

## **RIGHT TO BE FORGOTTEN SEBAGAI HAK KORBAN KEKERASAN SEKSUAL BERBASIS ELEKTRONIK DALAM UNDANG-UNDANG TINDAK PIDANA KEKERASAN SEKSUAL**

### **INTISARI**

Oleh: Bonita Clarisa\*<sup>1</sup> Diantika Rindam Floranti\*\*<sup>2</sup>

Maraknya kekerasan seksual berbasis elektronik dewasa ini dengan keterbatasan pengaturan mengenai hak korban kekerasan seksual berbasis elektronik, sehingga hak korban kekerasan seksual berbasis elektronik terbengkalai, salah satunya *right to be forgotten*. Oleh karena itu, Penulisan Hukum ini bertujuan untuk menganalisis bagaimana upaya pemerintah Indonesia dalam memenuhi *right to be forgotten* pasca berlakunya Undang-Undang Tindak Pidana Kekerasan Seksual dan bagaimana konsep kebijakan hukum yang dapat memberikan pemenuhan *right to be forgotten* bagi korban kekerasan seksual berbasis elektronik sesuai dengan Undang-Undang Tindak Pidana Kekerasan Seksual.

Penulisan Hukum ini menggunakan gabungan antara metode penelitian hukum normatif dan penelitian hukum empiris. Data penelitian diperoleh dari penelusuran bahan hukum primer, sekunder, dan tersier dengan melakukan penelitian kepustakaan dan penelitian lapangan melalui wawancara.

Hasil penelitian yang didapatkan yakni, pertama, bahwa upaya pemerintah Indonesia, yakni Kementerian Komunikasi dan Informatika, Kementerian Pemberdayaan Perempuan dan Perlindungan Anak, dan Kepolisian Negara Republik Indonesia, upaya pemenuhan *right to be forgotten* dilakukan berdasarkan Undang-Undang Informasi dan Transaksi Elektronik, karena belum adanya peraturan pelaksana Undang-Undang Tindak Pidana Kekerasan Seksual sebagai *lex specialis*. Dalam melaksanakan upaya-upaya tersebut, pemerintah Indonesia mengalami berbagai kendala, mulai dari struktur hukum, substansi hukum, dan budaya hukumnya. Kedua, konsep kebijakan hukum *right to be forgotten* yang dapat memberikan pemenuhan *right to be forgotten* bagi korban kekerasan seksual berbasis elektronik sesuai dengan Undang-Undang Tindak Pidana Kekerasan Seksual dikonsepkan dengan didasari oleh hukum Indonesia, hukum Uni Eropa, pendapat para ahli, dan hukum internasional, serta dengan memperhatikan kepentingan dan hak korban kekerasan seksual berbasis elektronik yang selama ini terabaikan.

**Kata Kunci:** *Right to be Forgotten*, Kekerasan Seksual Berbasis Elektronik, Undang-Undang Tindak Pidana Kekerasan Seksual.

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## ***THE RIGHT TO BE FORGOTTEN AS THE RIGHT OF VICTIMS OF ELECTRONIC-BASED SEXUAL VIOLENCE IN THE SEXUAL VIOLENCE ACT***

### **ABSTRACT**

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*Nowadays, the rise of electronic-based sexual violence with the limitations of regulations regarding the rights of the victims of electronic-based sexual violence results in the abandonment of the victims' rights which include the right to be forgotten. Therefore, this Legal Research aims to analyze the Indonesian government's efforts in fulfilling the right to be forgotten after the enactment of the Sexual Violence Criminal Act and how the concept of legal policy can fulfill the right to be forgotten for victims of electronic-based sexual violence in accordance with the Sexual Violence Act.*

*This Legal Research applies both normative and empirical research method. The data in this Legal Research is obtained through primary, secondary, and tertiary legal materials which include library research and field research conducted through interview.*

*This Legal Research concludes that firstly, the efforts of the Indonesian government namely the Ministry of Communication and Informatics, the Ministry of Women Empowerment and Child Protection, as well as the Indonesian National Police in fulfilling the rights of victims of electronic-based sexual violence to be forgotten are carried out based on Electronic Information and Transactions Act because there are no implementing regulations in the Sexual Violence Act that can be used as a *lex specialis*. The Indonesian government faces lots of obstacles during the implementation to fulfill the right to be forgotten, starting from the legal structure, legal substance, as well as the legal culture. Secondly, the concept of legal policy of the right to be forgotten that provides the fulfillment of right to be forgotten for victims of electronic-based sexual violence in the Sexual Violence Act is conceptualized according to the actualization of Indonesian regulations, European Union regulations, the opinion of experts, and international law whilst noting down the importance of the interest and the rights of the victims of electronic-based sexual violence which is usually disregarded.*

**Keywords:** *Right to be Forgotten, Electronic-Based Sexual Violence, Sexual Violence Act.*

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