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Data Protection for Sexual Violence Victims in the Court Case Tracking Information System

Muh Sutri Mansyah¹, Kaswandi², Hasirudin Hasri³, Hayun⁴, Edy Nurcahyo⁵, Darojatun Andara⁶, Rasmala Dewi⁷

¹ Master of Law Program, Universitas Muhammadiyah Buton, Indonesia. E-mail: <u>muhsutrimansyahr@gmail.com</u>

² Faculty of Law, Universitas Muhammadiyah Buton, Indonesia. E-mail: <u>kaswandi374@gmail.com</u>

³ Faculty of Law, Universitas Muhammadiyah Buton, Indonesia. E-mail: <u>alifhasirudin@gmail.com</u>

⁴ Faculty of Law, Universitas Muhammadiyah Buton, Indonesia. E-mail: <u>hayun86ison@gmail.com</u>

⁵ Faculty of Law, Universitas Muhammadiyah Buton, Indonesia. E-mail: <u>cahyonur3dy@gmail.com</u>

⁶ Faculty of Law, Universitas Muhammadiyah Buton, Indonesia. E-mail: <u>darojatanda@gmail.com</u> ⁷ Master of Law Program, Universitas Muhammadiyah Buton, Indonesia. E-mail: rasmala@gmail.com

Abstract: The Case Tracking Information System is a system established by the Supreme Court which functions to track a case. However, in reality, it has been found that sensitive information regarding victims of sexual violence, such as names that should be kept confidential, is disclosed. The purpose of this research is to examine and evaluate the case tracking information system regarding data on child victims and to develop an ideal model for protecting the data of victims of sexual violence within the case tracking information system. The research method used is normative juridical research with a case approach, statutory regulations, and conceptual approaches. The research findings indicate that five laws (the Witness and Victim Protection Law, the Sexual Violence Crime Law, the Personal Data Protection Law, the Juvenile Justice System Law, and the Child Protection Law) regulate the confidentiality of victims to prioritize the best interests of children as the nation's future generation. However, in reality, it has been found that some courts, such as the Baubau District Court, display information such as the victim's name, while the Pasarwajo District Court in SIPP only displays the victim's data in the form of a pseudonym, namely a child witness.

Keywords: Data Protection; Sexual Violence; Victims; the Court Case Tracking Information System.

1. Introduction

Victims of violence are more likely to be women and children, and the Indonesian nation finds that they face social and humanitarian problems that require more attention. Forms of sexual violence based on the Sexual Violence Crime Law (TPKS), there are nine types of sexual violence stipulated in Article 4 Paragraph¹. These types of sexual violence consist of non-physical sexual harassment, physical sexual harassment, coercion of contraception, and forced sterilization. Furthermore, there is forced marriage, sexual torture, sexual exploitation, sexual slavery, and finally, electronic-based sexual violence². In Indonesia, issues related to the protection of crime victims must also receive serious

¹ A Anindya, Yi Syafira, Dan ..., "Dampak Psikologis Dan Upaya Penanggulangan Kekerasan Seksual Terhadap Perempuan," *Tin: Terapan Informatika* ..., No. Query Date: 2023-11-15 09:28:55 (2020), Http://Ejurnal.Seminar-Id.Com/Index.Php/Tin/Article/View/394.

² Dede Cindy Aprilia Dan Abdul Mu'ti, "Kekerasan Seksual Di Lingkungan Pesantren" 05, No. 01 (2022), Https://Www.Jonedu.Org/Index.Php/Joe/Article/View/665.

attention³. According to Ani Purwanti, "Sexual violence is a type of violence that can occur in both public and domestic spaces. The legal subjects of sexual violence perpetrators are usually suffered by women and children who are often considered weak victims." Furthermore, "Sexual violence against women is a universal crime. It is not only endemic but also pervasive and repeatedly occurs everywhere over a very long period.⁴

To provide protection for victims of sexual violence crimes, Indonesia has enacted several regulations, including: 1) Law Number 31 of 2014, which is an Amendment to Law No. 13 of 2006 concerning Witness and Victim Protection (UU PSK), 2) Law Number 12 of 2022 concerning Sexual Violence Crimes (UU TPKS). Additionally, sexual violence against children includes: 1) Law Number 35 of 2014, which is an Amendment to Law Number 23 of 2002 concerning Child Protection (UU PA) 2) Law Number 11 of 2012 regarding the Juvenile Justice System (UU SPPA).

There are 4 laws regulating the protection of women and children, with the recently enacted law being the Sexual Violence Crime Law (UU TPKS). Protection for victims can be provided from the reporting to the police up to the court⁵. Although the incident has been reported to the police, victims still need to testify in court. However, there is an issue at the court level where the victim's identity in the case tracking system is published without anonymizing the victim's name⁶. One example is in the Case Tracking Information System (SIPP) of the Baubau District Court, where cases of sexual violence against children can be accessed openly. In the current era, access to information is not limited by distance, place and time⁷. The SIPP system is used by employees to manage and perform their duties, representing a crucial technological development relied upon for managing activities within institutions and providing services across various fields⁸. With the existence of the system, the generated information can be utilized to facilitate the implementation of tasks within the institution9. Further studies are needed to examine the extent to which victim data is exposed and its relationship with protecting victims of sexual violence by maintaining the confidentiality of victim data. In this article, three relevant articles were found for this research.

 Indriastuti Yustiningsih, 2020, Legal Protection for Child Victims of Sexual Violence from Revictimization in the Criminal Justice System, Research findings: Preventing

³ E Siregar, D Rakhmawaty, Dan ..., "Kekerasan Seksual Terhadap Perempuan: Realitas Dan Hukum," *Progresif: Jurnal* ..., No. Query Date: 2023-11-15 09:28:55 (2020), Https://Journal.Ubb.Ac.Id/Index.Php/Progresif/Article/View/1778.

⁴ Siregar, Rakhmawaty, Dan ...

⁵ SW Attidhira dan YS Permana, "Review of Personal Data Protection Legal Regulations in Indonesia," *Awang Long Law* ..., no. Query date: 2024-04-19 11:11:43 (2022), http://ejournal.stih-awanglong.ac.id/index.php/awl/article/view/562.

⁶ I Apriyanti, "The Urgency of Establishing Personal Data Protection Act and Financial Technology Act in Digital Era in order to Protect and Control the Privacy in Indonesia," *3rd International Conference on Law and* ..., no. Query date: 2024-04-19 11:11:43 (2020), https://www.atlantis-press.com/proceedings/iclave-19/125937737.

⁷ AS Auliani, "Information Security Assessment On Court Tracking Information System: A Case Study from Mataram District Court," *2021 IEEE 12th Annual Ubiquitous Computing* ..., no. Query date: 2024-04-19 11:07:07 (2021), https://ieeexplore.ieee.org/abstract/document/96666617/.

⁸ Attidhira dan Permana, "Review of Personal Data Protection Legal Regulations in Indonesia."

⁹ Hadisaputro Dan Wahyuni.

revictimization of child victims of sexual violence in the criminal justice system requires legal policy changes by amending criminal procedural law. Provisions found in Law Number 11 of 2012 concerning the Juvenile Justice System Article 58 paragraph (3) letter (a) can be used as the basis for examining child victims from the beginning of the judicial process, where electronic recording, oath-taking, and making of investigation reports have been conducted during the investigation stage and can be used as valid evidence in the evidentiary process, thus requiring victims to testify only once during the investigation stage¹⁰.

- Atikah Rahmi, 2018: The Urgency of Protection for Victims of Sexual Violence in an Integrated Criminal Justice System with Gender Justice, Research findings: The justice system built to handle cases of violence against women and children should be easy, accessible, and accountable. A participatory approach involving all stakeholders is necessary to introduce the concept of a justice system from a gender justice perspective. It is also essential to introduce the concept of a gender-just legal enforcement system by tapping into the experiences of those involved in handling cases of violence against women and children. The introduction of the concept of an Integrated Criminal Justice System for Handling Cases of Violence Against Women and Children is gradually being discussed until reaching a shared perception and understanding. Law enforcement officials handling cases of sexual violence against children and women should have a perspective that considers the rights of children and women to fulfill their duties in accordance with applicable laws, thereby ensuring that perpetrators are appropriately prosecuted for their crimes. Thus, law enforcement can be realized, and victims can feel protected and achieve justice in society¹¹.
- Anastasia Hana Sitompul, 2015, Legal Study on Sexual Violence Crimes in Indonesia, Research findings: Child protection has been specifically regulated in the UN Convention on the Rights of the Child. Furthermore, various forms of child protection against sexual violence in Indonesia are regulated in positive legislation. Legal protection is provided from preventing sexual violence against children to protecting child victims of sexual violence and children facing the law (child perpetrators) of sexual violence. Law enforcement is a policy in combating crime, particularly sexual violence. Law enforcement involves imposing criminal sanctions against perpetrators of sexual violence. Crime prevention can be carried out through legal (penal) and non-legal (non-penal) means. Several factors affect law enforcement, including: a. Legal factors in imposing criminal sanctions. b. Law enforcement agencies in carrying out their duties. c. Facilities supporting law enforcement. d. Societal factors,

¹⁰ Indriastuti Yustiningsih, "Perlindungan Hukum Anak Korban Kekerasan Seksual Dari Reviktimisasi Dalam Sistem Peradilan Pidana," *Lex Renaissance* 5, No. 2 (1 April 2020), Https://Doi.Org/10.20885/Jlr.Vol5.Iss2.Art3.

¹¹ Atikah Rahmi, "Urgensi Perlindungan Bagi Korban Kekerasan Seksual Dalam Sistem Peradilan Pidana Terpadu Berkeadilan Gender," *Jurnal Mercatoria* 11, No. 1 (28 Juni 2018): 37, Https://Doi.Org/10.31289/Mercatoria.V11i1.1499.

including the environment where the law is applied¹².

All three studies examine legal aspects of protecting victims of sexual violence, while this research examines and analyzes the fulfillment of rights of sexual violence victims in safeguarding their identities, connecting with the Personal Data Protection Law. Thus, this research represents a state of the art.

2. Method

The research method used is normative juridical research with a case approach¹³, legal regulations, and conceptual frameworks. Primary legal materials include the Witness and Victim Protection Law, the Sexual Violence Crime Law, the Personal Data Protection Law, the Juvenile Justice System Law, and the Child Protection Law, while secondary materials include journals, books, and relevant literature¹⁴. The analysis used is descriptive analysis, and the interpretation used is grammatical and systematic.

3. Results and Discussion

3.1. Legal Policy Information System for Tracking Cases in Court

The above relates to the mandate in Law Number 14 of 2008 Article 7 paragraph (2), which states that every Public Body must provide accurate, true, and non-misleading Public Information. Furthermore, in Article 7 paragraph (3), it states that every Public Body must build and develop an information and documentation system to manage public information well and efficiently so that information services can provide easy access, thus Public Bodies need to manage information and documentation that can guarantee the provision of easy, accurate, and fast information¹⁵. For the Supreme Court, transparency or openness of the judiciary is not only a public necessity but also a necessity for all members of the judiciary. Strengthening accountability, professionalism, and integrity of the judiciary gradually with the transparency of the judiciary will occur. Effective and efficient information openness is part of the Supreme Court's commitment to bureaucratic reform, even long before the Public Information Disclosure Law, the Supreme Court had already implemented it, as stated in the Decree of the Chief Justice of the Supreme Court of the Republic of Indonesia Number: 144/KMA/VIII/2007 concerning Information Disclosure in Courts¹⁶.

¹² Anastasia Hana Sitompul, "Kajian Hukum Tentang Tindak Kekerasan Seksual Terhadap Anak Di Indonesia," *Lex Crimen* Iv, No. 1 (T.T.): 2015, Https://Ejournal.Unsrat.Ac.Id/Index.Php/Lexcrimen/Article/View/6999.

¹³ Muh Sutri Mansyah Dan La Ode Bunga Ali, "Perlindungan Hukum Korban Kejahatan Yang Berkedok Platform Digital Investasi Ilegal" 1, No. 1 (Juni 2023), Https://Doi.Org/10.35326/Judicatum.V1i1.3252.

¹⁴ Muh Sutri Mansyah Dkk., "Immunity Rights Of Experts Who Provide Statements In Trials," *The Digest: Journal Of Jurisprudence And Legisprudence* 4, No. 2 (28 Desember 2023): 163–78, Https://Doi.Org/10.15294/Digest.V4i2.75767.

¹⁵ Descy Aryani Dkk., "Penggunaan Sistem Informasi Penelusuran Perkara (Sipp) Di Pengadilan Negeri Boyolali Kelas 1b," *Magistrorum Et Scholarium Jurnal Pengabdian Masyarakat* 03, No. 01 (Agustus 2022), Https://Ejournal.Uksw.Edu/Jms/Article/View/7131.

¹⁶ Ridwan Mansyur, "Keterbukaan Informasi Di Pengadilan Pada Penerapan Sistem Penelusuran Alur Perkara.," Jurnal Hukum Dan Peradilan 4, No. 1 (31 Maret 2015): 83, Https://Doi.Org/10.25216/Jhp.4.1.2015.83-100.

The provision of case application services aims to: 1. Create orderly case administration in the courts. 2. Create effective, efficient, and mutually supportive case administration management for internal courts and other parties requiring case information. 3. Ensure that information can be accessed effectively by seekers of justice and the public (court information openness). 4. Provide supporting tools that facilitate administration in: - Monitoring and evaluating cases with reminders at each stage of the case process. - Searching and finding case data. - Automatic reporting to obtain an overview of case management performance in the courts. - Analysis for decision-making in case management. Bureaucratic reform is the reform of public services itself. It must be acknowledged that efforts to improve public services have been made¹⁷. Standardization of public services has been implemented for basic services. Law Number 25 of 2009 and Decree of the Chief Justice of the Supreme Court Number 26 of 2012 solidify its regulation. Modernization of services with information technology instrumentation is also a necessity¹⁸.

Information seekers who want to obtain information about the Court do not have to visit directly because they can access the official website¹⁹. With this website, the transparency program of court information can be accessed by information seekers²⁰, where they can obtain the information needed regarding public service, as an implementation of the Republic of Indonesia Law Number: 14 of 2008 concerning Public Information Disclosure and Decree of the Chief Justice of the Supreme Court Number: 1-144/KMA/SK/I/2011 concerning Guidelines for Information Services in Courts, especially information about the judicial process in case applications, trial schedules, publication of decisions, facilities, infrastructure, and other information needed by parties seeking justice (justiciabelen)²¹. The Supreme Court and its subordinate courts have built a Case Information System that facilitates and expedites case handling processes, such as the CTS (Case Tracking System)/SIPP (Case Tracking Information System) in General Courts²².

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¹⁷ AA Reksoprodjo, M Dachyar, dan NR Pratama, "A Decision-Making Model for Selecting Personal Data Protection Frameworks for Companies in Indonesia," *Journal of System and* ..., no. Query date: 2024-04-19 11:11:43 (2024), https://www.aasmr.org/jsms/Vol14/No.2/Vol.14.No.2.10.pdf.

¹⁸ Billy Ridelson Labesak, "Kajian Hukum Keterbukaan Informasi Di Pengadilan Dalam Rangka Implementasi Integritas Dan Kepastian Hukum" Vii, No. 5 (2019), Https://Ejournal.Unsrat.Ac.Id/V2/Index.Php/Lexetsocietatis/Article/View/24733/24443.

¹⁹ IGNP Widiatedja dan N Mishra, "Establishing an independent data protection authority in Indonesia: a future–forward perspective," *International Review of Law* ..., no. Query date: 2024-04-19 11:11:43 (2023), https://doi.org/10.1080/13600869.2022.2155793.

²⁰ A Sofian dan B Pramata, "Children's Privacy and Data Protection in Judicial Decisions in Indonesia," *US-China L. Rev.*, no. Query date: 2024-04-19 11:11:43 (2021), https://heinonline.org/hol-cgi-bin/get_pdf.cgi?handle=hein.journals/uschinalrw18§ion=17.

 ²¹ Mansyur, "Keterbukaan Informasi Di Pengadilan Pada Penerapan Sistem Penelusuran Alur Perkara."
 ²² Mansyur.

administration in: Monitoring and evaluating cases with reminders at each stage of the case process, Search and find case data, Automatic reporting to obtain an overview of case management performance in the courts, Analysis for decision-making in case management²³.

3.2. Evaluation of Data for Child Victims of Sexual Violence in Case Tracking Information Systems: Maintaining Victim Identity Confidentiality

The Case Tracking Information System (SIPP) is a web-based application in the General Courts designed to input case-related information such as general data²⁴, scheduling for hearings, assignment of presiding judges, appointment of substitute court clerks, and can also serve as information for the public possibly related to the case. Additionally, individuals subject to traffic fines can directly check their fines in SIPP²⁵. However, a crucial issue persists where the identities of child victims of sexual violence are still exposed in the SIPP witness section. For instance, at the Baubau District Court, the following SIPP PN Baubau is presented:



Figure 1. SIPP PN Baubau

The victim's name should not be published in the SIPP system, as this contradicts the protection of victims in safeguarding victim data confidentiality, as regulated in the Child Protection Law, the Juvenile Justice System Law, the Sexual Violence Crime Law, the Witness and Victim Protection Law, and the Personal Data Protection Law. Presented below is a diagram illustrating this:

²³ Mansyur.

²⁴ BS Prawiraharjo, FX Priyono, dan ..., "The Jurisprudence Regarding the Protection of Personal Data for the Communities and Business Actors in Indonesia," ..., *Semarang, Indonesia*, no. Query date: 2024-04-19 11:11:43 (2023), https://doi.org/10.4108/eai.27-7-2022.2326264.

²⁵ Ryan Haryo Pangestu, Ariya Dwika Cahyono, Dan Penidas Fiodinggo Tanaem, "Analisis Manajemen Resiko Aplikasi Sipp Di Pengadilan Negeri Salatiga Kelas 1b Mengunakan Iso 31000," *Journal Of Computer And Information Systems Ampera* 2, No. 1 (7 Januari 2021): 43–57, Https://Doi.Org/10.51519/Journalcisa.V2i1.59.

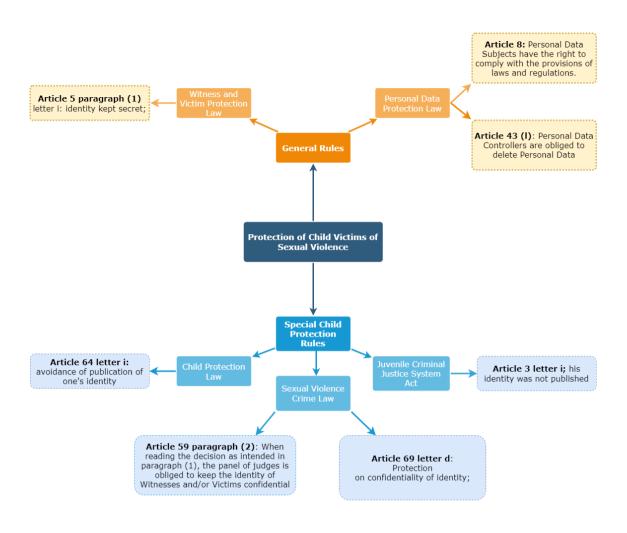


Figure 2. Child Victim Protection Arrangements

Within the framework of the five laws systematically regulating, such as the Child Protection Law, the Witness and Victim Protection Law, the Sexual Violence Crime Law, and the Juvenile Justice System Law, it is stipulated whether their identity should be kept confidential or not disclosed, according to the Personal Data Protection Law, the victim's name falls under the category of general data. However, digital traces still remain traceable if they continue to be displayed in SIPP. This differs from the case of the Pasarwajo District Court in the SIPP system below.

Sistem Informasi Penelusuran Perkara Pengadilan Negeri pasarwajo										
randa	Perdata Un	um Perdata	Khusus Pidana	Pidana Khi	usus Jadwal S	dang Lapora	n Delegasi			
NFOI	rmasi de	TAIL PERK	ARA							
embal										
		Nomor Perkara Penuntut Umum				Anak	Status Perkara			
5/Pid	.Sus-Anak/20:	23/PN Psw	Wishnu Hayu	Kurniawan,	S.H		Anak Berhado	apan Dengan Hukum	Minutasi	
	Data Umum	Penetapan	Jadwal Sidang	Saksi Pe	enuntutan Pu	tusan Barang	Bukti Riwayat	Perkara		
N	0						Nama			
1	Fera Fer	Fera Ferlita Margaret Alias Fera Binti La Ell								
2	La Eli. T I	La FIL T Bin La Tamu								
3	Wa Nuu	Wa Nuusa Binli La Tabawah								
4	Samiludi	Samiluɗin Bin La Sanimu								
5	Saksi An	Saksi Anak								
6	Saksi An	ak								

Figure 3. SIPP PN Pasarwajo

To protect the names of sexual violence victims, PN Pasarwajo obscures them by writing "child witness." This is done to safeguard the rights of child victims whose identities must be kept confidential²⁶. Once information is published on the internet, it is likely to remain stored for a long time. Copying and sharing information become increasingly easier. The internet has nearly unlimited capabilities in terms of storing and retrieving information²⁷. This is relevant to the principle of the Right to be Forgotten (RTBF), which is the right of an individual to be forgotten or erased²⁸. so countries are obliged to respect, protect, and fulfill this right through the establishment of derivative regulations on RTBF mechanisms²⁹. This is a crucial point in legal protection and enforcement of children's rights³⁰. Concerns arise if the names of child victims remain exposed, as this could lead to Cyber Bullying becoming a serious problem for the victims³¹, as the digital footprint on social media will be extremely difficult to erase. There are also irresponsible individuals who disseminate information that will further expose the victims³².

4. Conclusion

Five laws (the Witness and Victim Protection Law, the Sexual Violence Crime Law, the Personal Data Protection Law, the Juvenile Justice System Law, and the Child Protection Law) regulate the confidentiality of victims to prioritize the best interests of children as the future generation of the nation. However, in reality, it is found that some courts, such as the Baubau District Court, display victim information including the victim's name, while the Pasarwajo District Court in SIPP only displays victim data under a pseudonym, namely

_Dimensionsai/Links/65b4f7031e1ec12eff4fe7e8/Analisis-Bibliometrik-Prinsip-Hak-Untuk-Dilupakan-Right-To-Be-Forgotten-Dalam-Penelitian-Kearsipan-Yang-Terindeks-Di-Dimensionsai.Pdf.

²⁶ J Park dan DSN Heriyanto, "In favor of an immigration data protection law in indonesia and its utilization for contact tracing," *Prophetic Law Review*, no. Query date: 2024-04-19 11:11:43 (2022), https://journal.uii.ac.id/JPLR/article/view/23458.

²⁷ Sayid Muhammad Rifqi Noval, "Menimbang Kembali Kehadiran Hak Untuk Dilupakan : Penerapan Dan Potensi Ancaman," *Jurnal Legislasi Indonesia* 17, No. 3 (29 September 2020): 366, Https://Doi.Org/10.54629/Jli.V17i3.586.

²⁸ Achmad Fachmi Dan Niko Grataridarga, "Analisis Bibliometrik Prinsip Hak Untuk Dilupa- Kan (Right To Be Forgotten) Dalam Penelitian Kearsipan Yang Terindeks Di Dimensions.Ai" 7, No. 2 (2023), Https://Www.Researchgate.Net/Profile/Achmad_Fachmi/Publication/377734971_Analisis_Bibliometrik_P rinsip_Hak_Untuk_Dilupakan_Right_To_Be_Forgotten_Dalam_Penelitian_Kearsipan_Yang_Terindeks_Di

 ²⁹ Fadillah Adkiras, "Right To Be Forgotten Sebagai Upaya Pemulihan Korban Kekerasan Seksual Berbasis Elektronik (Ksbe)" (Yogyakarta, Universitas Islam Indonesia, 2023), Https://Dspace.Uii.Ac.Id/Bitstream/Handle/123456789/42647/2091063.Pdf?Sequence=1&Isallowed=Y.
 ³⁰ Muhammad Deckri Algamar Dan Aliya Ilysia Irfana Ampri, "Hak Untuk Dilupakan: Penghapusan Jejak Digital Sebagai Perlindungan Selebriti Anak Dari Bahaya Deepfake," *Jurnal Yustika: Media Hukum Dan Keadilan* 25, No. 01 (1 Agustus 2022): 25–39, Https://Doi.Org/10.24123/Yustika.V25i01.5091.

³¹ J Nawawi, "Legal Protection Of Personal Data Based On Regulation In Indonesia," *Jurnal Al-Dustur*, no. Query date: 2024-04-19 11:11:43 (2022),

https://scholar.archive.org/work/xrq6wocdvbdwbecpb5wrjhnu5i/access/wayback/https://jurnal.iainbone.ac.id/index.php/aldustur/article/download/2581/pdf.

³² Zr Wulandari Dkk., "Memperkuat Jiwa Kewarganegaraan Di Era Digital Dengan Pendidikan Kewarganegaraan Yang Komprehensif," *Jurnal Pendidikan* ..., No. Query Date: 2024-01-03 21:31:58 (2023), Https://Jupetra.Org/Index.Php/Jpt/Article/View/354.

"child witness." Therefore, it is important to reevaluate and reconstruct the data of child victims.

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https://ejournal.unsrat.ac.id/v2/index.php/lexetsocietatis/article/view/24733/244 43.

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