

Protecting Human Dignity in Cyberspace: The Right to be Forgotten as a Legal and Socio-Islamic Transformation in Indonesian Higher Education

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Abstract. *One form of sexual violence in higher education involves the use of social media, where perpetrators spread sexually explicit photos or videos, often exploiting power dynamics. Such acts not only pose threats but also leave a detrimental digital footprint for the victims. The “Right to be Forgotten” offers victims the ability to erase these digital traces from cyberspace as a concrete measure to protect them from the impacts of such violence. The aim of this study is to explore and analyze the concept of the Right to be Forgotten in addressing sexual violence through cyberspace in higher education settings, bridging positive criminal law with Islamic legal philosophy. This research employs a normative juridical method. The findings highlight the crucial need to implement the Right to be Forgotten for victims by removing their digital traces. This legal measure strongly aligns with both the Indonesian criminal justice framework (such as the ITE Law and Sexual Violence Crimes Law) and the contemporary Islamic principle of Maqasid al-Shariah, specifically Hifz al-Irdh (the protection of human dignity and honor). Furthermore, the study emphasizes the government's readiness to implement this right through appropriate regulations and law enforcement mechanisms that foster social transformation, focusing on the legal protection of victims and human rights.*

Keywords: *Forgotten; Media; Sexual; Social; Violence.*

1. Introduction

Universities are the highest educational institutions in Indonesia that provide educational services in various fields of science and applied science (Agesti dkk., 2024). Based on data from the higher education database, Indonesia has 6372 universities consisting of 3,125 high schools, 1392 academies, 942 universities, 506 institutes, 449 polytechnics and 42 community academies. The number of universities is expected to provide educational services to the Indonesian people

so that the Indonesian people can develop their abilities, shape their behaviour to become a dignified nation in an effort to educate the nation's life in accordance with the 1945 Constitution with the aim of developing the potential of students to become someone who has faith, devotion, noble behaviour, healthy, knowledgeable, democratic, has creativity and independence and is responsible (Salim & others, 2019).

Looking at the very noble goal of education, to achieve it, universities must be a safe, comfortable and conducive place and free from any form of disturbance both physically and psychologically, including disturbances from crimes of sexual violence (Uno & others, 2022). Quality education will be created if students get the best service according to their potential and educational pathway (Dayanti, 2021). Building the quality of education is certainly not easy, especially in higher education, there are many challenges that must be faced in building and creating quality in order to create a generation that is superior, creative, innovative and competitive and competitive. One of these challenges is the phenomenon of sexual violence that occurs in the university environment (Makin & Setyorini, 2024). Building the quality of education is certainly not easy, especially in higher education, there are many challenges that must be faced in building and creating quality in order to create a generation that is superior, creative, innovative and competitive and competitive. One of these challenges is the phenomenon of sexual violence that occurs in the university environment (Yunus & Fathorrahman, 2022).

The phenomenon of sexual violence in higher education is not a new phenomenon, this crime can attack anyone in the university environment, including lecturers, students, education staff and the general public (Rohima dkk., 2023). This crime can lead to depression, illness and even death. Latest data from the Ministry of Women's Protection and Child Protection, throughout 2023, 29,883 cases of violence against women were recorded, with 13. 156 cases of sexual violence and the most worrying is that according to data from the Ministry of PPPA, there were 2,681 cases of sexual violence in universities until April 2024 (Universitas Pelita Harapan, 2024). The data has illustrated that how vulnerable universities are to sexual violence, and universities cannot be a safe place for their students. How is it possible to create a generation that is superior, creative, innovative and competitive and competitive if our higher education is still overshadowed by the evil of sexual violence (Halimatuzzuhrotulaini, 2021).

The number of sexual violence in higher education has prompted the Ministry of Education, Culture, Research and Technology (Kemendikbudristek) to move quickly to think about efforts to prevent and handle sexual violence, and in 2021 the Ministry of Education, Culture and Research finally issued a policy through the making of regulations in the form of regulations signed by the Minister regarding the Prevention and Handling of Sexual Violence in Higher Education (Prianto,

2022). The regulation regulates the forms of sexual violence, prevention efforts and efforts to deal with sexual violence in higher education and the regulation also mandates each university to form a Task Force for the Prevention and Handling of Sexual Violence (PPKS Task Force). To date, one hundred per cent (100%) of PPKS Task Forces have been formed throughout Indonesia (Kemdikbud, 2023). The role of the PPKS Task Force is important, in addition to conducting early detection of sexual violence on campus, it also handles both victims and perpetrators if sexual violence occurs in the university environment.

The strategic effort to formulate guidelines for the prevention and handling of violence in higher education institutions is not merely a fulfillment of administrative legal obligations but an essential form of social transformation. In the perspective of Islamic social transformation, creating safe spaces on campus is a manifestation of protecting human dignity. When general criminal law instruments, such as the PPKS regulations and the Sexual Violence Crimes Law (UU TPKS), are enforced, they inherently align with the fundamental principles of contemporary Islamic law, which firmly reject all forms of oppression and exploitation, particularly those based on unequal power relations.

The modus operandi of sexual violence is very diverse, the perpetrators commit sexual violence in a direct way to the perpetrator or online, including sextortion, love scamming, and porn revenge (Anam dkk., 2022). Perpetrators use their power to deceive and force victims to perform acts of a sexual nature to satisfy the perpetrator's sexual desires (Baharuddin, 2023). One of the modus operandi of sexual violence that occurs in higher education is porn revenge. This mode is usually used by people known to be close to the victim such as girlfriends by spreading photo and video content of a sexual nature without the knowledge of the victim with the motive of hurt, jealousy, revenge or a sense of not accepting the conditions that occur to the perpetrator. The latest mode is used by the perpetrator who is a student alwi husen maulana Sultan Agung Tirtayasa University (UNTIRTA) doing porn revenge on his girlfriend, for this case the perpetrator was sentenced to 6 years in prison and a fine of 1 billion, and has been dropped out by the campus to the perpetrator.

Reflecting on the case above, even though the perpetrator has been punished with criminal and administrative sanctions, for the victim it does not solve the problem and does not provide a sense of justice. This is because the punishment of the perpetrator is not fair compared to what the victim has experienced, sexual violence with porn revenge mode will leave a digital footprint for the victim due to the photo and video content spread by the perpetrator (Ramadhan & Rohmah, 2024). What is needed by victims is not only that the perpetrators are punished with the maximum penalty, but also the hope that the treatment of victims must be comprehensive both physically, psychologically and in cyberspace. Will the perpetrators of revenge porn be sentenced to prison, the content of the photos

and videos spread will automatically disappear, of course not (Puspitosari & Kusumaningrum, 2021). Therefore, the protection of victims of sexual violence in universities with porn revenge mode needs to be updated by adding digital rights protection as protection in cyberspace for victims, especially for the distribution of porn revenge content (Prayoga dkk., 2023).

Speaking of victims' rights, the PPKS Permendikbud has regulated in detail what protection victims get when sexual violence occurs to them (Lantang, 2022). First, the right to assistance, which includes the right to counselling, health services, advocacy and legal assistance, social and spiritual guidance and if the victim has a disability, a disability companion. Second, protection is provided, including protection of guarantees of continuity of education and employment at universities where victims study or work, provision of safe houses and protection from intimidation to victims and witnesses. Third, victim recovery through the involvement of stake holders who can provide recovery, including psychologists, doctors, religious leaders and organisations that are concerned with handling sexual violence, besides that sexual violence experienced by victims in higher education does not necessarily reduce the right to study and / or work for employees in higher education.

Although the rights of victims have been regulated in the Permendikbud PPKS, there are aspects that are not regulated, especially regarding the aspect of protection in the cyberspace (Rasyid, 2024). Sexual violence in cyberspace through revenge porn leaves a problematic digital footprint that must be borne by victims whose content has been spread (Swandari dkk., 2022). This problem needs to be answered, the fundamental question is what rights can be accommodated to solve the problem of digital traces of porn revenge content for victims in cyberspace, the researcher himself found a concept that can be considered by universities and the government to be applied in cases of sexual violence through protection for victims with porn revenge mosud by applying the concept of Right to be Forgotten (Casleton, 2024).

Right to be Forgotten is not a new concept in Indonesia, it was created to be able to protect the subjects of data owners managed by data controllers (Mirna & others, 2023). Right to be Forgotten is regulated in the Electronic Information and Transaction Law (ITE Law) and the Personal Data Protection Law (PDP Law), this right can be obtained when requested by the data owner subject to the Court to delete personal data that the owner subject thinks is inappropriate. According to the PDP Law, there are conditions for data deletion, including data that is no longer needed, withdrawn by the data owner subject, the request of the data subject and the data obtained by unlawful means. According to the researchers, the concept of Right to be Forgotten can be developed and applied in cases of sexual violence in universities with porn revenge mode. However, it is necessary to formulate the concept of Right to be Forgotten in cases of sexual violence with

porn revenge mode. The formulation of the policy can be in the form of criteria for sexual violence that gets the Right to be Forgotten and how the mechanism for granting the Right to be Forgotten to victims of sexual violence (Rahmaputri, 2024).

Unlike the concepts in the ITE Law and the PDP Law, according to researchers, the concept of Right to be Forgotten that will be given to victims of sexual violence in universities should be without a request to the court, given their status as victims. Victims of sexual violence have to bear both physical and psychological suffering, therefore to erase digital traces due to sexual violence through the porn revenge mode, victims of sexual violence must be excluded from the request mechanism in court to get Right to be Forgotten, by giving this right it is hoped that victims will get access to justice in cyberspace (Noval, 2018). Therefore, the reformulation of the concept of Right to be Forgotten is important in order to accommodate the interests of protecting victims of sexual violence in higher education, especially in cyberspace using the porn revenge mode. In the future, it is hoped that the Right to be forgotten can be obtained automatically when the victim experiences sexual violence in cyberspace, the removal of sexual violence content is removed by the government on the report of the university when detecting cases of sexual violence.

Some previous research on Right to be Forgotten to victims of sexual violence include First, research conducted by Hwian Christianto on the concept of Right to be Forgotten as a fulfilment of the rights of victims of revenge porn based on article 26 of the Electronic Information and Transaction Law, in this study explaining the importance of giving Right to be Forgotten rights to victims of Right to be Forgotten through a request to the court to block and delete the victim's information related to the revenge porn (Hwian Christianto, 2020). Second, research conducted by Putri Eka Zaltina and Lidwina Inge Nurtjahyo on Right To Be Forgotten as a Legal Protection for The Victims of Electronic Sexual Violence Cases, in this study explains the importance of applying Right To Be Forgotten in cases of electronic-based sexual violence, especially to victims, because at this time the regulation of ensnaring perpetrators of sexual violence is not adequate.

The two studies above are very different from the research that will be conducted by researchers, this research presents innovation and novelty in understanding and dealing with sexual violence in universities with porn revenge mode through Right to be Forgotten without having to apply to the court. The focus of the research focuses on the novelty of the concept of protection for victims by providing Right to be Forgotten without a court application with the aim of erasing digital traces of immoral content spread by the perpetrator. The problem of sexual violence with porn revenge mode is interesting to study, therefore researchers are interested in exploring the issue of how the concept of Right To Be Forgotten Victims of Sexual Violence in Cyberspace in Efforts to Handling Sexual Violence in

Higher Education, the answer to this research problem will be very useful for the protection of victims of sexual violence with porn revenge mode in the future, especially in the prevention and handling of sexual violence in higher education.

2. Research Methods

This research method is normative juridical which is carried out by examining secondary data related to the application of Right to be Forgotten in cases of sexual violence through positive law, analysing and evaluating laws and regulations with the main objective of finding perspectives on the concepts and theories of legal norms regarding legal protection against also distributing questionnaires to find out the views of the campus community regarding the concept of Right to be Forgotten for victims of sexual violence in higher education. besides that this research also uses a case approach, regulatory approach, comparative approach.

3. Result and Discussion

Sexual violence in higher education is a critical issue that threatens the safety and well-being of students. In Indonesia, Law No. 12 of 2022 on the Crime of Sexual Violence is a legal basis that emphasises the need for an educational environment that is safe from all forms of sexual violence. The dissemination of sexual images of victims through cyberspace, often without their consent, is a form of exploitation that violates human rights and individual privacy. This not only adds to the trauma for victims but also exacerbates the social stigmatisation faced by survivors.

In 2021, the National Commission on Violence against Women (Komnas Perempuan) reported complaints of violence divided into three main domains: personal, public, and state. From the reported data, the personal sphere dominated with 2,098 cases, followed by the public sphere with 1,276 cases, and the state sphere with 68 cases, confirming that personal violence is the most dominant type of violence. In the public sphere, cyber violence was the most prevalent type with 869 cases, followed by violence in the residence (136 cases), at work (115 cases), in public places (101 cases), and in education (37 cases). This number reflects the reality of violence that occurs in public spaces, where sexual violence dominates as the most frequent form of violence.

Throughout 2022, there was an increase in the data of sexual violence complaints, recorded by the National Commission on Violence Against Women (Komnas Perempuan) and various service organisations (Perempuan, 2020). This increase is supported by the existence of regulations that provide protection and support to victims, such as the Law on Sexual Violence and Regulation of the Minister of Education, Culture, Research and Technology Number 30 of 2021, as well as Regulation of the Minister of Religious Affairs Number 73/2022 on the Prevention

and Handling of Sexual Violence in Educational Institutions. These policies provide encouragement for the community to be more courageous in reporting cases of violence experienced. Nevertheless, the data on complaints of Gender-Based Cyber Violence (KSBG) received by Komnas Perempuan in 2022 showed a decrease of 1.4% compared to the previous year. In the context of cyber violence in the personal sphere, 821 cases were recorded, with sexual violence as the dominance. Of these, 549 cases were committed by ex-boyfriends, and 230 cases by boyfriends and girlfriends (Bintari, 2024).

Sexual violence in higher education, while not a new phenomenon, remains a serious concern due to its potential breadth and profound impact (Sumintak & Idi, 2022). This violence does not discriminate between victims; lecturers, students, education staff, and the general public can be targeted (Rohima dkk., 2023). The impact is very serious, ranging from depression to death. In 2023, the Ministry of Women's Protection and Child Protection recorded 29,883 cases of violence against women, with 13,156 of them being cases of sexual violence. Even more alarming, 2,681 cases of sexual violence occurred in universities up to April 2024. These figures show how universities are still vulnerable to sexual violence, illustrating the great challenge in creating a safe and conducive learning environment to produce an excellent, creative, innovative and competitive generation.

One of the cases that reflects the complexity and challenges in handling sexual violence in higher education is the case experienced by A, who reported the incident to the campus in the hope that legal action or sanctions would be imposed on HS. However, the campus response to the sexual violence that befell A tended to be negligent. In fact, there were campus officials who considered A guilty of the rape that happened to her. This case surfaced again in 2018 and became an example of many instances where victims and survivors of sexual violence were silenced by the campus or university (Maudy, 2018). The increase in complaints and responses to sexual violence demonstrates the changing attitudes of society and educational institutions towards the issue, but cases like A's show that more work needs to be done to create a truly safe and supportive academic environment for all individuals.

Sexual violence on campus is a serious problem that is often rooted in the abuse and perversion of power (Sumintak & Idi, 2022). This phenomenon illustrates how individuals in higher positions can impose their will on victims in lower positions, often under the pretext of administrative or academic needs. For example, in several state campuses in Riau and Palembang, there have been cases where unscrupulous lecturers who also served as campus officials committed sexual violence against female students who came for guidance or asked for signatures for graduation and graduation purposes. These cases show that unequal power relations are very vulnerable to acts of sexual violence. After the incident, many

survivors tend to be reluctant to report or further process the incident experienced by the victim, which shows fear and helplessness (Noer dkk., 2022). Referring to Gramsci's thinking, the scientific world - including the campus environment - is inseparable from hegemony and domination. This is in line with Jurgen Habermas' opinion that science is closely related to interests. Foucault further formulates this in the concept of 'power-knowledge', which explores how knowledge and power are intertwined and influence the perception of truth. Therefore, the phenomenon of sexual violence on campus is not just a moral offence, but also a reflection of deeper power structures that distort ethical and academic relationships in higher education.

This abuse of power within the academic community is not only a serious violation from a criminal law perspective but also undermines the primary goal of human rights protection within the framework of *Maqasid al-Shariah* (the objectives of Islamic law), specifically *Hifz al-Irdh* (the protection of honor and dignity). In contemporary Islamic jurisprudence (fiqh), electronic-based sexual violence, such as revenge porn, is viewed as a form of modern *hirabah* or digital terror that strips away the victim's sense of security. Therefore, positive law and campus violence prevention guidelines must provide structural instruments that restore the victim's honor, one of which is by strictly controlling their digital footprint.

Sexual violence in the academic environment remains a serious problem that requires special attention from various parties, including the government and educational institutions (Simanjuntak & Isbah, 2022). Data shows that victims of sexual violence tend to be younger and have lower levels of education compared to perpetrators (Rusyidi dkk., 2019). Interestingly, around 8.6% of sexual violence perpetrators are individuals who are supposed to act as protectors and role models, including civil servants, teachers, lecturers, law enforcement officers, military personnel, health workers, and religious leaders. This fact underscores the importance of education and stricter internal policies in environments that are supposed to protect and educate. By comparison, in Australia, the approach to this issue has been more advanced. In 2016, Universities Australia launched an initiative called 'Respect. Now. Always.', a collaboration between 39 universities to establish guidelines for the prevention of sexual violence on campus. This initiative not only aims to prevent incidents but also formulate protective measures and assistance for victims. It represents a collaborative model that can be adapted by other countries in addressing sexual violence in the academic environment.

In a regulatory context, the protection of personal data, particularly in relation to sexual information, is prioritised. Data protection regulations in various jurisdictions stipulate that sensitive personal data, such as that relating to sexual violence, must be deleted immediately when identified or reported (Djafar, 2019). This step is essential to protect the victim's privacy and prevent the spread of

information that could lead to further stigmatisation or revictimisation. By understanding the policies and good practices implemented in other countries and exploring the gaps in the national legal and education systems, Indonesia can develop a more effective and empathetic approach to addressing sexual violence in higher education, in line with the national education goal of shaping the nation's character (Muhammad dkk., 2023).

Advances in technology and the spread of digital platforms have created a phenomenon known as Image Based Sexual Abuse (IBSA), which involves the creation or sharing of private sexual images without consent, including threats to distribute them. IBSA results in a range of severe outcomes, from psychological trauma to physical harm, and often leads to victim abuse and serious privacy violations (Bintari, 2024). The impact of IBSA is not only limited to the act of sharing such images, but also includes the subsequent harassment, bullying and abuse that occurs due to the widespread dissemination of such material online (de Santo dkk., 2020). One crucial aspect that exacerbates this situation is the ability to act anonymously online, which makes it difficult for perpetrators to be held accountable for their actions online. When private sexual images are shared without consent, the consequences can be devastating, especially for young people who are more vulnerable to experiencing significant mental impact from online harassment. This measure allows victims to choose not to disclose the image to unwanted people. Moreover, the Right to be Forgotten (RTBF) not only returns control to IBSA victims, but also supports the promotion of victim privacy and autonomy online. It emphasises the importance of digital autonomy in the face of image-based sexual abuse, provides tools for victims to protect their privacy and supports their recovery from trauma (Amalia dkk., 2023).

The impact of Image-Based Sexual Abuse (IBSA) on victims is complex and serious, affecting victims physically, psychologically, and socially (Ikhsan, 2023). Victims are often unaware of how widely images or videos involving them have been disseminated, which adds another layer of trauma (Sifa, 2023). Much of this content is disseminated without the victim's knowledge or consent, often designed to remain hidden from the victim while being widely distributed among friends, acquaintances, or even strangers online (Ali dkk., 2024). This impact is not limited to the victim's intimate environment; damage is often done in the presence of family, friends, co-workers, and the wider community. Many victims experience impaired body image, sexual problems, and serious barriers to education and employment. Other factors that exacerbate the situation include fear for personal safety, paranoia, loss of trust in others, and feelings of hyper-vigilance.

Lichter's study of 'revenge porn' laws in the United States showed that some victims suffered severe reputational damage and even received threats of gang sexual assault after their personal information was exposed in the public domain.

Worse, the social stigma that often blames the victim for IBSA-as if the victim instigated the incident by taking photos of themselves or through sexting-is similar to how society views victims of rape and other sexual violence, often blaming the victim more than the perpetrator. (Situmorang, 2021). Tragically, some victims choose to end their lives because they cannot bear the pressure. Many victims feel the need to change their identity, including name and phone number, to protect themselves from more harassment or threats.

Sexual violence in higher education in Indonesia has received special attention in legal regulation, which is reflected in a number of regulations designed to protect victims and prevent violence (Prayoga dkk., 2023). Based on Article 28 letter G of the 1945 Constitution of the Republic of Indonesia, every citizen has the right to obtain protection for themselves, family, honour, dignity, and property under their control. Furthermore, in the context of its specification in the education sector, Permendikbud Number 30 of 2021 regulates the Prevention and Handling of Sexual Violence in Higher Education. This regulation mandates universities to provide assistance to victims, protect their identity, and provide information about their rights and available protection facilities.

Ministerial Regulation of Education and Culture No. 30 of 2021 also emphasizes the obligation of higher education institutions to implement strategies for preventing sexual violence through education, strengthening governance, and fostering a conducive community culture. This regulation defines sexual violence as actions that demean, humiliate, harass, and/or attack an individual's body and reproductive functions due to power and/or gender imbalances. Additionally, Law No. 13 of 2006 on the Witness and Victim Protection Agency (LPSK) provides a legal framework that strengthens the protection of sexual violence victims, including their rights to personal security, to provide testimony without coercion, to receive information about case developments, and to access both medical and mental recovery services. With these regulations in place, higher education institutions in Indonesia are expected to enhance their effectiveness in addressing and preventing sexual violence, thereby creating a safer and more supportive academic environment.

In the context of regulations in Indonesia, particularly regarding the handling of content involving victims of sexual violence in digital spaces, there are significant weaknesses that highlight the ineffectiveness of victim protection. Although Ministry of Education and Culture Regulation Number 30 of 2021 broadly addresses the prevention and handling of sexual violence in higher education institutions, this regulation does not explicitly mention the removal of content containing images or information that harms victims of sexual violence. This shortcoming reflects a lack of proactive measures in addressing the issue of content removal that could lead to the revictimization of survivors (Henry dkk., 2018). Furthermore, although the Electronic Information and Transactions Law

(ITE Law) grants authority to remove unlawful content, its implementation is often limited to cases that have gained significant public attention or social pressure. This highlights a weakness in the legal system, which does not automatically protect victims from the repeated distribution of harmful content. Additionally, the absence of specific regulations detailing reporting mechanisms, rapid response procedures, and law enforcement actions for cases involving the online dissemination of images of sexual violence victims further exposes gaps in legal protection. In this context, there is a need to revise and expand existing regulations to strengthen content removal mechanisms and protect victims from the negative impacts of the dissemination of their personal information online. These provisions must be supported by systems enabling swift and effective enforcement, ensuring that victims of sexual violence receive comprehensive and responsive protection in line with the evolving dynamics of technology.

DISCUSSION

The right to privacy, which was elevated to the status of a human right during the twentieth century, initially emerged unintentionally but has evolved into one of the most significant human rights (Rubinfeld, 1989). As articulated in Article 12 of the Universal Declaration of Human Rights 1948, every individual has the right to be protected from arbitrary interference with their privacy, family, home, or correspondence, as well as attacks on their honor and reputation, with everyone entitled to legal protection against such interference or attacks. Richard Posner's view on privacy suggests that privacy should only be protected when access to personal information has the potential to diminish the value of that information (Widyati, 2017). This approach emphasizes the importance of protecting data from the outset, rather than as a reactive measure to breaches that have already occurred. In this context, the "privacy by design" approach provides high-level guidance in the form of system design principles that prioritize privacy (Cavoukian, 2010). These principles support the view that data protection should be proactive rather than reactive, making privacy a preventive measure rather than merely a remedial solution.

At the end of January, Viviane Reding, the European Commissioner for Justice, Fundamental Rights, and Citizenship, announced a proposal from the European Commission aimed at establishing a comprehensive new privacy principle—known as the "right to be forgotten" (Ambrose, 2014). This concept emerged as a solution to one of the pressing issues in the digital era: the difficulty of escaping one's past traces on the internet. In today's world, all forms of photos, status updates, and tweets never truly disappear; they are permanently stored in the "digital cloud." Regulators in Europe recognize that the internet's ability to archive everything and never forget creates challenges for individuals trying to move on from their past (Prasetyo, 2019). Therefore, this provision emphasizes that if an individual no longer wishes their personal data to be processed or stored by a data controller,

and if there is no legitimate reason to retain the data, it must be deleted from the system. This marks a significant step in efforts to protect individual privacy in an increasingly connected and digitized society.

In an effort to protect privacy and ensure the handling of illegal content online, several countries have adopted what is referred to as a "notice and takedown regime" (Schwemer, 2019). Under this regime, service providers are expected to respond promptly to violations reported on their platform by removing or disabling access to the offending content to avoid legal liability. However, there are variations in the implementation of this regime across different countries. For example, in South Korea and Turkey, the removal process requires additional steps, such as obtaining a court order (Erdos, 2021), in Brazil and Indonesia, intimate or sexual content can only be removed based on a court order, highlighting the need for a formal legal process before deletion can occur. In bridging this legal gap within the ITE Law regarding the requirement of court orders for content removal, a progressive legal approach is urgently needed. Viewed through the lens of *Siyasah Syar'iyah* (Islamic public policy), the state and higher education institutions have an obligation to take swift action to stop the harm (*mudharat*) experienced by the victim. Implementing the Right to be Forgotten automatically for victims of sexual violence, without navigating bureaucratic court procedures, aligns perfectly with the fundamental fiqh maxim: "Dar'ul mafasid muqaddamun ala jalbil mashalih" (averting harm must take precedence over acquiring benefits). Allowing a victim's exploitative content to remain in cyberspace for the sake of law enforcement bureaucracy constitutes an ongoing mafasid (destruction). Thus, automatic deletion is both a jurisprudential and moral necessity.

In Brazil, there has been significant legal development regarding the management of the right to be forgotten by internet service providers, such as search engines and applications. Under Law No. 12.965 of April 23, 2014, also known as the Civil Rights Framework for the Internet, this law affirms the responsibility of internet service providers in addressing non-material harm experienced by users. One key feature of this law is the ability to remove content depicting nudity or sexual acts of a private nature without a court order, simply through user notification, reflecting a proactive approach to protecting individual privacy without burdening the judicial system. This emphasizes the importance of considering fairness and accuracy in the data removal process, as well as addressing concerns about the relevance and legality of the deleted information, as evidenced in the Google Spain litigation case (Post, 2017).

Immanuel Kant placed significant emphasis on the importance of coercion in ensuring the rights of citizens in his work, *Doctrine of Right* (Shaw, 2005). Kant argues that there are two incentives for following the law: ethical incentives, based on rational duty, and juridical incentives, related to the punishment for

those who act contrary to the law due to pathological motivations, such as inclinations and reluctance. According to Kant, coercion is a legal mechanism that forces individuals who are unwilling to comply to respect the rights of others, whether or not they have the desire to do so. He views coercion not only as an obstacle to freedom but also as a means to prevent other violations of rights, thereby justifying its use. In this context, Kant states that "the right and authority to use coercion are the same," referring to the government's role in enforcing the law through executive authority and the use of punishment. Coercion, therefore, becomes an essential tool in protecting privacy and maintaining social order, given the importance of ensuring all individuals respect the rights guaranteed by the law.

The rapid, exponential development of modern technology often does not align with social progress, creating a cultural lag that can lead to ethical and privacy issues. One key concern that arises is individuals' worries about privacy and the disclosure of personal information, which underpins the strong desire for the right to be forgotten online. This underscores the importance of ensuring fairness in the distribution of risks and benefits associated with the use of personal data. Organizations have an obligation to ensure that, with individual consent, the transfer of personal data is legitimate, and that such data is securely deleted when consent ends or is withdrawn (Kementerian Perencanaan Pembangunan Nasional, 2004). In light of this, supporting the desire to be forgotten online not only meets individual expectations but also upholds justice in the relationship between personal data providers and relevant parties. Therefore, social media platforms should revise the way they use personal information and address legal issues and individual interests as part of their corporate responsibility.

In the context of handling Harmful and Exploitative Sexual Content (KBSE) on digital platforms, victims who experience panic and fear often respond by requesting the removal of content from the platform providers through the reporting features available (Puspita dkk., 2024). This step is taken with the hope that removing the content will stop further spread, although there are still concerns that others may have taken screenshots of the content. The need for solutions like the Right to Be Forgotten becomes crucial in cases like this, offering a practical and valuable remedy. (Ginanjar dkk., 2022). The process of content removal depends on the internal policies of each platform, which often requires varying amounts of time. However, this approach is often in conflict with the stance adopted by the government, such as the Ministry of Communication and Informatics and the police, who tend to keep the content available on the platform for the purpose of criminal investigation.

In the context of the recovery and handling of victims of Sexual Violence and Exploitation (SEA), the Law on Sexual Violence Crimes regulates the victims' right to remove sexually explicit content. This law grants authority to the central

government, prosecutors, and investigators to carry out the removal and access restrictions of electronic information or documents related to SEA. Specifically, Article 46 of the Law on Sexual Violence Crimes empowers the Central Government to remove such content, which is further regulated by government regulations. Article 47 allows prosecutors to coordinate with the head of the court and the Ministry of Communication and Information to delete such content for public interest. Meanwhile, Article 55 grants investigators the authority to restrict access to data or electronic systems related to SEA during the judicial process, implemented based on a decree from the local head of the public prosecutor's office. The removal of this content is crucial because the spread of SEA-related content can have destructive impacts on the real lives of the victims, especially when intimate content is shared without consent..

In today's digital age, best practices across various digital platforms include the potential removal of content upon requests from state institutions such as the Ministry of Communication and Information Technology in Indonesia or law enforcement agencies conducting investigations. This can be seen through Transparency Reports issued by major social media companies like Google, Meta, TikTok, and Twitter. In line with this, Indonesia's Personal Data Protection Law emphasizes that sensitive personal data—such as information about religion, health, physical and mental conditions, sexual life, financial matters, and education—must not be collected, processed, or disclosed without consent. Personal data owners have the right to request the destruction of their data through a written request. The issue of personal data protection has become increasingly important due to the rise in mobile phone and internet usage, which often leads to data breaches and crimes such as fraud and pornography. The concept of privacy that underpins this protection is about safeguarding personal integrity and dignity, enabling individuals to control information about themselves and how that information is used.

In Indonesia, the regulation regarding the Right to be Forgotten (RtbF) is outlined in Article 26, paragraphs (3) and (4) of Law No. 19 of 2016, which amended Law No. 11 of 2008 on Electronic Information and Transactions. Unlike the implementation of the RtbF by the European Union, which only removes links to information related to data subjects in search engine results such as Google—thus keeping the information available on the original website—the regulation in Indonesia requires the deletion of information not only from search results but also from the primary source of the information. Furthermore, in Indonesia, the use of the RtbF is limited to electronic information or data deemed irrelevant, with the procedures for its deletion to be regulated further in a Government Regulation that has not yet been issued.

Several serious legal issues arise from the need for victims to proactively search for and report their private sexual images spread on the internet. This process

becomes highly problematic because victims often do not realize the images have been disseminated until a long time has passed, by which time the abusive material has been widely distributed. This is exacerbated by ambiguous guidelines, a lack of transparency, and uncooperative attitudes from those in control. Additionally, vulnerable victims may experience emotional and financial burdens (Kurniasari, 2016). On the other hand, proponents of the right to be forgotten emphasize the importance of a proactive response in protecting privacy and reducing future risks. This proactive approach allows individuals and entities to anticipate and address privacy violations before they escalate. However, this approach is considered insufficient given the ease with which someone can post another person's personal information online. From another perspective, there are various reasons why an individual may want to delete personal data—whether for emotional, ethical, or personal reasons—that are not always related to legal demands.

When addressing the issue of requests for the removal of information on the internet, several key challenges arise, one of which is the lack of clarity regarding whether the information truly violates a person's dignity. Court proceedings are often required to determine an honor violation before a removal request can be considered legitimate. This becomes complicated because, within the context of freedom of the press and the public's right to access information, personal reputation is often not deemed significant enough to justify the removal of information. In general, the obligation for Electronic System Providers (ESP) to delete content is only enforced in cases where the victim is or should be aware that the content could harm their reputation. (Sahib dkk., 2023). In the Russian Federal Law on Information, Information Technology, and Information Protection, for example, it does not require Electronic Service Providers (ESP) to actively monitor the information disseminated on internet platforms. Although content filtering technologies are not perfect, their mandatory implementation by ESPs could reduce the spread of prohibited information. Initial steps, such as those defined by the law, which require social media platform owners to monitor content uploaded by users, are only the first step in reducing the amount of prohibited content on the internet. However, the need for ESPs to use image and text recognition technology has not yet been made mandatory.

The Right to Be Forgotten is a critical concept in individual privacy protection that not only serves to delete irrelevant information based on personal preferences but also must consider the conflict between individual rights and public interests, such as freedom of the press and the public's right to know information (Fabbrini & Celeste, 2020). RTBF (Right to Be Forgotten) becomes crucial in cases of internet-based sexual violence victims, where the victims' identities are exposed. In this context, the application of RTBF should be automatic and not require a request from the victim, as a measure to protect the dignity and privacy of the victim. This policy revision is expected to permanently erase data related to the victim to

prevent revictimization, support the victim's recovery, and strengthen RTBF as an instrument of autonomy and protection of personal integrity.

The importance of redefining the Right to be Forgotten policy, particularly for victims of sexual violence in higher education through digital spaces, is crucial in order to erase their digital footprints, ensuring that victims receive comprehensive protection and justice (Saragih dkk., 2023). Reformulating the Right to be Forgotten policy, particularly for victims of sexual violence, will offer hope for victims to recover and heal from the trauma caused by the sexual violence they have experienced (Mulyasari, 2023). In addition, both universities and the government must be committed to reducing the incidence of sexual violence for the benefit of victims through the creation of adequate regulations that include the Right to be Forgotten for sexual violence victims, the provision of infrastructure to support victim protection, and a commitment to enforcing the law, particularly in relation to sexual violence (Gutmann & Warner, 2019).

Legal updates are needed to address the issues surrounding the protection of victims of sexual violence in the virtual space, particularly in higher education institutions, by reconceptualizing the forms of protection for victims. One such update would involve expanding the definition and establishing criteria for the Right to be Forgotten, which should not necessarily go through a judicial process but should be automatically granted when a victim experiences sexual violence in the virtual space, through revisions to the ITE Law and the Personal Data Protection Law (UU PDP). With the revision of these two regulations, it is hoped that Indonesia will make progress in efforts to prevent and address sexual violence (Prayoga dkk., 2023)..

4. Conclusion

The RTBF represents a vital aspect of privacy protection in the digital era, particularly for victims of online sexual violence. As technology continues to evolve, legal frameworks must adapt to protect individuals from the lasting impacts of digital harm. The proposal for an automatic RTBF for victims of sexual violence, without requiring judicial processes, marks a crucial step toward safeguarding dignity and privacy, ensuring that personal information is erased when no longer relevant or harmful. This update to legal regulations, especially in Indonesia, would not only offer immediate protection but also foster long-term recovery for victims, reducing the risk of revictimization and reinforcing the concept of privacy as a fundamental right. Ultimately, the reform of criminal law policies through the provision of an automatic RTBF represents a powerful synthesis between positive legal protection and Islamic social transformation. This policy not only responds to the urgent need for comprehensive violence handling guidelines in universities but also actualizes the core principles of *Maqasid al-Shariah* in safeguarding the life and human dignity of victims in the digital era.

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