



## Legal Analysis of The Application of Right to be Forgotten (RTBF) in Acquittal Verdicts: Implications for The Restoration of Inmates' Rights within The Indonesian Criminal Justice System

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**Abstract.** This research examines the potential application of the Right to Be Forgotten (RTBF) in Indonesia's criminal justice system, focusing on individuals who have been acquitted or have completed their sentences. The study explores the legal, social, and ethical implications of RTBF in relation to criminal records, aiming to assess how it could support the rehabilitation and reintegration of acquitted individuals. In Indonesia, criminal records often remain publicly accessible long after a person has been legally exonerated, creating barriers to social reintegration due to the stigma associated with past accusations. The study investigates the gaps in the current legal framework, such as the lack of provisions for the removal or anonymization of criminal records for acquitted individuals, and explores how RTBF could promote justice and fairness. The research uses a literature review methodology, analyzing relevant legal texts including Law No. 11 of 2008 on Information and Electronic Transactions (ITE Law), Law No. 39 of 1999 on Human Rights, and the 1945 Indonesian Constitution. The review critically evaluates the challenges and opportunities of implementing RTBF, focusing on balancing privacy rights with public safety concerns. The findings suggest that RTBF could reduce the negative impact of criminal records on individuals who have been acquitted, facilitating their reintegration into society. However, the study also highlights the challenges in implementing RTBF due to societal and legal factors. Legal reforms recommendations allow individuals to request the removal of criminal records, aligning Indonesia's legal system with international human rights standards.

**Keywords:** Acquittal; Criminal Records; Legal Reform; Privacy Rights; Public Safety.

### 1. BACKGROUND OF RESEARCH

The issue of privacy and its relationship with the criminal justice system has become increasingly important, especially as societies recognize the need to balance public safety with individual rights. One of the most significant developments in this area is the concept of the Right to Be Forgotten (RTBF). Initially established within the European Union's data protection framework, RTBF allows individuals to request the removal of personal data that is no longer necessary, relevant, or accurate, particularly in the context of digital records. While this concept has been primarily discussed in the realm of digital privacy and online data, its implications extend into the criminal justice system, where individuals who have been acquitted or served their sentences may still carry the stigma of their criminal records long after their involvement in the justice system has concluded.

In Indonesia, the application of RTBF to criminal records remains largely unexplored, despite its potential to address significant challenges faced by individuals who have been acquitted or served their sentences. In the current legal framework, even individuals who have been acquitted continue to have their names associated with criminal records, making it

difficult for them to reintegrate into society. This issue is exacerbated by the strong social stigma in Indonesia attached to any involvement with the criminal justice system. Even when someone is acquitted, their criminal record can have lasting negative effects on their ability to find employment, build relationships, and regain social standing (Fansuri, 2022). This situation creates a significant barrier to rehabilitation and societal reintegration, which is meant to be the ultimate goal of any justice system.

The urgency of addressing this issue is rooted in the realization that criminal records often serve as a permanent reminder of past accusations, even when these accusations have been proven false. The concept of "das Sein," or the current state of affairs, highlights the existing legal framework in Indonesia, which lacks provisions for the removal of criminal records for individuals who have been acquitted. Despite the presumption of innocence guaranteed by law, these individuals are still publicly identified as criminals due to the persistence of their criminal records (Ali & Saputra, 2024). The lack of legal mechanisms to address this situation presents significant ethical and legal concerns, as it undermines the principle of justice and the notion that individuals should be able to rehabilitate and reintegrate into society once they have been acquitted or have served their sentences.

The "das Sollen," or the ideal situation, envisions a legal system where individuals who have been acquitted can request the removal of their criminal records from public access. It would allow for the restoration of their privacy and dignity, particularly in cases where the information is no longer relevant or necessary for public interest. The implementation of RTBF would support the goals of restorative justice, which prioritizes rehabilitation and reintegration over continued punishment. In such an ideal system, the legal framework would recognize the rights of individuals to move on from their past and rebuild their lives without being continually stigmatized by a criminal record that does not reflect their current legal standing (Royani, 2022).

This shift would also align with Indonesia's constitutional protections regarding privacy. Article 28G of the 1945 Constitution of Indonesia guarantees the protection of personal security and privacy, which can be interpreted to encompass the removal of outdated or irrelevant criminal records. Additionally, Law No. 11 of 2008 on Information and Electronic Transactions (ITE Law), as amended by Law No. 19 of 2016, addresses data protection and the management of electronic information. Although this law primarily deals with online data, its principles of privacy protection could be extended to the handling of criminal records (Article 25, Law No. 19/2006). Furthermore, Law No. 39 of 1999 on Human Rights emphasizes the right to dignity,

which could support the restoration of individuals' rights after an acquittal (Amarini, Saefudin, & Kartini, 2023). However, the current legal system does not provide a clear mechanism for individuals to erase or anonymize their criminal records once they have been cleared of charges. This leaves them vulnerable to ongoing social and economic disadvantages, despite the fact that they have been legally exonerated.

The urgency of implementing RTBF in Indonesia's criminal justice system is underscored by the long-term consequences faced by individuals whose criminal records persist even after an acquittal. These individuals are often faced with public ostracization, difficulties in finding employment, and psychological distress. The social burden of a criminal record, particularly one that has been proven to be unjustified, can have lifelong effects. This creates a cycle of marginalization that hinders the goals of rehabilitation and reintegration, which should be at the heart of any criminal justice system (Rumesten, Muhtar, & Harun, 2023). Furthermore, the public's right to access criminal records should be weighed against the individual's right to privacy, especially when the information no longer serves a legitimate public interest.

The potential application of RTBF within the criminal justice system would help to strike a balance between the need for public accountability and the protection of individual rights. While transparency in criminal records is necessary for public safety and trust, it is increasingly recognized that continued public access to criminal records for acquitted individuals does not always serve a legitimate purpose. It is particularly true when the individuals in question have been cleared of charges and pose no further risk to society. In such cases, the ongoing accessibility of these records can serve as an unwarranted punishment, contradicting the principles of justice and rehabilitation (Yanto, Rahmadi, & Widya, 2022).

This research aims to analyze the legal implications of incorporating RTBF into Indonesia's criminal justice system, focusing on individuals who have been acquitted. By examining the current state of the law, the study will identify gaps in the legal framework and propose a more just and rehabilitative approach. The research will explore the potential benefits and challenges of implementing RTBF, considering the ethical, social, and legal aspects of such a shift. The ultimate goal is to create a legal framework that allows for the removal or anonymization of criminal records for acquitted individuals, helping to foster a more equitable criminal justice system that prioritizes rehabilitation and the restoration of rights (Saragih & Putra, 2024). This framework would not only protect the privacy and dignity of individuals but also enhance their opportunities for social reintegration, contributing to a fairer and more just society.

In conclusion, the implementation of RTBF in Indonesia's criminal justice system would address the critical issue of how the justice system can better facilitate the rehabilitation and reintegration of individuals who have been acquitted. By allowing for the erasure of criminal records in these cases, the legal system would help individuals regain their dignity, rebuild their lives, and participate fully in society without the continued stigma of a past criminal record. It would support the goals of restorative justice and align Indonesia's legal system with broader international human rights standards, ensuring that individuals are not unjustly punished by their past mistakes long after they have been legally cleared.

## **2. METHODOLOGY**

The research methodology employed in this study is a literature review. This approach is chosen as the primary method because the focus of the research is to analyze the concept of the Right to Be Forgotten (RTBF) within Indonesia's criminal justice system, particularly regarding the restoration of rights for individuals who have been acquitted or served their sentences. The research does not require primary data collection, such as interviews or surveys, but rather involves a comprehensive review and analysis of relevant literature on the topic.

The literature review will involve gathering and analyzing a range of sources, including books, journal articles, legal texts, and previous studies on RTBF, privacy rights, and their application within criminal justice systems. Key sources include Indonesian laws such as the 1945 Constitution, Law No. 39 of 1999 on Human Rights, and Law No. 11 of 2008 on Information and Electronic Transactions (ITE Law). Additionally, the review will incorporate international literature on RTBF, exploring its implications for criminal records and the rehabilitation of individuals in different jurisdictions.

Through this literature analysis, the research aims to critically assess existing perspectives on RTBF and its potential application in Indonesia. The findings will provide insights into the gaps in the current legal framework and suggest how RTBF could be integrated into the Indonesian criminal justice system to promote fairness, privacy, and rehabilitation for acquitted individuals. The literature review method allows for a comprehensive understanding of the subject by examining theoretical, legal, and practical dimensions.

### 3. RESULT AND DISCUSSION

#### Concept and Legal Foundation of RTBF

The Right to Be Forgotten (RTBF) is a relatively recent concept that has gained significant attention in the realm of privacy law and data protection. It refers to the right of individuals to request the removal or de-indexing of personal information from public records or digital platforms, especially when the data is deemed outdated, irrelevant, or no longer necessary for the purposes for which it was collected. The principle has its origins in the growing recognition of privacy rights in the digital age, where vast amounts of personal data stored online can have long-lasting and potentially harmful effects on individuals (Zulaeha, 2023). The RTBF seeks to address this by allowing individuals to regain control over their personal data and its accessibility to the public.

The development of RTBF can be traced back to European Union legislation, particularly the General Data Protection Regulation (GDPR), which was adopted in 2016 and became enforceable in 2018. The GDPR is one of the most comprehensive and influential frameworks for data protection globally, and it lays out several fundamental rights related to personal data (Simanjuntak, 2024). Among these rights is the right to erasure, which is commonly referred to as the Right to Be Forgotten. The right allows individuals to request the deletion of their personal data under certain conditions, such as when the data is no longer necessary for the purposes for which it was collected or if it was processed unlawfully.

The legal basis for RTBF within the GDPR is found in Article 17, which outlines the circumstances under which personal data should be erased. It applies when the data subject withdraws consent, the data is no longer needed for its original purpose, or it has been processed unlawfully. Additionally, RTBF applies in cases where the individual objects to the processing of their data and there are no overriding legitimate interests for retaining it (Widjaja & Sijabat, 2025). The regulation grants individuals the right to request the removal of their personal data from both data controllers (e.g., companies or organizations) and third-party platforms that host or index such data, such as search engines.

One of the key challenges in implementing RTBF is determining the types of personal data that are subject to removal. The GDPR provides guidelines on this issue, but it also highlights that the right to erasure is not absolute and must be weighed against other competing rights, such as the right to freedom of expression, the public's right to access information, and the public interest in the availability of information (Utomo, 2025). For example, data that is necessary for the public interest, such as journalistic work or historical records, may not be

eligible for deletion under RTBF. It creates a delicate balance between an individual's right to privacy and society's broader interests in accessing and preserving information.

The legal mechanisms for implementing RTBF are embedded within the broader framework of data protection laws. In the EU, for instance, individuals can submit a request for data erasure to the data controller or the platform that holds their data. If the request is denied, individuals have the right to lodge a complaint with a supervisory authority, such as a data protection agency, or to take legal action in court. It creates a formal process for individuals to exercise their right to be forgotten, ensuring that the process is transparent and accountable (Mantelero, 2013). However, there are still significant challenges in enforcing this right, especially in the context of global digital platforms that may operate outside the jurisdiction of national laws. The increasing number of cross-border data transfers and the international nature of the internet raise concerns about how to ensure effective implementation of RTBF across different legal systems.

Although the European Union has been at the forefront of developing the legal framework for the RTBF, other countries and regions have increasingly moved to consider or implement comparable protections. Some countries in Latin America, such as Argentina and Brazil, have enacted their own data protection laws that incorporate elements of RTBF, while other regions are still developing comprehensive data privacy regulations. In the United States, however, the concept of RTBF is more controversial, as the country does not have a unified data protection framework like the GDPR. The debate over RTBF in the U.S. often centers on the tension between privacy rights and the First Amendment, which guarantees freedom of speech and the press.<sup>16</sup> It has led to differing approaches, with some advocating for the introduction of RTBF protections while others caution against limiting access to information in the public domain.

Overall, the Right to be Forgotten represents a fundamental shift in how personal data is treated in the digital era. It challenges the traditional view that once information is made public, it is accessible indefinitely. By enabling individuals to seek the removal of outdated, irrelevant, or inaccurate information, the RTBF strengthens control over online identities and mitigates the harm arising from the continued availability of personal data. However, the right must be carefully balanced with other competing interests, such as freedom of expression and the public's right to know, which complicates its application and enforcement. As data protection laws continue to evolve globally, the RTBF will likely play an increasingly important role in shaping the future of privacy and data governance.

## **RTBF in the Context of Criminal Justice Systems**

The Right to Be Forgotten (RTBF), originally conceived in the domain of data protection and privacy law, holds considerable relevance when examined within criminal justice systems. Fundamentally, RTBF allows individuals to request the deletion, removal, or de-indexing of personal data that is no longer necessary, outdated, or unduly harmful if publicly accessible. In criminal justice, this concept can be extended to address how criminal records, particularly those of individuals who have been acquitted or have completed their sentences, are retained, shared, and disseminated in public and private databases (Wijaya, 2021). While criminal records serve legitimate purposes, such as public safety and judicial transparency, their indefinite availability can perpetuate stigma, hamper reintegration efforts, and conflict with principles of dignity and rehabilitation.

In Indonesia, the evolving legal landscape of criminal law underscores both opportunities and challenges for incorporating RTBF principles within the justice system. As of January 2, 2026, Indonesia's new national Criminal Code, Law Number 1 of 2023 concerning the Criminal Code (KUHP), came into force, replacing the colonial-era code that had been in place for over a century. The new Criminal Code (KUHP) represents a paradigm shift toward a more modern, restorative model of criminal law, emphasizing human rights, proportionality, rehabilitation, and reconciliation over strictly retributive punishment (Law No. 1/2023). The legislative intent reflects a broader trend in Indonesian criminal justice toward balancing individual rights with social order and public safety.

Despite these reforms, Indonesian law currently lacks explicit provisions regulating the long-term accessibility and removal of criminal records for individuals who have been acquitted or have served their sentences. As a result, individuals who are legally innocent due to acquittal or who have completed their legal obligations often remain publicly linked to past charges or convictions through official registries, media reports, and digital repositories. This persistent visibility of criminal records can hinder post-sentence reintegration into society by creating barriers in employment, education, housing, and social relationships (Ariesta, 2024). Moreover, the continued exposure of such records often contradicts the rehabilitative goals espoused by restorative justice principles embedded in the new KUHP, which prioritize the restoration of offenders to constructive societal roles following lawful resolution of their cases.

Applying RTBF to criminal justice recognizes that the significance of criminal records is time-bound and contextual. For acquitted individuals, those whom courts have declared legally innocent, the retention of records indicating past charges serves no legitimate ongoing public interest, yet the availability of such data continues to produce tangible harms. Similarly,

for those who have completed their sentences, the perpetual visibility of a conviction on digital platforms effectively extends punishment beyond the legally prescribed sanctions, undermining the prospect of social reintegration. In this regard, RTBF can function as a domain-specific tool that allows for the erasure, anonymization, or restricted access of criminal record data when retention no longer serves justice, public safety, or legitimate societal needs (Ong & Yi, 2020).

Legal theory suggests that criminal justice systems should aim not only to deter and punish crime but also to facilitate rehabilitation and reintegration. It aligns with the evolving restorative focus of the KUHP Nasional, which emphasizes harmony, social peace, and the reintegration of individuals post-penalty. Under such a framework, ensuring that individuals are not indefinitely stigmatized by criminal records that no longer reflect their current status improves fairness and upholds human dignity. Thus, RTBF could be understood as supporting the broader objectives of restorative justice by mitigating the collateral consequences of criminal adjudication and enabling individuals to move forward without unjust social burdens.

Nevertheless, the application of RTBF in criminal justice must be balanced against the public's legitimate interest in access to certain criminal record information, particularly in contexts involving public safety and risk assessment. For example, sensitive roles in child care, elder care, or national security may require continued access to specific offense history for lawful vetting. Therefore, any implementation of RTBF related to criminal records calls for a carefully calibrated legal framework that distinguishes between cases in which public access serves legitimate and ongoing interests and cases where retention of records constitutes an undue infringement on privacy and socio-economic rights (Ismail, Arsyad, & Nggilu, 2024).

To operationalize RTBF within Indonesian criminal justice, legal reform must consider statutory mechanisms that allow individuals to petition for the removal or restricted dissemination of criminal data after acquittal or sentence completion. Such mechanisms may involve time-bound criteria, judicial review processes, or classifications of record access that balance privacy and public interest. Integrating RTBF principles with the current KUHP Nasional's restorative ethos could reinforce a legal culture that respects individual rights while safeguarding society. In doing so, Indonesia's criminal justice system would not only reflect evolving international standards on privacy and human dignity but also address the real, lived impacts of lasting criminal record stigma on individuals who have fulfilled their legal obligations.



In conclusion, RTBF offers a compelling normative and legal framework for addressing the unintended harms of enduring criminal records in Indonesia. As criminal law reforms deepen under the new KUHP Nasional, the jurisprudential integration of RTBF into criminal justice systems may serve both restorative justice aims and the promotion of human rights within Indonesia's modern legal order.

### **Implications for Rehabilitation and Reintegration**

The implications of the Right to Be Forgotten (RTBF) for rehabilitation and reintegration within criminal justice systems are profound, particularly when evaluated through both privacy law principles and the lived realities of individuals affected by criminal records. At its core, RTBF enables individuals to request the removal, deletion, or anonymization of personal data that is no longer necessary or that disproportionately harms their reputation, dignity, or future prospects (Nasution & Wahid, 2022). While the concept originally emerged in the context of digital privacy and data protection, its translation into the realm of criminal justice offers powerful opportunities to mitigate the long-term consequences of legal adjudication and support the reintegration of former offenders into society. It is especially relevant in jurisdictions where criminal records remain accessible for extended periods, often continuing to exert a detrimental impact long after legal rights have been restored or sentences completed.

From a rehabilitation perspective, the persistence of publicly accessible criminal records serves as a significant barrier to reintegration. Empirical research has shown that having a criminal record can limit access to stable employment, housing, and social networks, which are critical components of successful reentry into the community, and can even increase the risk of recidivism. Studies on expungement and record-clearing processes in other jurisdictions highlight that individuals with expunged records are more likely to secure employment and housing, thereby reducing the likelihood of reoffending. Under such analyses, RTBF functions as a modern equivalent of traditional expungement practices by facilitating the removal or restriction of outdated or irrelevant information, thereby helping individuals start anew without the enduring stigma associated with their past involvement in the justice system (Lubis & Saragih, 2023). It aligns with restorative justice philosophies that emphasize healing, reintegration, and recognize that a person's identity should not be permanently defined by a single past mistake.

In the Indonesian legal context, RTBF intersects with several relevant statutory provisions that provide at least a foundational basis for promoting privacy and data protection, despite the fact that specific criminal record expungement mechanisms are not yet fully

developed. Article 28G of the 1945 Constitution guarantees every person's right to personal security, privacy, dignity, and protection from unwarranted public exposure, which logically extends to the context of personal data and reputational harm. Law No. 11 of 2008 on Information and Electronic Transactions, as amended by Law No. 19 of 2016, incorporates RTBF-related provisions, particularly in Article 26, which requires electronic system providers to delete personal information that is no longer relevant upon request and with appropriate legal determination. Law No. 27 of 2022 on Personal Data Protection (PDP Law) further strengthens the legal basis for data subjects to request the deletion of personal data that is no longer necessary, underscoring the normative shift toward greater privacy protection in the digital age (Marzuki, 2024).

By contextualizing RTBF within the criminal justice framework, it becomes clear that removing or anonymizing criminal records for acquitted individuals or those who have completed their sentences can significantly reduce social stigma. Stigma, as a sociological phenomenon, not only affects psychological well-being but also materially impacts opportunities for employment, education, and social participation. The continued visibility of criminal records, particularly in online databases and search engine results, often contradicts the rehabilitative purpose of punishment and the principle that individuals who have fulfilled their legal obligations should be allowed to reintegrate without undue disadvantage. Accordingly, RTBF can contribute to a more equitable balance between the public's interest in safety and transparency and the individual's right to privacy and reintegration. It supports the idea that once a person has recompensed their accountability under the law, society should facilitate rather than hinder their return to full civic participation.

However, the operationalization of RTBF requires careful legal calibration. While RTBF promotes rehabilitation by limiting access to outdated or irrelevant information, it must be balanced against legitimate public safety considerations. Unrestricted deletion of criminal records could impede background checks for certain sensitive positions or public safety needs. Therefore, any legal framework derived from RTBF principles must incorporate criteria for determining when records should be removed, restricted, or retained. These criteria may include the nature and severity of the offense, the time that has elapsed since sentence completion, and the individual's demonstrated conduct post-sentence. By incorporating such safeguards, RTBF can support rehabilitation while still preserving necessary public interests (Kurniawan & Hammar, 2022)

In conclusion, RTBF has the potential to significantly enhance rehabilitation and reintegration by alleviating the collateral consequences of criminal records. When implemented carefully, guided by constitutional privacy protections and emerging data protection laws like the PDP Law and UU ITE, RTBF can help ensure that individuals who have been acquitted or who have completed their sentences are not perpetually marginalized by their past. Instead, they can engage in employment, social participation, and community life as full members of society. This reorientation not only aligns with restorative justice principles and international data protection norms but also fosters social inclusion and reduces the barriers that long-standing criminal record stigma creates, ultimately promoting a more humane and effective criminal justice system.

### **Challenges in Implementing RTBF in Indonesia**

The implementation of the Right to Be Forgotten (RTBF) in Indonesia's legal system presents various challenges, both from a legal and societal perspective. While RTBF offers the potential to restore privacy and dignity for individuals who have been acquitted or completed their sentences (Leksono & Purnomo, 2023), its adoption within Indonesia's legal framework faces numerous obstacles. These challenges stem from the existing legal structures, cultural attitudes, and practical issues related to the enforcement of such a principle.

One of the key legal challenges in implementing RTBF in Indonesia is the gap between the country's existing privacy and data protection laws and the broader notion of RTBF. Indonesia's Law No. 11 of 2008 on Information and Electronic Transactions (ITE Law), which was amended by Law No. 19 of 2016, addresses issues related to electronic transactions and data privacy but does not explicitly cover the erasure of criminal records. The law provides some level of protection for personal data, requiring that data controllers and electronic system providers handle personal data responsibly. However, it does not offer a clear framework for how individuals can request the removal of outdated or irrelevant criminal data, especially when the individual has been acquitted or has already served their sentence. The legal gap makes it difficult to create a formalized process for applying RTBF to criminal records, especially regarding criminal justice.

Additionally, Law No. 39 of 1999 on Human Rights guarantees fundamental human rights, including the right to privacy, yet the right to be forgotten is not explicitly mentioned in this law. While the law acknowledges privacy protections, there is no comprehensive provision that addresses how to reconcile privacy with public access to criminal records. Criminal records in Indonesia are often treated as permanent and publicly accessible information, which can be

seen as conflicting with the right to privacy. This discrepancy in the laws presents a significant challenge to implementing RTBF in a manner that respects both privacy and public interest (Dewi & Shafira, 2023).

Another challenge is the societal and cultural attitudes toward criminal records in Indonesia. In many societies, including Indonesia, criminal records carry a significant social stigma. Even individuals who have been acquitted or who have completed their sentences may continue to face social exclusion and discrimination. It is especially valid in Indonesia, where reputation and social standing are often valued highly. The perception that individuals with a criminal history are inherently dangerous or morally compromised can lead to societal pressure to keep such records public, even if the individual has been legally exonerated. In a society that places great emphasis on social conformity and moral standing, the idea of erasing or anonymizing criminal records may face resistance, as it could be seen as an attempt to shield individuals from the consequences of their past actions, regardless of their legal status.

The cultural attachment to transparency and public access to information also poses a challenge. There is a deeply rooted belief in many societies, including Indonesia, that public access to criminal records is essential for maintaining public trust and safety. This opinion is often reinforced by the media and public opinion, which highlight the need for transparency in the justice system. As a result, any attempt to limit access to criminal records through RTBF may be met with resistance, as it may be perceived as compromising the integrity of the criminal justice system. The notion that individuals who have been acquitted or served their sentences should be given a "second chance" may not always align with the broader public interest in ensuring that individuals with a criminal history are held accountable for their actions.

Moreover, there are legal and ethical concerns that arise in the implementation of RTBF within the criminal justice system. One ethical concern is the potential conflict between privacy rights and public safety. RTBF could, in some cases, limit public access to criminal records that are necessary for background checks, particularly in sensitive sectors such as education, healthcare, and law enforcement. The right to be forgotten must be carefully balanced with the public's right to know and the need for transparency in matters that directly impact the safety and well-being of the community. For example, erasing the criminal records of individuals who have committed violent crimes might raise concerns about public safety if such individuals are later hired for positions where their past offenses could pose a risk.

Another concern is enforcement and implementation. Even if legal provisions are made for RTBF in Indonesia's criminal justice system, there is the challenge of effectively enforcing these provisions. The Indonesian legal system lacks established procedures for individuals to request the removal of criminal records, and there is little guidance on how to implement such processes in practice. Legal reform is required to create a formal process for individuals to seek the removal of criminal records after acquittal or completion of a sentence, ensuring fairness and transparency.

In conclusion, while the adoption of RTBF in Indonesia offers potential benefits for the rehabilitation and reintegration of individuals who have been acquitted or served their sentences, it faces significant challenges. Legal gaps, societal resistance, cultural attitudes toward criminal records, and ethical concerns about privacy and public safety need to be addressed for RTBF to be successfully implemented. A careful and balanced approach would be required to reconcile privacy rights with public interest, while ensuring that the right to reintegrate into society is upheld for those who have paid their debt to society. Without these considerations, the full potential of RTBF in supporting rehabilitation and reducing social stigma may not be realized.

#### **4. CONCLUSION AND RECOMMENDATION**

The Right to be Forgotten (RTBF) presents a transformative potential for criminal justice systems, particularly in the context of Indonesia, where the stigma of criminal records persists long after individuals have been acquitted or served their sentences. RTBF, by enabling the removal or anonymization of outdated and irrelevant criminal records, can significantly aid in the rehabilitation and reintegration of former offenders. It supports the principles of restorative justice by allowing individuals to regain their dignity, pursue employment opportunities, and re-engage with society without the lifelong burden of a criminal history. However, the implementation of RTBF within Indonesia's legal framework faces substantial challenges, particularly due to gaps in existing laws, societal attitudes toward criminal records, and ethical concerns regarding privacy versus public safety.

Indonesia's current legal provisions, such as the ITE Law and Law No. 39 of 1999 on Human Rights, provide some protection for personal privacy, yet do not explicitly address the deletion or anonymization of criminal records for acquitted individuals or those who have completed their sentences. Additionally, the cultural emphasis on transparency and public access to criminal records, combined with concerns over the potential risks to public safety, poses significant barriers to the implementation of RTBF. Despite these challenges, the

application of RTBF within Indonesia's criminal justice system could contribute to reducing the stigma of criminal charges and supporting the reintegration of individuals who have been legally exonerated.

To effectively implement RTBF within Indonesia's criminal justice system, several key steps should be taken. First, Indonesia should introduce specific provisions within its legal framework, such as integrating RTBF into the PDP Law (Personal Data Protection Law) and ITE Law, allowing individuals to request the removal or anonymization of criminal records. This would provide a clear mechanism for rehabilitation and respect privacy rights. Furthermore, a balanced approach is necessary to reconcile privacy rights with public safety. RTBF should apply to acquitted individuals or those who have completed their sentences, but considerations should be made based on the severity of offenses and the public interest. Explicit criteria should be established to differentiate whether or not RTBF should be applied and when criminal records must remain accessible. In addition, public education campaigns should be launched to foster understanding of RTBF's rehabilitative goals and reduce the stigma associated with criminal records. This will help shift societal attitudes toward supporting reintegration. Clear procedures for requesting the removal or anonymization of criminal records should also be established, with dedicated channels within the justice system. Transparency and accountability in decision-making processes are essential to ensure fairness. Finally, Indonesia should regularly review and update its legal framework to address emerging challenges in RTBF and ensure that it aligns with international standards while reflecting the country's needs.

By taking these steps, Indonesia can create a more rehabilitative justice system that respects privacy and supports the reintegration of individuals who have been acquitted or served their sentences.

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