

**DOXING AS A THREAT TO FREEDOM OF SPEECH: A JURIDICAL REVIEW
OF PROTECTION AGAINST THE DISSEMINATION OF PERSONAL DATA
ON THE INTERNET****Della Dearista Axelia**

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ds170@ums.ac.id**ABSTRAK**

Perkembangan digital tidak hanya membawa dampak positif terhadap kehidupan tetapi memunculkan berbagai tantangan dalam hal privasi dan keamanan data, salah satunya adalah tindakan doxing. Fenomena doxing yang merupakan pengungkapan data pribadi seseorang tanpa izin telah menjadi ancaman serius bagi kebebasan berpendapat di internet. Penelitian ini bertujuan untuk mengetahui bagaimana dampak tindakan doxing terhadap kebebasan berpendapat di internet serta menganalisa bentuk perlindungan hukum yang dapat diberikan kepada korban doxing di Indonesia berdasarkan UU Perlindungan Data Pribadi (PDP) dan UU Informasi dan Transaksi Elektronik (ITE). Penelitian ini menggunakan metode yuridis normatif yaitu menganalisis berbagai peraturan hukum yang berkaitan dengan doxing yaitu Undang-Undang No. 27 Tahun 2022 Tentang Perlindungan Data Pribadi dan Undang-Undang No. 1 Tahun 2024 tentang Perubahan Kedua atas Undang-Undang No. 11 Tahun 2008 Tentang Informasi dan Transaksi Elektronik. Data penelitian ini bersifat sekunder mencakup bahan hukum primer, sekunder, dan tersier dengan teknis analisis data deskriptif kualitatif menghasilkan data yang disusun secara sistematis untuk mendeskripsikan fenomena doxing. Hasil penelitian menunjukkan bahwa doxing menghambat kebebasan berpendapat karena korban sering mengalami intimidasi, tekanan sosial, hingga ancaman fisik. UU Perlindungan Data Pribadi dan UU Informasi dan Transaksi Elektronik telah mengatur perlindungan data pribadi dan sanksi bagi pelaku doxing, tetapi masih diperlukan penguatan regulasi, peningkatan kesadaran publik, serta upaya hukum yang lebih efektif dalam menangani kasus doxing.

Kata Kunci: *Doxing, Kebebasan Berpendapat, Perlindungan Data Pribadi, Internet*

ABSTRACT

Digital development not only brings a positive impact on life but raises various challenges regarding privacy and data security, one of which is doxing. The phenomenon of doxing, which is the disclosure of a person's personal information without permission, has become a serious threat to freedom of speech on the internet. The purpose of this research is to examine the impact of doxing on freedom of speech on the internet and analyzing the types of legal protection available to doxing victims in Indonesia based on the Personal Data Protection Law and the Electronic Information and Transaction Law. This research employs a normative juridical method, namely analyzing various legal regulations relating to doxing, namely Law No. 27 of 2022 on Personal Data Protection and Law No. 1 of 2024 about the Second Amendment to Law No. 11 of 2008 on Electronic Information and Transactions. This research uses secondary data consisting of primary, secondary, and tertiary legal materials with qualitative descriptive data analysis techniques that produce data that is systematically organized to describe the phenomenon of doxing. The results show that doxing inhibits freedom of speech because victims often experience intimidation, social pressure, and physical threats. The Personal Data Protection Law and Electronic Information and Transaction Law provide regulations for personal data and sanctions for doxing perpetrators. However, these regulations still need to be strengthened, increase public awareness, and more effective legal efforts in handling doxing cases.

Keywords: Doxing, Freedom of Expression, Personal Data Protection, Internet

INTRODUCTION

The development of digital industrialization marked by the 4.0 revolution has made internet media the main center of information dissemination that is increasingly fast and easily accessible to millions of people around the world. The internet has also opened a new beginning that has become a public discussion space to voice opinions, exchange information and become a promising communication tool.(1) This development has made communication patterns and formed an interactive and dynamic information era that directly makes people express opinions and opinions as well as personal information, this phenomenon is called a participatory culture.(2)

Every internet user has a right to expression that must be exercised without infringing on the rights of others or causing hatred. Ethical digital users should strive to create a safe space for everyone so as to create a safe, welcoming and supportive digital environment.(3) Voicing an opinion when it is not based on the ethics of society because it is considered offensive can be the

root of doxing.(4) The phenomenon of doxing or spreading personal data on the internet without permission has become a widespread issue that can threaten privacy and affect freedom of speech.

People who doxing usually look for information such as names, residential addresses, jobs, telephone numbers, identity cards, names of family members, and so on through many sources, one of which is the internet.(5) This data theft is easier because the data is available on our social media. According to *SafeHome* data, most of these doxing cases are triggered by offensive online posts that are deemed inappropriate or even just to hurt those they dislike.(6)

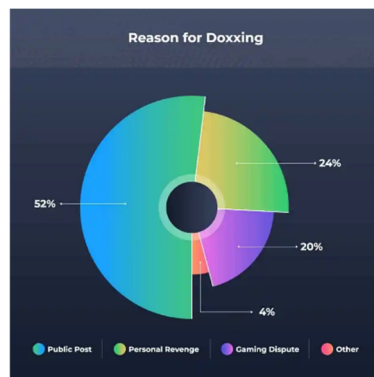


Figure 1. Reasons for Doxing (Source: wtaj.com)

Based on the figure above, 52% of the reasons for doxing occur due to online posts that they find offensive and disagree with, 24% occur due to personal revenge, and another 20% come from disputes while playing online games. According to *SAFENet's* report in 2021 there were 193 incidents of digital attacks in Indonesia with 24 of them being doxing cases. These attacks increased in 2022 to reach 302 cases including doxing cases.(7) The Indonesian Alliance of Independent Journalists recorded 8 cases of doxing experienced by journalists during 2020-2021. One of them was experienced by human rights lawyer Veronica Koman who received intimidation and doxing. She is active in voicing news and commenting on issues about Papua and West Papua. Other journalists who received similar threats were Victor Mambo and Febriana Firdaus.(8)

In addition, recently the owner of the X *@unmagnetism* account had his personal data and facial photos spread. The *@unmagnetism* account experienced doxing after discussing a corrupt suspect secured by the police. Because of the tweet, the *@unmagnetism* account was said to be a

buzzer and began spreading photos and his real identity. After that, the owner of the *@unmagnetism* account locked his account and disappeared for some time.(9)

To address this issue, there are several regulations such as Law No. 27 of 2022 on Personal Data Protection and Law No. 1 of 2024 on the Second Amendment to Law No. 11 of 2008 on Electronic Information and Transactions. These two regulations can serve as a legal basis regarding personal data security and regulate the use of digital information in public spaces. Based on the explanation above, this research will discuss:

1. What is the impact of doxing on freedom of speech on the internet?
2. What forms of legal protection can be provided to victims of doxing in Indonesia based on the Personal Data Protection Law and the Electronic Information and Transaction Law?

This research aims to find out how impact doxing has on freedom of speech on the internet and to find out the legal protection that can be given to victims of doxing in Indonesia based on the Personal Data Protection Law and the Electronic Information and Transaction Law.

RESEARCH METHOD

This research uses a normative legal research method that specifically analyzes legal norms contained in laws and regulations or other legal documents related to doxing. The approaches used include a statutory approach and a conceptual approach by analyzing regulations regarding doxing as well as legal theories regarding the protection of personal data. The data sources used are secondary data including primary legal materials in the form of the 1945 Constitution, Personal Data Protection Law, and Electronic Information and Transaction Law, secondary legal materials in the form of relevant journals and articles, related scientific books, and tertiary legal materials in the form of dictionaries and encyclopedias. The data analysis technique used is descriptive qualitative where the data generated will be arranged systematically in order to clearly describe the phenomenon of doxing.

RESULT AND DISCUSSION

1. The Impact of Doxing on Freedom of Speech on the Internet

The weakening of freedom of speech on the internet is influenced by several things, one of which is doxing. Doxing is a form of attack against a person by releasing sensitive information and data on the internet without the owner's consent for negative purposes. However, doxing can also be done as a reaction to demand accountability for a crime. In terms of freedom of speech, doxing is done to suppress a person when their publicly expressed opinions are deemed inappropriate. Aggrieved parties then resort to doxing to attack individuals who are perceived to be against their interests. The perpetrator spreads the victim's personal information with the aim of silencing people who share the victim's views so that they are afraid to voice their opinions.

The act of doxing is closely related to a person's right to privacy and is at risk of data misuse, making it vulnerable to privacy violations. Privacy protection is part of the protection of personal data guaranteed by the Constitution of the Republic of Indonesia.⁽¹⁰⁾ The right to privacy is implicitly explained in Article 28G paragraph (1) of the 1945 Constitution, which guarantees citizens protection and security, and freedom from threats in exercising their human rights. Therefore, doxing is considered to violate constitutional rights and can damage a person's right to privacy by revealing personal data on the internet.⁽¹¹⁾

Doxing can create a fear that prevents people from freely expressing their opinions on the Internet. If a person feels that personal information may be leaked, they will become fearful and limit their opinions. Likewise, someone who has been the victim of doxing will be more cautious about communicating and expressing their opinions.

Doxing can reduce one's participation in public discussions as it creates a fear of expressing opinions on the internet especially if those opinions are against the majority and cause controversy. This makes the idea that freedom of speech does not mean freedom from consequences.⁽¹²⁾ Often, this freedom is restricted to protect certain political interests, such as in the case of attacks on journalists and activists. This certainly violates democracy in Article 28E paragraph (3) of the 1945 Constitution which affirms citizens' rights to freedom of opinion, association and assembly.⁽¹³⁾ This leads to the issue of how the state gives its citizens the

freedom to express themselves and how the state guarantees that the media of expression is free from intervention.(14)

As a democratic country, Indonesia guarantees the protection of freedom of expression. The government and related institutions are obliged to respect this principle. In order to realize a democratic state, the state is obliged to protect the freedom of press and expression, including the right to freedom of speech, as it is a fundamental right for the life of the state. This freedom means that every individual has the right to express his or her opinion as long as it does not harm others and remains in line with democratic values.

The most recent case occurred on January 3, 2025, when one of the Indonesia Corruption Watch (ICW) researchers became a victim of doxing with the spread of the victim's name, address, telephone number, National Identification Number (NIK), and even his last location. The attack occurred after the victim said that former President Joko Widodo was nominated as the Most Corrupt Personality of the Year 2024 by the Organized Crime and Corruption Reporting Project. Indonesia Corruption Watch immediately made a report to the Directorate of Cyber Crime of the National Police Criminal Investigation Agency. It is hoped that this can be an effort to safeguard democracy and ensure that criticism should be free from any threat.(15)

The attacks that targeted several journalists occurred because of their work that has wider political access. The journalists have to receive threats of intimidation and violence that end up disrupting their work. These threats are not only received directly, but also through other media such as email, telephone, comments on articles, letters, and social media.

A person who is a victim of doxing not only loses control over their personal data but is also threatened with losing their job, having their reputation tarnished, and even fearing for their life. In addition, the psychological impact on victims such as feeling anxious and threatened, stress, anxiety, and even depression that can lead to death.(16) However, if one chooses to engage in public discussion, they indirectly accept the consequences of their speech assuming that the threat of doxing can serve as a deterrent to harmful behavior or speech.(17)

The doxing cases mentioned above share the same pattern, namely the publication of a person's personal information on the Internet without their consent, because it is considered inappropriate and offensive speech or posts, especially when trying to criticize government

policies. Legal protection for victims of doxing crimes is very necessary. In addition to providing a deterrent to perpetrators, this protection should prevent further victims from being harmed and ensure freedom of expression without fear of threats.

2. Forms of Legal Protection for Doxing Victims in Indonesia Based on the Personal Data Protection Law

The enactment of Law Number 27 of 2022 on October 17, 2022 on Personal Data Protection is expected to close the legal gap regarding personal data protection in Indonesia.(18) The Personal Data Protection Law provides settlement mechanisms and sanctions for violators to protect the personal data of Indonesian citizens, including doxing.(19) In the context of doxing, someone who shares personal data without consent violates Article 16 paragraph (1) of the Personal Data Protection Law, which explains that any act of collecting, using, or disseminating personal data is prohibited without the owner's permission.(20) Personal data protection includes protection on the collection, processing, analysis, presentation, disclosure, dissemination, and destruction of personal data.(21)

The provisions regarding doxing in the Personal Data Protection Law are contained in Article 65 Paragraphs (1) and (2) of the Personal Data Protection Law which explain the prohibition to obtain or collect and disclose personal data belonging to others. A person who intentionally obtains or collects a person's personal data can be sentenced to 5 years in prison and/or a maximum fine of IDR 5,000,000,000.00 according to Article 67 paragraph (1) and a person who intentionally disseminates the data obtained can be sentenced to 4 years in prison and/or a maximum fine of IDR 4,000,000,000.00 according to Article 67 paragraph (2).(22)

Unfortunately, the doxing provisions in the above article generalize the act of doxing with the same punishment even though the purpose is different. For example, the punishment for a case where the purpose of disclosing a person's data is for public interest would be the same as for a case where the purpose is for revenge such as the perpetrator of sharing revenge porn.(23) There should be a clearer classification in this law regarding penalties for doxing perpetrators with different purposes.

Article 3 states that this law is based on the public interest, which means that the interests and welfare of society as a whole must be prioritized. In the case of doxing with the aim of public interest, for example by exposing perpetrators of corruption or perpetrators of sexual violence, it should be taken into consideration in determining the sentence because it is done in the public interest.

Forms of Legal Protection for Doxing Victims in Indonesia Under the Electronic Information and Transaction Law

Provisions related to personal data in the Electronic Information and Transaction Law are regulated in Article 26 paragraph (1) regarding the use of information involving a person's personal data in electronic media must be with the consent of the data owner. It is explained that consent is very important in protecting one's data and preventing doxing. Article 26 paragraph (2) explains that victims who suffer losses due to the dissemination of their data without permission have the right to file a lawsuit.

Based on the Electronic Information and Transaction Law, doxers can be charged with Article 30 paragraph (1) jo. Article 46 paragraph (1) of the Electronic Information and Transaction Law which explains that any person accessing another person's personal data without authorization can be sentenced to imprisonment for up to 6 years or a maximum fine of IDR 600,000,000.00. Then, in Article 30 paragraph (2) jo. Article 46 paragraph (2) of the Electronic Information and Transaction Law prohibits unauthorized access to electronic systems for the purpose of retrieving information without authorization, punishable by up to 7 years in prison or a maximum fine of IDR 700,000,000. In addition, if the personal information disseminated contains provisions that violate decency, it can be charged with Article 27 paragraph (1) jo. Article 45 paragraph (1) of the Electronic Information and Transaction Law which states that any person who intentionally and without right disseminates electronic information containing personal data of another person containing immoral content can be sentenced to a maximum of 6 years in prison and/or a maximum fine of IDR 1,000,000,000.00.(24)

According to Airlangga University Criminal Law Expert, Dr. Toetik Rahayuningsih, S.H., M.Hum, the difference between the Electronic Information and Transaction Law and the

Personal Data Protection Law is seen from the approach. The approach in the Electronic Information and Transaction Law focuses on electronic aspects, while the Personal Data Protection Law can cover both electronic and non-electronic actions.(25)

One such case is the doxing of Denny Siregar, a political influencer. In 2020, the *Twitter* account *@opposite6891* spread the victim's personal data including full name, address, identity number, family card number, and IMEI. The perpetrator claimed to have access to the victim's data because he had worked at Telkomsel Surabaya GraPari. The perpetrator also said that he felt disturbed by Denny's upload on Twitter. Then, the perpetrator was charged with Article 30 paragraph (2) jo. Article 46 paragraph (2), the perpetrator was sentenced to 8 months imprisonment and a fine of IDR 2,000,000.(26)

Based on the explanation above, the act of doxing or spreading personal data on the internet without permission violates various provisions regarding individual privacy rights which are clearly regulated in the 1945 Constitution Article 28G Paragraph (1), the Personal Data Protection Law Article 16 paragraph (1), and the Electronic Information and Transaction Law Article 26 paragraph (1). This act of doxing is often done to silence someone from expressing their opinion, as in the case of several journalists who were doxed after trying to criticize government policies. The fear and vigilance experienced by victims of doxing has the potential to inhibit a person's participation in public discussions, thereby threatening freedom of speech. The Personal Data Protection Law and the Electronic Information and Transaction Law are expected to provide a legal framework for victims of doxing. Individuals who have been subjected to doxing are encouraged to present their experiences, accompanied by substantiating screenshots, to facilitate a comprehensive understanding of the issue.

CONCLUSION AND SUGGESTION

Conclusion

1. The phenomenon of doxing, which is the disclosure of personal data without consent on the internet, has violated various principles of privacy rights, democracy and personal data

security as found in Article 28 (E) regarding freedom of expression and Article 28 (G) regarding privacy protection. Doxing will greatly impact the psychological condition of the victim which can cause stress, anxiety, restlessness, and even depression. The fear created can inhibit a person from expressing their opinions and reduce participation in public discussions so that the act of doxing can be said to be a threat to freedom of speech on the internet.

2. Legal protection for doxing victims in the Personal Data Protection Law stipulates that doxing perpetrators can be sentenced to imprisonment of 4 to 5 years or a fine of 4 to 5 billion rupiah in accordance with Article 67 paragraphs (1) and (2). Meanwhile, in the Electronic Information and Transaction Law, doxing perpetrators can be charged with Article 30 paragraph (1) jo. Article 46 paragraph (1) of the Electronic Information and Transaction Law with a sentence of up to 6 years in prison or a fine of up to 600 million rupiah. Article 30 paragraph (2) jo. Article 46 paragraph (2) with a sentence of up to 7 years in prison or a fine of up to 700 million rupiah. Article 27 paragraph (1) jo. Article 45 paragraph (1) provides for a maximum sentence of 6 years in prison and/or a maximum fine of 1 billion rupiah.

Suggestion

1. Doxing occurs due to a lack of ethical awareness in expressing opinions on the internet. The misconception that freedom is free from any consequences. Effective measures are needed to maintain a balance in opinion and privacy protection such as instilling ethics in the internet and upholding democracy to be able to have an opinion. Public awareness also needs to be raised to be more careful in sharing their information on the internet. By doing so, it is hoped that freedom of speech can be protected without violating individual privacy rights.
2. Doxing cases still occur in Indonesia despite regulations. This shows that regulations alone are not enough to stop doxing. We need to strengthen regulations, improve legal efforts, and raise public awareness about personal data protection and limits to expression. This can help reduce doxing by increasing people's knowledge of the risks of doxing and steps to protect oneself.

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