

Personal Data Protection for Victims of Sexual Violence in the Publication of Indonesian Cinematic Works

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Abstract: This research examines how the personal data of victims of sexual violence are protected in the publication of Indonesian film art. It aims to explore the legal dynamics governing this issue from two perspectives: Indonesian legislation and the principles of *siyasah dusturiyah*. The study employs a normative juridical method with a statutory approach. To obtain relevant data, the researcher refers to primary legal sources, including the Qur'an, Hadith related to personal data protection, Law No. 33 of 2009 on Film, Law No. 27 of 2022 on Personal Data Protection (PDP), Law No. 12 of 2022 on Sexual Violence Crimes (TPKS), and Law No. 1 of 2024 on Electronic Information Transactions (ITE). Secondary sources include books and scholarly works that support the analysis. The findings reveal two key points. First, under the principle of *lex specialis derogat legi generali*, victims of sexual violence retain their rights as guaranteed in Article 69(d) of Law No. 12 of 2022 on Sexual Violence Crimes, including the protection of their identity and confidentiality. Films depicting sexual violence remain prohibited from presenting content that highlights pornography, as stated in Article 6(b) of Law No. 33 of 2009 on Film. Second, within the framework of *fiqh siyasah dusturiyah*, potential injustices are addressed through the establishment of a state institution known as *sultah tashri'iyyah*, which is responsible for formulating laws to be implemented in accordance with Allah's provisions in Islamic sharia. One such principle is the prohibition against disseminating personal data through film media, as this protection aligns with the preservation of honor (*hijz al-irq*), one of the essential objectives (*maqāsid al-shari'ah*) aimed at preventing human exploitation. Even when the victim's family grants consent for the use of personal data in film production with good intentions, safeguarding a person's dignity—whether the person is alive or deceased—remains a fundamental duty that must be upheld.

Abstrak: Penelitian ini mengkaji perlindungan data pribadi korban kekerasan seksual dalam publikasi karya seni perfilman Indonesia. Tujuan penelitian ini adalah memahami dinamika hukum terkait isu tersebut berdasarkan dua perspektif, yaitu regulasi perundang-undangan di Indonesia dan prinsip-prinsip siyasah dusturiyah. Penelitian ini menggunakan metode yuridis normatif dengan pendekatan perundang-undangan. Data dikumpulkan dari sumber hukum primer, meliputi Al-Qur'an, Hadis yang berkaitan dengan perlindungan data pribadi, Undang-Undang Nomor 33 Tahun 2009 tentang Perfilman, Undang-Undang Nomor 27 Tahun 2022 tentang Pelindungan Data Pribadi (PDP), Undang-Undang Nomor 12 Tahun 2022 tentang Tindak Pidana Kekerasan Seksual (TPKS), dan Undang-Undang Nomor 1

Tahun 2024 tentang Informasi dan Transaksi Elektronik (ITE), serta didukung oleh bahan hukum sekunder berupa buku dan karya ilmiah.

Hasil penelitian menunjukkan dua temuan utama. Pertama, berdasarkan asas lex specialis derogat legi generali, korban kekerasan seksual tetap berhak atas perlindungan kerahasiaan identitas sebagaimana diatur dalam Pasal 69 huruf (d) UU No. 12 Tahun 2022 tentang TPKS. Selain itu, penayangan film yang mengangkat tema kekerasan seksual tetap dibatasi sesuai ketentuan Pasal 6 huruf (b) UU No. 33 Tahun 2009 tentang Perfilman yang melarang penampilan unsur yang menonjolkan pornografi.

Kedua, dalam perspektif fiqh siyasah dusturiyah, potensi terjadinya kezaliman ditangani melalui pembentukan otoritas legislatif (sultah tasyri'iyyah) yang menetapkan hukum berdasarkan prinsip-prinsip syariat Islam. Salah satu prinsip tersebut adalah larangan penyebaran data pribadi dalam karya perfilman sebagai bentuk perlindungan terhadap kehormatan (hifz al-'ird), yang merupakan bagian dari maqāṣid al-syari'ah guna mencegah terjadinya eksplorasi antarmanusia. Meskipun keluarga korban memberikan persetujuan terhadap penggunaan data pribadi untuk kepentingan film dengan tujuan kebaikan, menjaga martabat seseorang—baik yang masih hidup maupun yang telah meninggal—tetap menjadi prioritas yang harus diutamakan.

Keywords: Personal Data Protection, Victims of Sexual Violence, Indonesian Film Industry

Introduction

A film that explores the theme of sexual violence within the horror genre can be seen in the work directed by Anggi Umbara, released in Indonesian cinemas on May 8, 2024, titled *Vina Sebelum 7 Hari*. The film's storyline closely mirrors the actual incident, even using the real names of the victims involved in the 2016 Cirebon case (Suryani, 2024). *Vina Sebelum 7 Hari* captured massive public attention not only because it transformed a tragedy into a commercial artistic product, but also because it was considered ethically problematic for commodifying femicide and sexual violence, despite the filmmakers' claim that they had received consent from the victim's family. In media interviews, the director emphasized that the film was *based on* a true story, not merely *inspired by* one.

However, this depiction raises concerns in relation to existing regulations. Law No. 32 of 2002 on Broadcasting, Article 36 paragraph (5) letter (b), explicitly prohibits films from containing content that highlights violent elements. This provision aligns with Article 45 paragraph (1) of Law No. 1 of 2024, which constitutes the second amendment to Law No. 11 of 2008 on Electronic Information and Transactions. The article states that any individual who intentionally broadcasts, displays, distributes, transmits, or provides access to Electronic Information containing content that violates decency may face imprisonment of up to six years and/or a fine of up to IDR 1,000,000,000. Article 45 paragraph (2) of the same law adds that such penalties do not apply when the Electronic Information is categorized as an artistic work.

Although Article 20 paragraph (1) of Law No. 27 of 2022 on Personal Data Protection stipulates that "*Personal Data Controllers must have a legitimate basis to process Personal Data*," paragraph (2) letter (a) further clarifies that a legitimate basis includes "*explicit and valid consent from the Personal Data Subject for one or more specific purposes that have been communicated by the Data Controller*." This demonstrates that within a legal system, coherence between provisions is essential to create a consistent normative framework.

Nevertheless, the situation described above is inconsistent with Article 69 of Law No. 12 of 2022 on Sexual Violence Crimes (hereinafter referred to as the TPKS Law). Article 69 paragraph (1) letter (d) guarantees victims the right to the protection of identity confidentiality (Tristadewi, 2024). Confidentiality of a victim's identity is explicitly protected by law; yet, within the film industry – in the case of *Vina Sebelum 7 Hari* in particular – the identity of the victim is instead reproduced as a character in a cinematic work. This clearly contradicts Article 69 paragraph (1) letter (d) of the TPKS Law.

The protection of personal data also aligns with Islamic principles, particularly those discussed in *fiqh siyasah*. *Fiqh siyasah* is a branch of Islamic jurisprudence concerned with governance and state affairs, encompassing systems of government grounded in Islamic law. This field also examines constitutional concepts, including a state's foundational legal framework, the history of its legislation, lawmaking procedures, and democratic or *shura*-based institutions that serve as pillars of the legislative process. Moreover, it addresses the idea of the rule of law within Islamic political thought, the relationship between government and society, and the rights and obligations of citizens within their social interactions (Asep, 2020).

Islamic constitutional principles emphasize the protection of human rights, ensuring that all individuals stand equal before the law regardless of social status, wealth, education, or religion (Ahmad, 2013).

Islamic law also emphasizes that protecting the dignity of a Muslim is a fundamental obligation in safeguarding human welfare, both for those who are alive and for those who have passed away. This principle is reflected in a maxim of *usul al-fiqh* which states that "Preventing harm takes precedence over attaining benefit." In the context discussed in this paper, if personal data controllers – or family members entrusted with such data – permit the use of the victim's personal data in its original form for film publication, this clearly contradicts the *usul fiqh* principle mentioned above (Asep, 2020).

To date, there has been no study that thoroughly examines the legal dynamics within the regulatory framework governing this issue in Indonesia, leaving a gap that may allow the exploitation of individuals' personal data. Therefore, this research is crucial to provide the public with a clear understanding of the protection of personal data belonging to victims of sexual violence in the publication of Indonesian cinematic works.

Method

This study employs a normative legal research method using a statutory approach. This approach requires the researcher to examine the hierarchy and underlying principles of the Indonesian legal system. In this context, the analysis focuses on the regulatory framework governing the protection of personal data belonging to victims of sexual violence in the publication of Indonesian film art. By using the statutory approach, the study analyzes relevant positive laws, the structure of applicable norms, the coherence between different regulations, and how these legal provisions operate in practice.

Results and Discussion

Results

Conceptual Framework and Normative Foundations

Personal Data Protection

The protection of privacy rights is closely intertwined with the exercise of one's rights over personal data. This relationship between privacy and personal data protection was articulated by Allan Westin. According to Westin, privacy refers to the right of individuals, groups, or institutions to determine for themselves whether information about them may be communicated to others. His definition, widely known as informational privacy, is directly connected to the concept of personal data (Anggen Suari & Sarjana, 2023).

In Article 28G of the 1945 Constitution of the Republic of Indonesia, the protection of personal data is recognized as a form of privacy protection, embedded within the broader constitutional mandate to uphold human rights, equality, and respect for individual freedoms. This constitutional basis aims to create a firm legal foundation for safeguarding privacy and personal data, while also ensuring the development of a secure and supportive environment for public and commercial activities (Sinta, 2018).

Privacy is a fundamental right inherent to every individual, grounded in the preservation of human dignity. Personal data includes information related to individual characteristics—such as name, age, gender, educational background, occupation, address, and family status. The need to protect privacy stems from several reasons. First, in social interactions, individuals often need to withhold certain aspects of their lives to maintain personal boundaries (Nirwana, 2023). Second, individuals need private space in their lives, making privacy an essential personal requirement. Third, privacy exists as an independent right that may diminish when a person voluntarily discloses personal information to the public. Fourth, privacy also encompasses the right to maintain intimate domestic life—including marriage and family matters—without external interference, which Warren described as the right to be protected from public scrutiny. Finally, legal protection is crucial because the harm caused by privacy violations is difficult to quantify and often far more severe than physical injury. When such harm occurs, individuals are entitled to compensation (Sekaring, 2021).

In theory, privacy protection and personal data protection are related but distinct concepts. Privacy is broader and more abstract, referring to freedom from intrusion, limited access, or autonomy over personal information. In contrast, personal data protection focuses on the specific legal mechanisms governing the collection, recording, storage, use, and distribution of personal data (Hendrawan, 2022).

Individual rights in this area are also affirmed in Article 8(1) of the 1958 European Convention on Human Rights, which states that "everyone has the right to respect for his private and family life, his home, and his correspondence" (Firmansyah, 2018). Under international law, any arbitrary interference with a person's private life, family, home, or communications is strictly prohibited, as are attacks on one's honor and reputation (Salim, 2021). Thus, any unauthorized interception of personal information in any form constitutes a violation of human rights.

Gustav Radbruch emphasized that "law must be able to protect the basic rights of individuals who suffer harm caused by others." Personal data, which inherently belongs to the individual, is one of those fundamental rights that must be protected in order to achieve the essential aims of law: justice, certainty, and utility (Arif Noor, 2022).

Sexual Violence

The term *sexual* is used to describe matters related to gender, interactions in which men and women engage in sexual activities, and other behaviors involving sexual desire or motivation. *Sexuality* refers to biological functions—including reproductive and genital functions—without reference to social norms. In its simplest form, sexuality includes acts of sexual activity, such as the physical interaction between the penis and vagina (Manuputty, 2023). Sexual behavior, which encompasses both physical and non-physical aspects of the body, is also understood as sexuality. More broadly, sexuality includes the social dimensions of human life shaped by gender, sexual behavior, and social, political, and cultural influences (Susiana Kifri, 2022).

Sexual harassment and sexual violence represent different levels of severity within the spectrum of sexual misconduct. Sexual harassment includes actions such as inappropriate sexual jokes, unsolicited sexual comments, flirtatious gestures, or other behaviors with sexual overtones. Sexual violence, on the other hand, refers to far more serious violations that involve coercion, force, or the compulsion to engage in sexual acts (Rodyyah, 2023).

In Islamic teachings, the expression of sexual desire is not inherently prohibited, but it is regulated through clear principles that determine *when*, *how*, and *toward whom* such desires may be directed. Sexual desire is meant to be fulfilled only within the institution of marriage between a man and a woman. A husband and wife may satisfy their sexual needs solely with their lawful spouse, in accordance with Islamic law (Alhaqni, 2023).

Sexual harassment remains widespread today, affecting both adults and children. Limited access to economic resources, as well as sociocultural and religious factors, can contribute to the emergence of sexual offenses. Perpetrators may be influenced by economic stress, pushing them toward unlawful behavior, or by frequent exposure to pornographic material, which may lead them to target individuals they perceive as vulnerable (Paradiaz & Soponyono, 2022).

Within the Islamic perspective, any act committed against an adult or a minor that violates Islamic law is regarded as *zina* (illicit sexual intercourse). *Zina* is considered a grave sin that is not forgiven unless the offender sincerely repents and refrains from repeating the wrongdoing. Only then does Allah promise to protect them from eternal punishment in the hereafter (Susiana Kifli, 2022).

Legal Certainty Theory

The theory of legal certainty is one of the fundamental objectives of any legal system, and it can be said that legal certainty serves as an essential element in achieving justice. Legal certainty manifests itself in the consistent application and enforcement of the law toward any action, regardless of who commits it. With legal certainty, individuals are able to anticipate the consequences of their actions when engaging in legally significant behavior. Legal certainty is also necessary to uphold the principle of equality before the law and to prevent discrimination. The term *certainty* is closely tied to the principle of truth, meaning that legal certainty depends on the strict application of formal legal reasoning.

When the law provides certainty, individuals can act in accordance with the applicable rules. Conversely, without legal certainty, a person would lack clear guidance regarding the actions they may or may not take. In line with this view, Gustav Radbruch argues that legal

certainty is one of the core purposes inherent in law itself. According to Radbruch, the concept of legal certainty rests on four fundamental elements that define its meaning (Satjipto, 2012):

1. Law must have a positive character, meaning that positive law takes the form of legislation. Law must be grounded in facts, meaning it is formulated based on actual circumstances.
2. The facts embedded within the law must be articulated clearly to prevent misinterpretation, ensuring that legal provisions can be implemented effectively.
3. Positive law should not be easily altered, as stability is necessary to maintain predictability.

Radbruch's views stem from the belief that legal certainty is the very essence of the concept. He maintains that legal certainty is produced by the legal system – more specifically, by the regulations established within it. In his perspective, law functions as a positive instrument that regulates individual interests in society and must be respected, even when it is perceived as unjust. Legal certainty thus refers to a condition in which rules and legal decisions are clear and unambiguous. Fundamentally, the law should possess clarity and fairness: clarity so that it can guide human behavior, and fairness so that it can create balance within a just system.

Sudikno Mertokusumo asserts that legal certainty guarantees that the law operates as intended. This means that those entitled to legal rights are individuals who have undergone the appropriate legal process. Sudikno also explains that while legal certainty is closely related to justice, the two are distinct concepts. Law is general in nature, binding all individuals equally, whereas justice is subjective, individualistic, and does not necessarily prioritize equality. From these characteristics, it becomes clear that law and justice are separate entities (Peter, 2008).

Legal certainty therefore represents the consistent implementation of law in accordance with its essence. This enables the public to ensure that the law, as written, can indeed be applied. In understanding the value of legal certainty, it is important to note that this value is closely connected to the existence of positive legal instruments and the role of the state in enforcing such instruments.

Nusrhasan Ismail argues that creating legal certainty within legislation requires several internal structural conditions within legal norms. These internal conditions include:

1. Conceptual clarity, meaning that legal norms must clearly describe specific forms of behavior represented within defined legal concepts.
2. A clear hierarchy, which is essential for determining the validity and binding force of a legal rule. A well-defined hierarchy guides the authority responsible for issuing legislation.
3. Internal consistency, meaning that legal provisions governing the same subject matter must not contradict one another.

Furthermore, Nusrhasan Ismail explains that legal certainty requires legislative efforts carried out by authorized and integrity-driven institutions. As a result, legislation achieves juridical legitimacy and ensures that law functions as a set of rules that must be respected and obeyed by citizens.

Based on various expert explanations, legal certainty can be understood as comprising several key elements: clarity of rules, avoidance of multiple interpretations, the absence of contradictions among regulations, and the feasibility of implementing those rules.

Laws enacted and approved by state authorities must be understood by the public and contain elements of transparency, allowing society to comprehend the meaning of legal norms established by policymakers. From the perspective of legal certainty, legal norms should never contradict one another; otherwise, they produce confusion. Legal certainty ultimately serves as a legal instrument that provides clarity and protects the rights and responsibilities of every citizen, in alignment with the values upheld by society.

Siyasah Tasyri'iyah (Legislative Authority in Islamic Governance)

Legislation, or legislative authority, commonly referred to as *al-sultah al-tasyri'iyah*, represents the power of an Islamic government to formulate and enact legal regulations. In Islamic thought, no individual possesses the inherent authority to establish laws that must be obeyed by the Muslim community. Within the framework of *Fiqh Siyasah*, *al-sultah al-tasyri'iyah* denotes one of the core governmental powers in managing public affairs, alongside the executive authority (*al-sultah al-tanfiziyyah*) and the judicial authority (*al-sultah al-qada'iyah*) (La Samsu, 2017). In this context, the legislative function refers to the government's authority to establish rules and regulations that will govern societal behavior, based on principles determined by Allah as outlined in Islamic law (*shari'ah*). In other words, through *al-sultah al-tasyri'iyah*, the government carries out its *siyāsah shar'iyyah* mandate by formulating laws designed to uphold the welfare of the Muslim community in harmony with the foundational teachings of Islam.

The authority and responsibility vested in the legislative body represent one of the highest forms of power within the Islamic governance structure. This significance arises from the fact that the decisions and regulations issued by the legislative body are implemented by the executive branch and supported by the judiciary and court systems. Members of the legislative body typically consist of *muftahidūn*, legal experts qualified to issue *fatwas* (*muftis*), and specialists from various fields of knowledge (Diyani, 2019).

Since the authority to establish *shari'ah* ultimately belongs to Allah, the role of the legislative body is limited to deriving, interpreting, and understanding legal rulings from the primary sources of Islamic law—the Qur'an and the Sunnah of the Prophet. The task of the legislative body is therefore to articulate and elaborate upon the legal provisions contained in these sources. Consequently, all laws and regulations issued by the legislative authority must adhere strictly to the guidance provided by these foundational sources of Islamic law (Ariyansah, 2021).

Protection of Personal Data of Sexual Violence Victims in the Publication of Cinematic Works in Indonesia

The protection of personal data belonging to individuals who have experienced sexual violence is essential, particularly when such cases are depicted or referenced in film productions in Indonesia. Safeguarding a victim's identity is crucial to preserving their dignity, privacy, and psychological well-being. Given the profound emotional impact that often accompanies sexual violence, compliance with personal data protection regulations is not merely a legal obligation but an ethical imperative—especially for sectors that portray sensitive content, including the film industry.

A range of legal instruments governs this issue, as outlined below:

No	Regulation	Article
1	1945 Constitution of the Republic of Indonesia	Preamble Paragraph 4; Article 28D(1); Article 28G(1)
2	Law No. 27 of 2022 on Personal Data Protection	Article 1(1); Article 4(1); Article 4(2); Article 4(3)
3	Law No. 12 of 2022 on Sexual Violence Crimes	Article 68(g); Article 69(d)
4	Law No. 39 of 1999 on Human Rights	Article 29(1); Article 33(1)
5	Law No. 1 of 2024 (Second Amendment to the Electronic Information and Transactions Law)	Article 45(1); Article 45(2)
6	Law No. 33 of 2009 on Film	Article 3; Article 6; Article 17

Applying the principle *lex specialis* derogat *legi generali*—which holds that specific regulations override general ones—provides clearer direction in resolving this issue. Sexual violence victims are entitled to identity protection as explicitly mandated in Article 69(d) of Law No. 12 of 2022 on Sexual Violence Crimes (TPKS). This law specifically addresses the rights and protections owed to victims of sexual violence, making it the primary legal basis in such cases.

Regarding the depiction of sexual violence in film, restrictions also apply under Article 6(b) of Law No. 33 of 2009 on Film, which prohibits the production or distribution of films containing explicit pornographic content. Although Article 45(2)(c) of the amended Electronic Information and Transactions Law (UU ITE) provides exemptions for content classified as artistic works, the definition of "artistic works" under Law No. 28 of 2014 on Copyright encompasses four main categories—visual arts, performing arts, literary arts, and crafts—where film is considered a derivative of performing arts.

When the *lex specialis* principle is applied, Law No. 33 of 2009 on Film takes precedence over Law No. 1 of 2024 on Electronic Information and Transactions because it more specifically regulates the film sector, while the ITE Law addresses artistic works in a more general manner.

Before the official release of the film *Vina: Sebelum 7 Hari*, public debate emerged concerning the risk of retraumatizing victims and disrespecting the privacy of individuals involved, including those who had passed away. The National Commission on Violence Against Women (Komnas Perempuan) also expressed concern that the film's narrative placed significant emphasis on the sadistic aspects of sexual violence. They warned that its release could potentially trigger new forms of conflict or emotional distress, especially among individuals vulnerable to the impacts of sexual violence.

Siyasah Dusturiyah Perspective on the Protection of Personal Data of Sexual Violence Victims in Cinematic Publications in Indonesia

In Islamic thought, the protection of personal data serves a fundamental purpose: to uphold the welfare and dignity of human life. Islam places significant emphasis on human rights, and this includes the responsibility of individuals to safeguard the rights and obligations attached to their personal information. Within Islamic teachings, the concept of *kitmān*—the practice of preserving one another's privacy and concealing personal matters—plays an essential role in fostering safety, dignity, and collective well-being as commanded by the *syar'*.

This principle is reinforced in a hadith of the Prophet Muhammad (peace be upon him):

اِسْتَعِينُوا عَلَى إِنْجَاحِ الْحَوَائِجِ بِالْكِتْمَانِ فَإِنَّ كُلَّ ذِي نِعْمَةٍ مَحْسُودٌ

"Seek assistance in fulfilling your needs by maintaining confidentiality, for every blessing is envied." (HR. Thabrani)

This hadith highlights the Prophet's encouragement for individuals to protect their personal information and maintain confidentiality. By doing so, individuals safeguard themselves not only from envy but also from potential harm or misuse of their private matters. Although Islamic law does not explicitly define a formal framework of rights and obligations concerning personal data as understood in modern legal systems, the spirit of the hadith clearly reflects that Islam strongly encourages the preservation of privacy (Parida, 2021).

Islamic law prioritizes actions that promote *maslahah* (benefit) and prevent *mafsadah* (harm). As a logical consequence, any act that poses a potential threat of harm must be avoided. This principle aligns with the maxim of *uṣūl al-fiqh*:

دَرَءُ الْمَفَاسِدِ أَوْلَى مِنْ جَلْبِ الْمَصَالِحِ

"Preventing harm takes precedence over attaining benefit."

Based on this principle, when a situation presents both potential harm and potential benefit, the avoidance of harm must take priority. This reasoning is directly relevant to the issue at hand. Even if the victim's family consents to the use of personal data for film production with good intentions, Islamic principles place higher priority on preserving the dignity and honor of individuals—whether living or deceased. Therefore, the protection of personal data, especially in sensitive cases such as sexual violence, remains an ethical and religious imperative that must be upheld.

Conclusion

Based on the findings of this study, the researcher obtained the following insights:

1. Personal data of individuals who are victims of sexual violence in Indonesian films is regulated under several legal frameworks, including the Personal Data Protection Law, the Law on the Crime of Sexual Violence (UU TPKS), and the Electronic Information and Transactions Law (UU ITE). When applying the principle of *lex specialis derogat legi generali* to address the issue examined in this study, victims of sexual violence remain entitled to the rights guaranteed under Article 69 letter (d) of Law No. 12 of 2022 on Sexual Violence Crimes, which specifically provides protection for victims' privacy.

Furthermore, films that portray themes of sexual violence are still subject to restrictions under Article 6 letter (b) of Law No. 33 of 2009 on Film, which prohibits films— as a core element of the film industry and film-related businesses— from presenting content that prioritizes pornography. This is reinforced by Article 45 paragraph (2)

letter (c), which states that the acts referred to in paragraph (1) are not punishable if they merely concern artistic works in a general sense.

2. From the perspective of constitutional politics, matters that have the potential to result in injustice are regulated through a state authority known as sultah tasyri'iyah, whose role is to formulate laws that are to be implemented and observed by society in accordance with divine provisions as set out in Islamic law. One example is the prohibition on disseminating personal information revealed through artistic works such as films, which aims to protect human dignity (hifz al-'ird). This principle constitutes one of the core objectives (maqāṣid al-shari'ah) in Islam and serves to prevent exploitation between individuals. Even if the family of the data subject consents to the use of such personal data for inclusion in a film for what is perceived as a greater good, the protection of an individual's dignity – whether the person is still alive or has passed away – remains a higher priority and must always take precedence.

References

Ahmad Djajuli, (2013). *Fiqh Siyasah, Implementasi Kemaslahatan Umat dalam Rambu Rambu Syariah*. Jakarta: Kencana.

Nirwana, M. A. (2023). Perlindungan Hukum Terhadap Data Pribadi Sebagai Hak Privasi Individual. *Al Wasath Jurnal Ilmu Hukum*.

Peter Mahud Marzuki, (2008), *Penelitian Hukum*, Kencana, Jakarta.

Satjipto Rahardjo, (2012), *Ilmu Hukum*, Citra Aditya Bakti, Bandung.

Sinta Dewi Rosadi, (2018). Perlindungan Privasi atas Informasi Pribadi dalam E-Commerce menurut Hukum Internasional, Widya Padjadjaran, Bandung.

Jurnal

Alhaqni, Z. P., Rohmah, S. N., & Rahim, A. (2023). Perlindungan Hukum Terhadap Perempuan Menurut Undang-Undang Tindak Pidana Kekerasan Seksual Nomor 12 Tahun 2022 dan Hukum Islam. *SALAM: Jurnal Sosial dan Budaya Syar-i*.

Anggen Suari, K. R., & Sarjana, I. M. (2023). Menjaga Privasi di Era Digital: Perlindungan Data Pribadi di Indonesia. *Jurnal Analisis Hukum*.

Arif Noor dan Dwi Wulandari. (2022) "Landasan Konstitusional Perlindungan Data Pribadi Pada Transaksi Fintech Lending di Indonesia." *Jurnal Ilmiah Dunia Hukum*, Vol. 5 No. 2.

Ariyansyah, (2021). Tinjauan Fiqh Siyāsah Terhadap Efektivitas Fungsi Badan Permusyawaratan Desa Dalam Pelaksanaan Pemerintah Desa (Studi Di Desa Talang Batu Kecamatan Mesuji Timur Kabupaten Mesuji)" *FAKULTAS SYARIAH*.

Asep Mahbub Junaedi, Siti Ngainnur Rohmah, Relevansi Hak Kebebasan Mengeluarkan Pendapat dalam Pasal 28E Ayat (3) UUD 1945 NKRI terhadap Kajian Fiqih Siyasah, *Journal of Islamic Law*, Vol, 4 Nomor. 2, 2020, Universitas Ibn Khaldun Bogor, hlm, 239.

Firmansyah Pradana, M. (2018). Perlindungan Hukum Terhadap Pengguna Cloud Computing Atas Privasi Dan Data Pribadi. In *Digilab Unhas*.

Hendrawan Agusta. (2022) "Perlindungan Data Pribadi Penerima Pinjaman Dalam Transaksi Pinjam Meminjam Uang Berbasis Teknologi Informasi (Peer to Peer Lending)." *Jurnal Hukum & Pembangunan*, Vol. 50, No. 2.

La Samsu, (2017). Al-Sultah Al-Tasyri“iyyah, Al-Sultah Al-Tanfiziyyah, Al-Sultah Al-Qađā“iyyah“, *Dalam Jurnal Lahkim*.

Manuputty, S. H. (2023). Analisis Undang-Undang Tindak Pidana Kekerasan Seksual Berdasarkan Teori Formil (Formielle Theorie). *Souvereignty*.

Paradiatz, R., & Soponyono, E. (2022). Perlindungan Hukum Terhadap Korban Pelecehan Seksual. *Jurnal Pembangunan Hukum Indonesia*.

Parida Angriani, (2021). Perlindungan Hukum Terhadap Data Pribadi Dalam Transaksi E-Commerce: Perspektif Hukum Islam Dan Hukum Positif, DIKTUM: *Jurnal Syariah dan Hukum*

Sekaring Ayumeida Kusnadi dan Andy Usmina Wijaya. (2021) “Perlindungan Hukum Data Pribadi Sebagai Hak.” *Jurnal Ilmu Hukum*, Vol. 2 No. 1.

Susiana Kifli, Atika Ismail. (2022) “Analisis Hak Korban Korban Kekerasan Seksual dalam Rancangan Undang-Undang Penghapusan Kekerasan Seksual dalam Perspektif Hukum Positif dan Hukum Islam.” *Wajah Hukum*.

Tristadewi. (2024) “Perlindungan Hukum Terhadap Korban Kekerasan Seksual Ditinjau Berdasarkan Undang - Undang Nomor 12 Tahun 2022.” *Journal of Law*.