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The Right to be Forgotten as Protection for Children Victims of Non-Consensual Pornography Crime

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Abstract

Revenge porn refers to the distribution of sexually explicit images without the consent of the pictured individual, in most cases, this happens when someone decides to end the relationship with their partner, the partner who refused their decision then threatens to spread their sexually explicit images on the internet. So far, the existing legal system only accommodates aspects of criminal prosecution for non-consensual pornography offenders. However, if we conduct further observation, the protection that is most needed by the victims is how to reduce the negative impact of this which can harm their future. The right to forget is a right that gives a person the right to delete their data from search engines and other directories under certain circumstances. In a general context, this right is still problematic to adopt because it can threaten the rights for freedom of speech. However, in the context above, this right may be important to be applied for the protection of someone against mistakes made under the age of age. Convention on the Rights of the Child articles 16 & 40 (2) (b) (vii) as explained by the children's rights committee in General comment no. 10 (2007) on Children's rights in juvenile justice in the "Full respect of privacy" section guarantees the rights of child perpetrators of criminal offenses to be kept secret, even in the Beijing rules article 21.1 & 21.2 regulate to avoid stigmatization and/or prejudice or to increase penalties then the record of child offenders is not may be used in subsequent cases when the child is an adult.

Keywords: child porn; human rights; nonconsensual pornography; porn revenge; right to be forgotten

Abstrak

Revenge porn mengacu pada distribusi gambar seksual eksplisit tanpa persetujuan dari individu yang digambarkan, dalam banyak kasus, ini terjadi ketika seseorang memutuskan untuk mengakhiri hubungan dengan pasangannya, pasangan yang menolak keputusan mereka kemudian mengancam untuk menyebarkan gambar seksual eksplisit mereka di internet. Selama ini sistem hukum yang ada hanya mengakomodir aspek penuntutan pidana bagi pelaku pornografi non-konsensual. Namun jika dicermati lebih lanjut, perlindungan yang paling dibutuhkan oleh para korban adalah bagaimana mengurangi dampak negatifnya yang dapat merugikan masa depan mereka. Hak untuk melupakan adalah hak yang memberikan seseorang hak untuk menghapus datanya dari mesin pencari dan direktori lain dalam keadaan tertentu. Dalam konteks umum, hak ini masih bermasalah untuk diadopsi karena dapat mengancam hak atas kebebasan berpendapat. Namun dalam konteks di atas, hak ini mungkin penting diterapkan untuk melindungi seseorang dari kesalahan yang dilakukan di bawah umur. Konvensi Hak Anak pasal 16 & 40 (2) (b) (vii) sebagaimana dijelaskan oleh komite hak anak dalam Komentar Umum no. 10 (2007) tentang hak-hak anak dalam peradilan anak pada bagian "Full respect of privacy" menjamin hak-hak anak pelaku tindak pidana untuk dirahasiakan, bahkan dalam aturan Beijing pasal 21.1 & 21.2 mengatur untuk menghindari stigmatisasi dan/atau prasangka atau untuk menambah hukuman maka catatan pelanggaran anak tidak dapat digunakan dalam kasus-kasus selanjutnya ketika anak tersebut telah dewasa.

Kata kunci: pornografi anak; hak asasi Manusia; pornografi nonkonsensual; balas dendam porno; hak untuk dilupakan

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Introduction

Z has been dating Andre since circa 2017 until finally, she decided to end their relationship on circa October 2018. Z's decision to end their relationship was not taken for granted by Andre, he still tries to ask Z to get back together. Z never responds to Andre's request and decides to move to his mother's place outside the city. Andre, who felt hurt then spread Z's explicit photos via social media. He not only tried to humiliate Z to her family and closest people but also tried to destroy her career as a national flag hoisting troop (Klaten District Court Decision Number: 67/Pid.Sus/2019/PN.Kln).

Z's case is just one of many cases that have occurred. According to National Commission On Violence Against Women's annual records (Catahu Komisi Nasional Perempuan), in 2017 there were 19 cases of malicious distribution (using technology to manipulate and distribute defamatory and illegal materials related to the victim, including threatening to or leaking intimate photos/video), 2018 there were 41 cases of revenge porn (special forms of malicious distribution which were carried out using pornographic contents of the victim based on revenge), 2019 there were 91 cases of threats of spreading photos with pornographic content (Komnas Perempuan, 2018; 2019 and 2020). These data give us an illustration of how the digital age changes traditional crime to cyber-facilitated crime. Non-consensual pornography/revenge porn is a shape of cyber-facilitated crime (Henry & Powel, 2016).

Revenge porn refers to the distribution of sexually explicit images without the consent of the pictured individual (Citron and Franks, 2014). In most cases (but not limited to), this happens when someone decides to end the relationship with their partner, the partner who refuses their decision then threatens to spread their sexually explicit images on the internet (Henry & Powel, 2016). This terminology is considered inaccurate because of its limitations in describing an event, the use of this terminology can obscure us from the fact that the distribution of sexually explicit images on the internet is not always based on the motive for revenge in some cases the motive of the perpetrator can be based on economic, career, political, other reasons or a combination of several reasons to embarrass the victim (Henry & Powel, 2016). Because of these limitations, we use the terminology of non-consensual pornography which refers to acts of distribution of sexually explicit images without the consent of the pictured individually (Citron and Franks, 2014). We consider that this terminology can facilitate a wider spectrum because it makes the consent of distributing explicit images to third parties as a determinant in describing an event.

As the human rights discourse grows, children's rights also continue to develop, both in theory and application (Smith et.al., 2008). Entering the digital age, human life is become increasingly complex and inevitably creates new complex problems too, this urges the protection of humans from various bad possibilities that were almost impossible before. This research matters to know if the form transformation of violence to cyber-facilitated crime may eventually lead to an interpretation of rights to be forgotten to protect children who have their own vulnerabilities.

The remainder of this paper is divided into six sections. Section 2 describes the problems. Section 3 introduces methodology used throughout this research. Sections 4 to 5 discuss the results to explore the significance of the research and presents our main conclusion. Section 6 then acknowledges to thank all those who have helped in carrying out the research/conceptual ideas. Finally, Section 7 presents all the references used in this research.

Research Problems

First, how is the protection of someone who being victims of non-consensual pornography that they did when underage? Second, is the right to be forgotten can be applied to protect the child victims of non-consensual pornography (revenge porn)? how do the human rights law, both international and national see this phenomenon?

Research Method

In this research, the authors use a variety of approaches to try to cover thoroughly the aspects of the problems raised in this research. This is based on the problem of implementing the right to be forgotten as protection for child victims of non-consensual pornography, various aspects emerge and influence the problem. These aspects cannot just be ignored. Instead, they should be taken into consideration in the process of finding answers. The complexity and diversity of problems are one of the characteristics of human rights studies so that in trying to present a comprehensive analysis a variety of methods and approaches are required. At the very least, this research will use the following approaches:

1. The human rights approach. It is a conceptual framework for the process of human development that is normatively based on international human rights standards (Broberg & Sano, 2017). This approach is important to understand how the conceptual framework of peoples as rights holders and state obligations as a duty bearer to protect, respect, and fulfill human rights in international human rights law. This approach will refer to 3 main international human rights documents (bill of rights): UDHR, ICCPR & ICESCR.
2. The child rights approach. This approach is important to find out the special characteristics in the issue of children's rights by referring to international conventions on children's rights. International child rights conventions include main principles, namely: non-discrimination, The Best Interests of the Child, (Life, Survival, and Development), and Participation.
3. The restorative justice approach. A restorative approach is critical in dealing with bad behavior within the unit to prevent these young people from compounding their difficulties. The focus should be on the four Rs of Restorative Justice: repair, restore, reconcile, and reintegrate the wrongdoers and victims to community.[13]

Discussion

International Protection for Child Victim of Nonconsensual Pornography

Human rights are universal, owned by a person regardless of skin color, physical condition, gender, language, culture, or nationality. Modern human rights law has main principles, namely:

1. Equality and non-discrimination. This principle regulates that every human being has equal dignity by not discriminating based on factors such as race, skin color, gender, physical/mental condition, religion, language, politics or nationality so that every human being must be respected.
2. Universality and inalienability. This principle regulates that human rights are shared by all human beings in any part of the world and cannot be taken away or released from someone unless they are based on a court decision.
3. Indivisibility. This principle regulates that human rights, both in the fields of civil, political, and economic, socio-culture are an inseparable unity. Waiver of one right will result in the neglect of other rights.
4. Interrelated and interdependence. This principle regulates that the fulfillment of human rights has a relationship of interdependence and interrelation with one another. The fulfillment of one right will depend and be related to the fulfillment of other rights so that the fulfillment of human rights must be carried out comprehensively and simultaneously (Sohn, 1982-1983).

In its implementation, everyone is seen as the rights holder while the state is the duty bearer. The implementation of human rights imposes three main obligations on the state, namely: to respect, to protect, to fulfill. The obligation to respect means that the state or other duty-bearers must refrain from interfering or limiting the exercising of human rights. Thus, to respect human rights, the state's position is passive. Meanwhile, the obligation to protect requires the state to actively prevent individuals and groups from violating human rights (UN Human Rights Committee, 2004).

On the other side, the obligation to fulfill means that the state must take active and positive actions to facilitate the enjoyment of the same human rights for everyone. International human rights base its regulation on UDHR as well as ICCPR & ICESCR (international bill of human rights) (Smith et.al., 2008). Concerning children's rights, Article 25 paragraph (2) UDHR, Article 24 (1) ICCPR, and article 10 of the ICESCR at least state that all children without exception for any reason are entitled to the same social protection, this is based on the condition of children who are inherently vulnerable and dependent on others for their survival for physiological reasons

Furthermore, the international bill of human rights is still too general and considered to have deficiencies in content concerning children's rights:

1. The content related to children's rights in article 10 paragraph 2 (b), article 10 paragraph 2, and article 24 of the ICCPR and Article 10 of the ICESCR is limited to care and protection.

2. The child is not automatically considered as the right holder of the rights contained in the two covenants (e.g., every citizen has the right to vote, art. 25 ICCPR).

These matters have implications for the incomplete aspects of children's rights guaranteed by international human rights law. Not being considered a child as a rights holder also causes children to not be able to enjoy their right to express their views and children are not involved in giving views on things that affect them (Kilkelly & Liefwaard, 2019).

International Children's Day 1979 is considered as a advantageous opportunity to transform the Declaration on the Rights of the Child 1959 into an instrument that are legally binding under international law (Bueren, 1998). Meanwhile, this development goes beyond the initial idea and produces a very comprehensive covenant containing the dimensions of children's rights starting from the substance of civil/political, economic, social, cultural, and humanitarian rights in one instrument as well as regulating children's rights to participate in decision-making related to their lives. Furthermore, at 30th anniversary of the declaration on November 20th 1989, the United Nations General Assembly adopted an international convention on children's rights. Until today, this convention is the most widely adopted convention of all time.

The international children's rights covenant has the following main principles:

1. Non-discrimination. This means that without any distinction, every child is entitled for all rights that are recognized and contained in the convention. As article 2 of the Convention on the Rights of the Child state:
 - 1) States Parties shall respect and ensure the rights set forth in the present Convention to each child within their jurisdiction without discrimination of any kind, irrespective of the child's or his or her parent's or legal guardian's race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status.
 - 2) States Parties shall take all appropriate measures to ensure that the child is protected against all forms of discrimination or punishment on the basis of the status, activities, expressed opinions, or beliefs of the child's parents, legal guardians, or family members.
2. The best interest of the child. This means that in all actions concerning children carried out by government social welfare agencies or the legislature, then the best interests of the child must be the main consideration (Article 3 paragraph 1).
3. Life, survival and development. This means that the participating countries recognize that every child has an inherent right to life (Article 6 paragraph 1). It was also stated that participating countries would guarantee to the maximum extent the survival and development of children (Article 6 paragraph 2).
4. Respect for the views of the child. This means that children's opinions, especially when it comes to matters affecting their life, need to be considered in every decision making. This principle is stipulated in Article 12 paragraph 1 of the Convention on the Rights of the Child: States Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the

views of the child being given due weight in accordance with the age and maturity of the child.

Totally 196 countries (United Nation, 1969) has committed to be bound to the Convention on International Children's Rights either through ratification, acceptance, accession, or succession as stipulated in the Vienna Convention on the Law of Treaties 1969, by bind themselves to the CRC then states parties are also bound by the provision were contained in the convention (UN Committee on the Rights of the Child, 2011a). One of the things children are guaranteed by the CRC is to free from all forms of violence as stated in article 19:

1. States Parties shall take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent (s), legal guardian (s) or any other person who has the care of the child.
2. Such protective measures should, as appropriate, include effective procedures for the establishment of social programs to provide necessary support for the child and for those who have the care of the child, as well as for other forms of prevention and for identification, reporting, referral, investigation, treatment and follow-up of instances of child maltreatment described heretofore, and, as appropriate, for judicial involvement.

This provision imposes an obligation on the State party to prohibit, prevent and respond to all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation of children, including sexual abuse and to take all legislative, judicial, administrative social and educational measures required (UN Committee on the Rights of the Child, 2011). The forms of violence are not regulated limitatively but rather openly for all forms by the principle of "no exceptions" so that all require the state to guarantee the child to be free from all forms of violence (Citron and Franks, 2014).

Referring to the definition of non-consensual pornography/revenge porn as distribution of sexually explicit images without the consent of the pictured (UN Committee on the Rights of the Child, 2011a), this act is a form of sexual violence according to the international convention on children's rights. Regarding sexual abuse and exploitation, article 34 conventions have set that case this included:

- (a) The inducement or coercion of a child to engage in any unlawful (or psychologically harmful) sexual activity;
- (b) The exploitative use of children in prostitution or other unlawful sexual practices (The use of children in commercial Sexual Exploitation, child prostitution, sexual slavery, sexual exploitation in travel and tourism, trafficking, sale of children for sexual purposes and forced marriage);
- (c) The exploitative use of children in pornographic performances and materials. (The use of children in audio or visual images of child sexual abuse).

Also, the Committee explained that violence against children often uses communication and information technologies as the medium (Violence through

information and communications technologies) (UN Committee on the Rights of the Child, 2011a; 2011b). Some of the areas where violence using technology as a medium is: sexual harassment to a child to produce pictures and sounds that are facilitated by the Internet and technology of communication and information, being "groomed" for involvement in sexual activities and/or providing personal information, as well as creating and uploading inappropriate sexual material (UN General Assembly, 2001).

Further, the CRC is also equipped with Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography who regulate more details about sexual abuse. The optional protocol defines Child pornography as "any representation, by whatever means, of a child engaged in real or simulated explicit sexual activities or any representation of the sexual parts of a child for primarily sexual purposes.". The optional protocol requires state parties to ensure that production, distribution, exportation, transmission, importation, intentional possession and advertising of child pornography acts and activities are fully covered under national criminal or penal law (UN General Assembly, 2001). This optional protocol also states that States should take all possible steps to ensure the provision of adequate assistance to victims of violations, including social reintegration, and their full physical and psychological recovery (Putman, 2003).

National Protection for Child of Nonconsensual Pornography

In the Indonesia legal system, the protection of the children victims of non-consensual pornography/vengeance porn can be found in article 58 Law No.40/1999 in conjunction with article 13 Law No.23/2002 which guarantees that every child has the right to legal protection from all forms of physical or mental violence, neglect, ill-treatment, and sexual abuse while in the care of parent (s), legal guardian (s) or any other person who has the care of the child and in article 65 Law No.40/1999 which guarantees that every child has the right to obtain protection from activities of exploitation and sexual abuse, kidnapping, trafficking and various forms of narcotics, psychotropic and other addictive substances.

Article 59 of Law No.23/2002 as amended by Law No.35/2014 also regulates the obligations and responsibilities of the government and other state institutions to provide special protection to children, these special forms of protection are carried out through the following efforts: prompt treatment (including physical, psychological and social treatment and/or rehabilitation, as well as prevention of diseases and other health problems; psychosocial assistance during recovery treatment; providing social assistance for children who come from poor families; and providing protection and assistance in every judicial process. Furthermore, article 66 regulates special protection for children who are exploited economically and/or sexually through: a. disseminating and/or socialization, b. monitoring, reporting and imposing sanction, c. involving various stakeholder

In the juvenile criminal justice system, article 19 of Law No.11/2012 regulates the obligation to keep the identity of children in conflict with the law a secret either in print

or electronic media. Also in article 89 Law No.11/2012 states “*child victims and/or child witnesses have the right to all protections and rights stipulated in statutory regulations.*”. the phrase “statutory regulation” refers to Law No. 13/2006.

Law No. 13/2006 states that they are entitled to:

- a. Receive protection for the safety ... and free from threats regarding the testimony he will, being, or has given
- b. Participate in the process of selecting and determining the form of security and protection support;
- c. Provide information without pressure
- d. get a translator
- e. get information about the case progress
- f. get information about the court judgment
- g. get information in case the convict is released
- h. anonymity
- i. get new identity
- j. get temporary residence
- k. get new residence
- l. obtain reimbursement of transportation costs as needed
- m. get legal advice
- n. get temporary living expenses assistance until the end of the protection period
- o. get accompaniment.

also, article 6 Law No. 13/2006 provides additional psychosocial dan psychological rehabilitation assistance rights for victims of sexual abuse.

Nonconsensual Pornography Impact on Child Victim

Non-consensual pornography as sexual abuse causes child victims to experience several adverse effects, such as behavioral problems (such as sexualized behaviors and attention deficit hyperactivity disorder) and psychiatric disorders (such as Post-traumatic Stress Disorder, Depression, Suicide, Substance Abuse) (Friedrich et.al., 2001; Mullers & Dowling, 2013; Saunders et.al., 1992; Citron, 2014; Filipas & Ullman, 2006). Several other things are also associated with the experience of sexual abuse of children, such as a higher rate of becoming victims as adults (revictimization) and a higher probability of abusing their children (parenting behavior problems) (Zurayin et.al., 1996; and Wells et.al., 2004). As part of the cyber-facilitated crime, Non-consensual pornography has an impact on specific characteristics compared to conventional sexual abuse. For law enforcement, perpetrators can hide behind anonymous identities and commit crimes massively by using multiple social media accounts at once, this can make it difficult for law enforcement officials and victims to identify the identity of the perpetrator (Friedrich et.al., 2001). Besides, perpetrators can trigger the emergence of other actors who participate in the widespread distribution of the victim's explicit content (Mullers & Dowling, 2013). This makes a single crime being multiple crimes. Not only are the cyber-facilitated criminals

recurring, but they also trigger other forms of crime. Victims who initially only experienced one form of crime, as the spread of this explicit content made victims experience other forms of crime. In many cases, it is not uncommon for the spread of this explicit content to end up experiencing bullying, public shaming, being expelled from the educational institution where he studied and losing his job (Saunders et.al., 1992; Citron, 2014; Filipas & Ullman, 2006; Zurayin et.al., 1996; and Wells et.al., 2004). These bad effects did not last for a short period, some victims experienced further adverse effects years after the main crime occurred. This means victimization of victims will continue to occur as long as the explicit content of the victim continues to spread (Citron & Franks, 2014).

Applying Rights to be Forgotten for Protect Child Victims of Nonconsensual Pornography

The condition experienced by the victim illustrates the fact that the victim needs a mechanism to eliminate/stop the spread of this explicit content on the internet. The authors argue that the right to be forgotten can provide this to victims. In the general scope of human rights, the right to be forgotten is still problematic. Various groups consider that the application of the right to be forgotten has the potential to violate the right to freedom of expression (Rosen, 2012). This fear is caused by the broad definition of the right to be forgotten (Reding, 2012). As explained by Viviane Reding, Vice President of Euro Commission, the right to be forgotten is “if an individual no longer wants his personal data to be processed or stored by a data controller, and if there is no legitimate reason for keeping it, the data should be removed from their system” (European Parliament and Council of European Union, 2016).

Regarding the definition of personal data, GDPR is defined as “... any information relating to an identified or identifiable natural person (data subject)” (Shoor, 2014). Peter Fleischer, chief privacy counsel of Google, breaks it down into three typologies (Weber & Heinrich, 2012):

1. Data about himself posted by that person
2. Data about himself posted by that person is then copied and re-posted by someone else
3. Data about himself posted by others

The way out to be able to enforce the right to be forgotten and to prevent violations of the right to freedom of expression is to narrow the definition. In the context of protecting victims of revenge porn, the victims' needs can become the basis for the application of the right to be forgotten. By implementing the right to be forgotten, victims of revenge porn can eliminate/stop the spread of the victim's explicit content on the internet. The loss/cessation of the distribution of the victim's explicit content will prevent people from identifying the victim based on the information contained in the explicit content. This of course will minimize the bad things experienced by the victim. The sooner the victim can use the right to be forgotten when the revenge porn case occurs, the potential for the incident to affect other sectors of his personal life, for example, the victim's education or the victim's work will be minimized. This also prevents the victim

from experiencing discriminatory treatment by the company when he applies for a job in the future.

The right to be forgotten is the development of the personal data protection concept. The development of the concept of personal data protection is then identified as part of the protection of the right to privacy (UN Human Rights Committee, 1988). The rights referred to are human rights guaranteed in article 12 of the UDHR: No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honour and reputation. Everyone has the right to the protection of the law against such interference or attacks.

This right is then reaffirmed in article 17 of the ICCPR as explained in the General Comment:[58] The committee further explained that

In the view of the Committee this right is required to be guaranteed against all such interferences and attacks whether they emanate from State authorities or from natural or legal persons and The obligations imposed by this article require the State to adopt legislative and other measures to give effect to the prohibition against such interferences and attacks as well as to the protection of this right.

In Indonesia, the application of the right to be forgotten can refer to Article 29 paragraph (1) and Article 32 of Law No. 39 of 1999 which regulates personal rights.:

- a. Protection of a person's personal self, family, personal property and reputation;
- b. independence and confidentiality in personal communication

Besides, the sectoral law on electronic information and transactions, Law No.19 / 2016 also gives a person the right to request any electronic system operator to delete electronic information related to him/herself as regulated in article 26 (3), (4) & (5):

- (3) Every Electronic System Operator is obliged to delete irrelevant Electronic Information and/or Electronic Documents which are under its control at the request of the person concerned based on a court order.
- (4) Every Electronic System Operator is obliged to provide a mechanism for deleting Electronic Information and/or Electronic Documents that are no longer relevant in accordance with the provisions of laws and regulations.
- (5) Provisions regarding the procedure for deleting Electronic Information and / or Electronic Documents as intended in paragraphs (3) and (4) are regulated in government regulations.

The phrase "government regulations" as stipulates in section (5) are refers to Government Regulation no. 71/2019 concerning the Operation of Electronic Systems and Transactions. The government regulation regulates that:

- (1) Every Electronic System Operator is obliged to delete irrelevant Electronic Information and/or Electronic Documents which are under its control at the request of the relevant person.
- (2) The obligation to delete irrelevant Electronic Information and/or Electronic Documents as referred to in paragraph (1) consists of: a. erasure (right to erasure); and b. exclusion from search engine listings (right to delisting).
- (3) Electronic System Operator that is obliged to delete Electronic Information and/or Electronic Documents as intended in paragraph (1) is an Electronic

- System Operator that obtains and/or processes Personal Data under its control. (Art. 15) and;
- Electronic Information and / or Electronic Documents irrelevant that the deletion was carried out (right to erasure) as referred to in Article 15 paragraph (2) letter a consists of Personal Data that:
- b. the consent of the owner of the Personal Data has been withdrawn;
 - f. displayed by the Electronic System Operator which results in loss to the owner of the Personal Data. (Art. 16)

Conclusion

Non-consensual pornography can also make it difficult for law enforcement officers to identify the perpetrator, thus hindering the criminal legal process. Non-consensual pornography causes child victims to experience several adverse effects (such as behavioral problems and psychiatric disorders), higher rate of becoming victims as adults (revictimization) and a higher probability of abusing their children (parenting behavior problems). These bad effects did not last for a short period, some victims experienced further adverse effects years after the main crime occurred. This means victimization of victims will continue to occur as long as the explicit content of the victim continues to spread. Handling of child victims of nonconsensual pornography must be done with a victim-centered paradigm or what in the Convention on the Rights of the Child and Law No.23 / 2002 is called “the best interest of children”, whereas so far the criminal law system tends to be perpetrator centered.

Based on this description, the authors argue that: first, the right to be forgotten (especially in the Indonesian context) can be applied as a form of protection for child victims of nonconsensual pornography. Next, the author argues that the application of the right to be forgotten in international human rights law is still a gray area because it is based solely on the right to privacy, whereas in Indonesia national law the application of this right can be based on Article 26 Law No.19/2016. The problematic position of the right to be forgotten that has occurred so far is due to its overly broad formulation, thus finding justification by limiting the application of this right in the context of protecting the interests of child victims of nonconsensual pornography.)

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