of the vital interests of the personal data subject. Furthermore, Article 21 (1) stipulates that if the processing of personal data is based on valid explicit consent, the personal data controller shall provide information on the purposes of the processing of personal data, the type and relevance of the personal data to be processed, and the rights of the personal data subject. According to Article 22 paragraphs (1) and (2), consent to the processing of personal data may be given in written or recorded form, which may be delivered either electronically or non-electronically. Meanwhile, Article 24 of the PDP Law stipulates that the personal data controller shall keep evidence of the consent given by the personal data subject in the process of processing personal data.

¹³William L. Prosser, "Privacy", *California Law Review*, Vol. 48, No. 3 (1960), hlm. 389 – 402

The overall substance of the article can strengthen the protection of the right to information of personal data subjects in television broadcast content which can be linked to the right to give consent to the appearance or disclosure of their personal information. In broadcasting programs containing disclosure and display of personal information, television broadcasting institutions are now required to have a basis for processing personal data, namely explicit legal consent from the subject of personal data in television broadcast content. According to Article 57 paragraphs (1) and (2) of the PDP Law, if a television broadcaster violates this obligation, it may be subject to administrative sanctions in the form of written warnings, temporary suspension of personal data processing activities, and administrative fines. Article 57 paragraph (5) of the PDP Law also stipulates that further provisions regarding the procedures for imposing administrative sanctions in the form of fines will be regulated in a government regulation, which has yet to be enacted.

As for violation of the right to privacy as a violation of personal data processing, personal data subjects in broadcast television content can take the dispute resolution route stated in Article 64 of the PDP Law. Cases of violation of the right to privacy in broadcast television content such as what happened to Nursyah, Dewi Perssik and a husband who caught his wife cheating on him due to the neglect of the rights of the three personal data subjects in the broadcast television content to give consent to the appearance or disclosure of their personal information by infotainment broadcast programs can be categorized as a prohibition in the use of personal data as stated in Article 65 paragraph (2) of the PDP Law, namely that every person is prohibited from unlawfully disclosing personal data that does not belong to him. The PDP Law regulates criminal provisions for violation of the use of personal data as stated in Article 67.

The protection of the rights of personal data subjects in television broadcast content against violation of privacy rights based on Broadcasting Law and PDP Law is intended as an effort to protect the concept of private space of personal data subjects in the television broadcast content. It can be analyzed that television broadcasting institutions play an important role in avoiding restrictions on broadcast content and complying with obligations regarding broadcast programs as a form of respect for the privacy rights of personal data subjects in television broadcast content. In addition to the important role of television broadcasting institutions, personal data subjects in broadcast television content who are victims of privacy rights violation now have specific rights protected in the concept of personal data protection, including to give consent to the appearance and disclosure of their personal data and to take legal action for losses caused by violation of privacy rights in broadcast television content which can be categorized as violation of personal data processing in accordance with the provisions contained in the PDP Law.

IV. CONCLUSION

Based on the results and discussion, it can be concluded that broadcast programs that exploit personal information of objects in their content without first providing clear information about the purpose and use of personal data can be defined as an indicator of privacy violation in television broadcast content when linked to the rights of personal data subject based on the PDP Law. In addition, legal protection of personal data subject rights in television broadcast content against violation of privacy right is designed to provide legal certainty to personal data subject in television broadcast content. Victims of privacy violation in television broadcast content who are data subject now have their rights strengthened, including the right to sue and receive compensation. Furthermore, television broadcasting institutions can also be categorized as personal data controllers so they have various obligations that must be fulfilled based on the PDP Law.

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