



2025

Cross-  
Dimensional

Autonomy  
and Agency

# feminist privacy

Cross-Dimensional

Autonomy and Agency

RESEARCHERS

Alia Yofira Karunian  
Blandina Lintang Setianti  
Yumna Fae

EDITOR

Purnama Ayu Rizky

ART DIRECTOR & DESIGNER

Ellena Ekarahendy

ILLUSTRATOR

Efi Sri Handayani

TRANSLATOR

Fahmia Badib

PUBLISHED BY

PurpleCode Collective, 2025

ATTRIBUTION-NONCOMMERCIAL-NODERIVATIVES CC BY-NC-ND



# Table of Content

Introduction by  
the Research Team 04

Editor's Introduction 06

Glossary 08

CHAPTER 01

Introduction  
10

11 Background

13 Research Objectives

13 Research Question

13 Research Methods

13 Conceptual Framework

16 Research Design

17 Data Collection Methods

18 Research Location

18 Research Partners

20 Data Analysis

CHAPTER 02

Perceptions  
and  
Meanings  
of Privacy  
21

24 Multiple Definitions of Privacy

29 Privacy as Freedom, Control and Agency

30 Privacy as a Limitation on Self-Intervention

32 Privacy: Security and Freedom  
of Expression

33 Breaking the Privacy Taboo

# Table of Content

## CHAPTER 03

### The Complexity of Privacy Violations on Agency, Security, and Freedom of Expression

35

- 36 Privacy Violations Stem from Power Inequalities and Domination
- 38 Interconnection of Violations: Examining the Relationship between Different Types of Privacy through Experience
- 39 Privacy Violation as a Collective Structural Problem
- 41 Bodily Privacy
- 44 Privacy in Decision-Making
- 45 Associational Privacy
- 46 Spatial Privacy
- 48 Data Privacy

## CHAPTER 04

### The Impact of Privacy Violations on Agency, Security, and Freedom of Expression

51

- 52 Agency
- 54 Security
- 56 Freedom of Expression

## CHAPTER 05

### Respect and Recognition of Privacy

59

- 60 Privacy and Consent
- 61 Law & Policy: A Double-Edged Sword for Privacy
- 63 Finally, Will Our Personal Data Be Protected?
- 64 Privacy as Collective Work to Respect Boundaries

## CHAPTER 06

### Conclusion

66

### Bibliography

72

# Introduction

## by the --- Research Team

On my social media homepage, I found a celebrity who made a video and said, "Does this really need to be asked? This is my privacy." The comment came when her followers asked her about her marital status, sexual orientation, and her partner's wealth if she died. She refused to answer and emphasised that these matters are private.

Conversely, in casual day-to-day conversations, a friend wonders why people worry about the government tapping or recording their conversations. "I haven't done anything wrong or broken the law, so why should I be afraid?" she says. In fact, when conducting advocacy and public campaigns on privacy and personal data issues, I have heard the opinion that "Privacy is a Western concept imposed on Indonesia."

This variety of understandings and experiences about privacy in Indonesian society is what prompted PurpleCode to dig deeper. Is it true that privacy is a foreign concept that is incompatible with local values? Is it true that privacy is irrelevant to ordinary people?

In the pocket book "CTRL + F + PRIVACY Privacy in Endless Space: Interpreting Privacy Through Feminist Eyes" (PurpleCode, 2022), a long history of social inequality is shown. As a result, women and gender minorities are increasingly vulnerable and find it difficult to fight for agency over their bodies and private spaces. This book explores how women's bodies are often the object of social norms, and how their experiences - often marginalised - can give deeper meaning to the concept of privacy.

Based on the belief that every woman's experience is valuable knowledge, this research involved 13 women partners with diverse identity backgrounds. The results show that privacy cannot be interpreted singularly. It is closely related to life experiences, the structure of power relations, and the social context that surrounds it. Furthermore, their contributions show that privacy is not just about the digital data collected by technology, but about broader things: freedom, security, and dignity of human life.

This research showcases a variety of real-life experiences. One of them is how information about women's reproductive health and gender minorities is perceived as taboo, a form of privacy violation that nullifies their agency. From indigenous communities, a narrative of Collective Privacy emerges - a concept born from local wisdom and customs that are safeguarded together. Transgender women recounted their struggle to maintain privacy as a political act to seize a more inclusive public space. Meanwhile, discrimination against women of faith shows how privacy violations have a direct impact on their community's sense of security in everyday life.

PurpleCode believes that privacy is not just about keeping secrets or things that are individual. Through the experiences of oppression of women and vulnerable groups, privacy becomes a space for struggle for freedom of expression - politically, socially and spiritually. Privacy cannot only be interpreted from a formal legal perspective, because violations of privacy often stem from oppressive structures, including the state and society at large, which perpetuate inequality.

Therefore, the struggle for privacy is not an individual effort, but a collective effort that must be fought together. Hopefully, this research can open up a broader understanding of the meaning of privacy through a feminist perspective - which is relevant to the right to choose, act and feel safe in everyday life. Hopefully, this contribution can enrich the discourse and studies on privacy in Indonesia.

**Research Team**  
**PurpleCode Collective**

**REFERENCE:**

PurpleCode Collective, (2022). CTRL + F + PRIVACY Privacy in Endless Space: Interpreting Privacy Through Feminist Eyes. PurpleCode Collective

On 20 February 2025, Sukatani, a punk wave group from Purbalingga, Central Java, was forced to make a clarification video regarding their song, "Bayar, Bayar, Bayar", which contains criticism of the police. In the clarification video on their Instagram account @sukatani.band, they appear for the first time without masks, which are usually used to remain anonymous. The two apologised to the police, while asking the public not to spread the song "Bayar, Bayar, Bayar"-an appeal that of course went unheeded. On the contrary, as the song became more restricted, it became the *anthem* of the protesters who held #IndonesiaGelap protests in various cities in Indonesia.

What happened to the Sukatani band shows how privacy and freedom of expression can be easily destroyed by pressure from the state. This story becomes very relevant when we talk about privacy issues in Indonesia. Especially the privacy of women and vulnerable groups - Sukatani's vocalists are women. Especially as a woman journalist working for women's media, I feel how important it is to maintain privacy in an increasingly digitally connected world. Every day, we are faced with the challenge of maintaining a balance between freedom of speech and protection of privacy. I often have to think twice before posting something on social media or publishing an article on a media website. Especially when it comes to topics that criticise regimes with authoritarian tendencies.

This is what made me feel so honoured when I was asked to edit a research titled *Feminist Privacy: Cross-Dimensional Autonomy and Agency* by PurpleCode friends. This research makes us all realise that privacy is not just about hiding personal information, but also recognising the freedom to choose, control our own narratives, and feel safe to express our opinions. In a world filled with threats and restrictions, this research is invaluable. It offers a rare perspective on how privacy in Indonesia is still heavily influenced by power structures, which often exploit people's ignorance about their privacy rights.

In Indonesia itself, privacy violations are nothing new. With increasing control over freedom of speech and expression-especially in the digital age-women and marginalised groups are increasingly exposed to the risk of privacy violations that have the potential to disrupt personal lives. Privacy, which should be a basic right

of every individual, is often trivialised and even dismissed. This is especially true for women who dare to speak out about sensitive issues, including journalists like me, activists, academics, artists, and the like.

Especially for journalists, every day is a struggle when it comes to the issue of privacy violations. Reporters Without Borders (RSF) notes that more than 400 women journalists around the world are victims of hacking and privacy violations. In Indonesia, women journalists are often the target of intimidation, both directly and digitally, from threats of violence to account hacking. This also agrees with Khan's research entitled *Privacy and Gender in the Digital Age* (2021) which confirms how women are far more vulnerable to being victims of privacy violations due to the gender roles they play in society.

This is where PurpleCode's research comes in to further explain how privacy violations relate to women's freedom of expression and agency. In addition, the research reveals how complex the issue of privacy invasion is, which not only affects individuals, but also creates greater inequalities in society. For example, women and sexual minorities are often trapped in systems that restrict their right to expression or organisation. They face a greater risk of being victims of hacking, unauthorised surveillance or even threats of physical violence that exploit their personal data. The research also notes that many women don't know how to protect themselves digitally - and worse, they often lack adequate support in the face of privacy violations.

What makes this research even more relevant is that it delves deeper into the structural dimensions of privacy violations. When we talk about privacy, we are not just talking about an individual's right to safeguard personal information. But more than that, it is also the right to feel safe to speak, create, and express, without fear of repression by the state, companies, or even other individuals. This is the main strength of this research - showing that privacy is about more than just data, but about agency and freedom, which are the basic rights of every individual, especially women and vulnerable groups.

Hopefully, with this research, we will not only gain a deeper understanding of privacy violations in Indonesia, but also encourage the creation of policies and actions that are more inclusive and protective of every individual - especially women and marginalised groups.

#### REFERENCES

Khan, A. (2021). *Privacy and Gender in the Digital Age*. Routledge.  
Reporters Without Borders (RSF). (2023). The State of Press Freedom: Annual Report\*. Reporters Without Borders. Available at [<https://rsf.org/en>](<https://rsf.org/en>). Accessed on 2 March 2025.



# Glossary

TERMINOLOGY	DESCRIPTION
<b>Freedom of Expression</b>	The freedom of all of us to express ourselves. It includes the right to speak, be heard and participate in political, artistic and social life. It also includes the 'right to know': the right to seek, receive and share information through any medium.
<b>Agency</b>	The ability to be independent or the ability to act as one wishes (without any coercion or threats).
<b>Online Gender-Based Violence (OGBV)</b>	Violence that occurs on the basis of gender power relations between victims and perpetrators in the online realm or that uses digital technology as a medium, and this is not limited to those transmitted via the internet. KBGO is an extension of gender-based violence in physical spaces (on-the-ground) and often both violence occur simultaneously.
<b>Queer</b>	An umbrella term to describe a gender identity or sexual orientation that does not conform to heterosexual or cis-gender norms.
<b>Structural Violence</b>	Forms of regulations and policies in the legal, political, and social economic systems that are incompatible with human rights values and cause injustice to certain minority groups.
<b>Forum Internum</b>	The internal dimension of the individual, the mind, conscience related to belief and religion and religiosity.
<b>Forum Externum</b>	The external manifestation of one's beliefs, religious convictions or philosophical views. For example, expressions of worship.
<b>Gender Self-Determination</b>	The right of individuals to determine and express their own gender identity without coercion or external intervention.
<b>Self-Intervention</b>	Interference from other parties such as family, social institutions, government over the body and self-decision.
<b>Heteronormativity/ heteronormative</b>	Heterosexist (male-female romantic-sexual relationships) beliefs or views, mindsets, frameworks of action are imperative and recognised as most appropriate for human beings.
<b>Hegemony</b>	Domination or influence exercised by one group (usually the powerful) over another, not only through physical force, but also through ideological, cultural and social control.
<b>Online Loan (Pinjol)</b>	Pinjol is also known as Information Technology-Based Money Lending Services, and can be defined as the provision of financial services to bring together lenders and loan recipients in order to conduct lending and borrowing agreements in rupiah currency directly through an electronic system using the internet network.
<b>PLHIV</b>	PLHIV stands for people living with HIV (Human Immunodeficiency Virus).

<b>Big Brother</b>	Big Brother is a fictional character - the dictator of the totalitarian empire of Oceania in George Orwell's Nineteen Eighty-four (1949). The term Big Brother is used to denote government control and interference in individual lives.
<b>Surveillance Capitalism</b>	Surveillance Capitalism is a new economic order that claims human experience as free raw material for the hidden commercial practices of extraction, prediction and sale.
<b>Datafication</b>	Datafication is a process of transforming human life into data through a process of quantification, in order to generate various types of value from data.
<b>Visibility</b>	The visible presence and recognition of a group, individual, or idea in society, media, and public spaces.
<b>Function Creep</b>	Function Creep is the expansion of a system or technology beyond its original purpose.
<b>Voluntary Counselling and Testing (VCT)</b>	VCT is a test conducted to determine HIV status and is carried out voluntarily and through a counselling process first.



## CHAPTER 01

# Introduction



## A. Background

Women in Gaza, Palestine are forced to take contraceptive pills to stop their menstrual cycle.<sup>1</sup> The conditions of the refugee camps that lack health facilities and sanitation products, including the clean water crisis, are suspected to be the reason women pawn their reproductive health. In a genocidal situation, the pill itself simply about health but also symbolises a loss of control over the privacy of women's bodies.

A similar reality also befell Afghan women under the Taliban regime. Since November 2021, government authorities have required women to wear a *burqa* that covers the entire body including the face in public spaces, and must be accompanied by a *mahram* (male relative) when travelling. Meanwhile, in the digital space, women continue to experience fear of identity disclosure. This clearly limits women's freedom of movement and interaction.<sup>2</sup>

Violations of privacy, although in a different context, are also reflected in the policies implemented by US President Donald Trump since 2025. Among the policies is the obligation for transgender individuals to disclose gender identity in binary categories: male or woman only. This is especially true when transgender people apply to military organisations or fill out civil documents, such as passports and other official forms.<sup>3</sup>

In the digital world, violations of women's privacy are increasingly complex as online bullying and misuse of personal data increase. Indeed, one of the characteristics of the various forms of online gender-based violence<sup>4</sup> is the violation of privacy that nullifies the victim's agency. This is because the perpetrator feels has power

<sup>1</sup> Ruwaida Amer dan Linah Alsaafin, 'No Privacy, No Water: Gaza Women Use Period-Delaying Pills amid War', *Al Jazeera* (Oktober 2023) <<https://www.aljazeera.com/news/2023/10/31/no-privacy-no-water-gaza-women-use-period-delaying-pills-amid-war>> accessed on 6 February 2025.

<sup>2</sup> Patrick Jackson, 'Taliban to force Afghan women to wear face veil', *BBC* (Mei, 2022). <<https://www.bbc.com/news/world-asia-61361826>> accessed 1 March 2025.

<sup>3</sup> Jo Yurcaba dan Garrett Haake, 'Trump signs executive order barring transgender people from military service', *NBC News* (Januari 2025) <<https://www.nbcnews.com/out-politics-and-policy/trump-executive-order-transgender-military-dei-rc-na189470>> accessed 1 March 2025

<sup>4</sup> Various forms of online gender-based violence such as blackmail by threatening to publish sexual information, photos, or videos; dissemination of intimate photos without consent; doxing which is publishing private personal information, and stalking and others.

or control over the victim.<sup>5</sup> Meanwhile, in the context of policies in Indonesia and various other countries, to this day there are still indications of privacy violations in legal products. The policy is used to oppress individuals because of their orientation, sexual behaviour, gender expression, and sexuality.<sup>6</sup>

From the examples above, an important question arises: What exactly is privacy? Is privacy limited to space and territory? Is privacy limited to data or digital information? Or is privacy always intertwined with individual identity?

Until now, the issue of privacy itself is still being discussed, although there is no single agreed definition. This is because privacy is a social construct that varies depending on the identity and context of each individual. On the other hand, privacy is also recognised as a universal human right. It provides freedom and agency, including for women, gender minorities and other vulnerable groups. However, at the same time, privacy can also uncover a gap for patriarchal values and misogyny to grow.

Throughout history, women and gender minorities have faced major challenges in terms of control over their bodies and privacy. From the obligation to wear certain clothes or restrictions on reproductive rights, women's bodies are often the object of social and state control. In many cases, privacy is even used as a shield in dealing with domestic violence. This means that the discourse on privacy goes beyond defining personal rights; it asks, "Privacy (and freedom) for whom?"

In the digital realm, social media platforms such as X, Facebook and TikTok, which claim to maintain user privacy, in fact exploit personal data for the company's commercial interests. In Indonesia, although Law No. 24 of 2013 on Population Administration guarantees the protection of personal data, in practice it gives access to third parties without individual consent.<sup>7</sup> In other words, the state through this law has sponsored the removal of citizens' control over their civic identity.

So, if privacy is "freedom" as defined by the Big Indonesian Dictionary,<sup>8</sup> then this research aims to explore how feminism interprets it. This is in line with the intersectionality perspective, which encourages the removal of boundaries between public and private spaces. This perspective also criticises the social roles

<sup>5</sup> 'CTRL+ALT+DEL KBGO: Series #1 Getting to Know the Basics of KBGO' (PurpleCode Collective 2021) <<https://web.tresorit.com//6BdDo#OD-9z2OdXOKP32wZIW2M9g>>, p.12, accessed on 21 February 2024.

<sup>6</sup> '#OUTLAWED: "The Love That Dare Not Speak Its Name"' <[https://features.hrw.org/features/features/lgbt\\_laws](https://features.hrw.org/features/features/lgbt_laws)> diakses pada 6 Februari 2025.

<sup>7</sup> Christoforus Ristiano, "'Ministry of Home Affairs Asked to Review Population Data Cooperation'", Kompas.com. <https://nasional.kompas.com/read/2019/08/02/13161321/kemendagri-diminta-kaji-ulang-kerja-sama-data-kependudukan> (accessed on 6 February 2024)

<sup>8</sup> According to the Big Indonesian Dictionary, privacy is freedom; discretion.

shaped by gender identity, as well as how the meaning of "personal is political" can be understood more deeply to see the relationship between privacy, power, and agency. In addition, the research also focuses on how privacy relates to the struggle against discrimination, especially for women and minority groups in the context of their security.

## B. Research Objectives

- ✿ Exploring the perceptions and meanings of privacy from the experiences of women and minority groups in Indonesia
- ✿ To reveal the relationship between privacy and agency, security, and freedom of expression for women and minority groups in Indonesia
- ✿ Exploring perspectives on privacy violations based on the experiences of women and minority groups in Indonesia
- ✿ Mapping the ideal form of respect and appreciation of privacy for women and minority groups in Indonesia

## C. Research Question

- ✿ How do women and minority groups perceive or interpret privacy?
- ✿ What are the forms of violations of the concept of privacy experienced by women and minority groups?
- ✿ How do violations and respect for privacy affect agency, security and freedom of expression?
- ✿ What is the ideal form of respect and appreciation of privacy for research partners?

## D. Research Methods

### a. Conceptual Framework

In this research, we draw on several theories to elaborate on the definition of privacy, particularly within the framework of gender and feminist theory. We utilise the classification of forms of privacy and its relationship with individual freedoms proposed by a number of scholars. In particular, we also adopt the Feminist Internet Principles to understand privacy in the context of digital technology development.

## i. Types of Privacy and its Relationship with Individual Freedoms

Several scholars and experts have attempted to classify the varieties of privacy. Anita L. Allen in a publication entitled "Unpopular Privacy: What Must We Hide?" (2011) divides privacy into several categories, namely (i) physical/spatial privacy which refers to privacy in and around one's home; (ii) informational privacy is privacy that concerns information, data, or facts about a person, as well as their communications; (iii) decisional privacy is a guarantee of the right for individuals to make certain intimate choices about life, including choosing same-sex marriage or euthanasia; (iv) proprietary privacy is a type of privacy that is closely related to one's reputation. According to Allen, proprietary privacy is similar to the concept of "right to one's honour" commonly found in some constitutions.<sup>9</sup> In addition, she also classifies privacy as (v) associational privacy. For this type of privacy, Allen views that internal relationships with fellow group members will give birth to associational privacy.<sup>10</sup>

The most recent research on privacy classification was compiled by Bert-Jaap Koops, et al. (2017). In the study, they made a classification by considering the practice of privacy regulation in the constitutions of various countries, including the United States, the Netherlands, Israel, Germany, Canada, Poland, the Czech Republic, Russia and Slovenia. They concluded that privacy can currently be classified into nine types, of which the ninth type is information privacy whose position overlaps with eight other types of privacy.

The nine types of privacy are as follows:<sup>11</sup>

- ✿ *Bodily privacy (body privacy);*
- ✿ *Spatial privacy;*
- ✿ *Communicational privacy;*
- ✿ *Proprietary privacy (privacy of one's reputation/honour);*
- ✿ *Intellectual privacy (intellectual privacy/thought);*
- ✿ *Decisional privacy (privacy in making decisions);*
- ✿ *Associational privacy (privacy of association/group privacy);*

## ii. Feminist Internet Principles

This research also uses the Feminist Internet Principles (2015)<sup>12</sup> based on the view that women and queer people should be involved in technological development by bringing their diverse identities. The Feminist Internet Principles are empowerment

<sup>9</sup> Allen, Anita, *Unpopular Privacy: What Must We Hide?* (Oxford Scholarship Online 2011), p.4.

<sup>10</sup> Ibid

<sup>11</sup> Bert-Jaap Koops et al, 'A Typology of Privacy' (2017) 38 University of Pennsylvania Journal of International Law <<https://scholarship.law.upenn.edu/jil/vol38/iss2/4/>>, p.484, accessed on 12 September 2024.

<sup>12</sup> 'Feminist Principles of the Internet' <<https://feministinternet.net/>> accessed on 6 February 2025.



efforts that allow individuals to enjoy their rights through technology, while tackling patriarchal practices that are still dominant in technology development. The principles consist of five main clusters, each of which has several derivative principles as follows:



**ACCESS CLUSTER,**  
which covers internet access, information, and technology use.



**EXPRESSION CLUSTER,**  
which consists of the principles of strengthening feminist discourse, freedom of expression, and issues of pornography and 'harmful content'.



**MOVEMENTS CLUSTER,**  
which focuses on resistance, movement building, and internet governance.



**EMBODIMENT CLUSTER,**  
which includes the principles of consent, privacy and data, memory, and accountability.



**ECONOMY CLUSTER,**  
which includes alternative economic principles and free and open resources.

Privacy and data, as part of the agency cluster, play an important role in strengthening the agency and control of individuals, especially women. In the feminist view, privacy is a form of resistance to the surveillance that patriarchy uses to control women's bodies, speech and activism. In the principles of privacy and data, it is emphasised that the right to privacy includes full control over personal data, especially online. Surveillance, which is often used by individuals, the private sector, or the state to limit freedom, should be replaced by mechanisms that protect data subjects with transparency and accountability.

As part of this principle, consent is a key element in the internet ecosystem. It therefore requires ethics and consent in the design of technologies, policies, and terms of service to ensure women's agency. That agency is reflected in the ability to make informed decisions about aspects of their lives that are shared online. This research itself aims to investigate the relationship between the agency and expression clusters, particularly in the context of privacy and freedom of expression for women and minority groups in Indonesia.



## b. Research Design

In exploring the perspectives of privacy for women and minority groups, this research utilises several research methods, such as Qualitative-Feminist research, Human Rights, and Post-Phenomenonological research.

### i. Qualitative-Feminist Research

This is qualitative research with a feminist perspective, which highlights the lived experiences and perspectives of groups marginalised by the system, including women and gender minorities in Indonesia. In this case, the perspective that is often sidelined is given space, and offers a different understanding of human rights in the daily lives of women and gender minorities."<sup>13</sup>

This research draws on eight feminist principles proposed by Beckman (2014 in Westmarland & Bows, 2017), which provide an important foundation for developing feminist theory and methodology. These principles provide clear direction in research related to gender, violence and abuse. The eight principles include: first, being aware of power inequalities; second, broadening research questions; third, listening to women's voices and experiences; fourth, integrating approaches that recognise diversity and intersectionality; fifth, using multidisciplinary research methods; sixth, being reflective; seventh, building social relations in the research process; and eighth, utilising research results for wider interests.

### ii. Human Rights Research

This research also implements a human rights-based approach to further understand how laws and regulations impact the right to privacy of women and minority groups in Indonesia.<sup>14</sup> A human rights-based research approach means examining human rights issues by taking into account the surrounding circumstances - such as history, culture, religion, law, and politics that are appropriate to the issues shaping the research subject.<sup>15</sup> By combining a human rights-based approach and qualitative research methods, this research seeks to link the roles of the state as duty bearers and communities as rights holders.<sup>16</sup> Furthermore, by using a human rights-based approach, this research is expected to contribute to strengthening the capacity of the state and society to improve the realisation of human rights, especially the right to privacy in Indonesia.<sup>17</sup>

<sup>13</sup> Lee McConnell dan Rhona KM Smith (eds), *Research Methods in Human Rights* (Routledge 2018), p.71.

<sup>14</sup> Ibid, p.70.

<sup>15</sup> Ibid, p.12.

<sup>16</sup> Ibid, p.71.

<sup>17</sup> Ibid, p.9-11.

### iii. Post-phenomenological Research

This research uses an approach to analyse perceptions and how respondents capture the world or experience their relationship with the world, especially in experiencing fundamental privacy issues. Merleau-Ponty through "*Phenomenology of Perception*" emphasises the body not only as an object, but a bridge between humans and the outside world. In his phenomenological understanding, the body functions as the main tool to feel and perceive the environment around us. The body, for Merleau-Ponty, is the subject of perception that allows individuals to connect and understand the world, making it central in the human experience of reality.<sup>18</sup>

Post-phenomenology fundamentally rejects any absolute grounding in understanding human experience. In this approach, knowledge and experience are understood through more specific contexts, which must be explored in depth. Unlike traditional phenomenology which tends to be transcendental and seeks universal principles outside of humans, post-phenomenology no longer requires an "ideal" outside the individual to gain knowledge.

Don Ihde sees post-phenomenology as a method that explores variations in human experience, taking into account cultural, historical and linguistic contexts, and considering the role of technology that is now integral in shaping these experiences.<sup>19</sup>

## c. Data Collection Methods

This research uses two data collection methods, namely interviews and focus group discussions (FGDs).

### i. Interviews

The data for this study was obtained from semi-structured interviews. The research interview questions were prepared in advance, but the research team had the flexibility to further elaborate by asking further questions related to various topics.<sup>20</sup> A more flexible approach to the interview process is widely used in feminist research, to ensure that the voices of women and minority groups are more accurately reflected.

<sup>18</sup> Maurice Merleau-Ponty et al, *Phenomenology of Perception* (Routledge 2014).

<sup>19</sup> Don Ihde, *Postphenomenology: Essays in the Postmodern Context* (Northwestern University Press 1993), p.14.

<sup>20</sup> Lee McConnell and Rhona KM Smith (eds), *Research Methods in Human Rights* (Routledge 2018), p.74.

Prior to the interview process, the research team conducted a desk review to better understand the context of the research, and to help prepare the follow-up questions to be asked.<sup>21</sup> In addition, the research team also defined some terminology such as "Freedom of Expression" and "Agency" to make it easier for the research partners to answer the interview questions.

## ii. Focus Group Discussion (FGD)

After conducting interviews, this research continued by conducting focus group discussions (FGDs) to confirm the initial findings from the data from the interviews. The focus group discussion was conducted once, inviting all research partners involved in the interview stage. In general, focus group discussions facilitate conversations that can flow more freely.<sup>22</sup> The research team acted as a facilitator and ensured that any research partners who wanted to contribute to the discussion could do so, as well as monitoring the pace and structure or sequence of the discussion. Compared to when research partners are interviewed individually, different understandings can emerge when research partners listen to each other's opinions during the FGD.<sup>23</sup> It is hoped that this will provide space for research partners to express their opinions more fully.

## d. Research Location

This research was conducted in a hybrid manner (offline and online). Data collection methods, interviews, and focus group discussions were conducted offline in Jakarta, with some research partners who were not based in Jakarta attended online.

## e. Research Partners

In this study, instead of interviewees and research participants, we chose to use the term 'research partners'. This is based on the belief that they are the source of knowledge. We - as the research team - only facilitate and frame their stories. We determined who the co-researchers involved in this research were using the typical case sampling method<sup>24</sup>, by considering the following:

<sup>21</sup> Ibid, p.75.

<sup>22</sup> Ibid, p.76.

<sup>23</sup> Ibid, p.77.

<sup>24</sup> Ibid, p.80.

### i. The parties targeted to be research partners are:

1. At least 18 years old;
2. Individuals/groups who identify themselves as women and/or minority groups;
3. Women and minority groups who have experienced invasion of privacy, discrimination, and violence because of their gender identity;
4. Individuals/groups who have academic or non-academic knowledge related to privacy development.

### ii. Factors that should be considered for involvement as research partners:

1. Diversity of background (profession, age, geographical location, economic class, disability)
2. Diversity of digital literacy skills

### iii. Research Partners Profile

In this study, we engaged research partners from diverse identities belonging to minority groups. By minority groups, we mean women, people with disabilities, indigenous people, gender minorities such as transgender friends, minorities of faith, and other victims of violence.

NAME	IDENTITY OF RESEARCH PARTNER
<b>Brenda</b>	Woman, heterosexual, part of an organisation working on issues around gender, sexuality and human rights.
<b>Saktri</b>	Woman, heterosexual, working in a civil society organisation working on education, human rights, and advocacy for people with disabilities.
<b>Kanzha Vinaa</b>	Trans woman, activist
<b>Echa</b>	A transgender activist who fights for rights and equality as well as advocating for the accompaniment of cases of comrades with diverse gender and sexual identities.
<b>RA</b>	Woman, heterosexual, works in a civil society organisation working on issues of education, human rights, gender, disability, social inclusion.
<b>RS</b>	Woman, works in a civil society organisation working on women's issues, freedom of religion and belief, and human rights.
<b>Lucifah</b>	LBQ Woman, works at Cangkang Queer on issues of gender and sexuality diversity
<b>Laras</b>	Woman, asexual, works at a CBO (Community Based Organisation), which works on public health and human rights issues.
<b>Amanda Aulia Cindy</b>	Transgender, heterosexual, works at Indonesia AIDS Coalition as Advocacy and Human Rights Officer
<b>Ellena</b>	Heterosexual, working on HIV AIDS issues focusing on women and children

<b>Ay</b>	Woman, working on women's reproductive health rights issues
<b>DeeDee</b>	Woman, private employee and housewife with two children. Has been a victim of personal data abuse by online lenders, and aspires to eradicate pinjol in Indonesia.
<b>Umi Kusumawati</b>	Woman, heterosexual, part of the Pancer Pangawinan indigenous community who live to fulfil ancestral mandates, especially in rice farming.

## f. Data Analysis

In this research, we tried to use Feminist Standpoint Theory and Feminist Social Constructionism to look at the findings and data. Feminist Standpoint Theory that systematically foregrounds the perspectives of oppressed groups is most valuable, because of their access to deeper knowledge about society.<sup>25</sup> Feminist standpoint epistemology was originally used as a way of paying attention to women's experiences in particular, and in some circles was associated with a more essentialist understanding of gender.<sup>26</sup>

Furthermore, feminist social constructionism argues that science does not necessarily reflect or mirror reality, but rather creates reality, so researchers (and their locations and societies) are inherently part of the construction of knowledge. With this method, the aim of the research is not to seek a single truth/reality, but to honour diversity.<sup>27</sup>

In addition, we used the phenomenological data analysis method.<sup>28</sup> This method seeks to understand the lived experiences of research partners.<sup>29</sup> Technically, the data collected during the interview process will go through a thematic grouping process, based on the themes that emerged in the initial identification process.<sup>30</sup>

<sup>25</sup> Anderson, E. Feminist epistemology and philosophy of science. In Stanford Encyclopaedia of Philosophy Online. (2011). Accessed via <https://plato.stanford.edu/entries/feminism-epistemology/>

<sup>26</sup> Briggita Wigginton and Michelle N Lafrance. *Learning critical feminist research: A brief introduction to feminist epistemologies and methodologies*. Feminist and Psychology. Sage. 2019

<sup>27</sup> Burr, V. (1995). *An introduction to social constructionism*. London, UK: Routledge.

<sup>28</sup> Ibid, p.85.

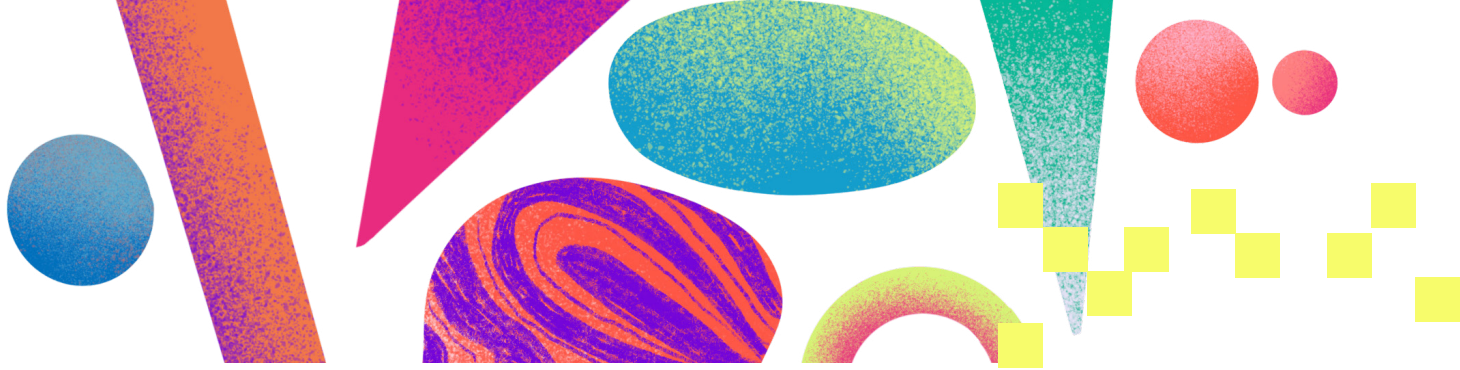
<sup>29</sup> Ibid, p.88.

<sup>30</sup> Ibid, p.87.



## CHAPTER 02

# Perceptions and Meanings of Privacy



Describing privacy is often difficult due to its abstract nature. Privacy is usually perceived as something that must be kept tightly guarded, related to personal matters of a confidential nature, and is often associated with disgrace, which has negative connotations. In general, privacy is synonymous with control and protection against external intrusion, reflecting ownership of personal aspects. However, in a modern world that is relatively dependent on technology and the internet, privacy has become a more valuable concept, to be guarded and protected. In the digital age, personal data is easily spread across the internet, making privacy a right that must be fought for. In this context, privacy is not only relevant in cyberspace, but also has a direct impact in real life, making it inseparable from offline life.

The first popular definition of privacy as a rights approach was provided by Warren and Brandeis. Both mentioned privacy as the "right to be left alone"<sup>31</sup> This concept stems from criticism of journalists who often take random photos without the consent of the person concerned. The characteristics of the concept developed by Warren and Brandeis are part of "negative rights", namely respect in the form of not intervening in the person's life.<sup>32</sup>

In the book *A Definition of Privacy* by Richard Parker, it is mentioned that Warren and Brandeis' definition of privacy is still too broad. Almost all cases of violation or loss of privacy may occur because we are not 'left alone', but that does not mean that all situations where one is not left alone are violations of privacy.<sup>33</sup>

The history of the birth of the concept of privacy is closely related to the protection of an individual's reputation, which requires a balanced relationship, although in practice it often involves privilege. On the other hand, in many cases, the majority group, which has power, finds it difficult to let minority groups determine their own fate. This is because they are trying to uphold the values or beliefs of the majority.

<sup>31</sup> Samuel D Warren and Louis D Brandeis, 'The Right to Privacy' (1890) 4 Harvard Law Review <<https://www.cs.cornell.edu/~sh-mat/courses/cs5436/warren-brandeis.pdf>> p.193.

<sup>32</sup> Sam Jacobs, 'Negative vs. Positive Rights: Understand the Differences' (Spread Great Ideas, 25 May 2024) <<https://spreadgreatideas.org/contrasts/negative-vs-positive-rights/>> accessed on 6 February 2025.

<sup>33</sup> Hao Wang, "Protecting Privacy in China A Research on China's Privacy Standards and the Possibility of Establishing the Right to Privacy and the Information Privacy Protection Legislation in Modern China", New York: Spring (2011) p.2.

Even though the realm of legal and human rights recognises the right to privacy as expressed in Article 17 of the International Covenant on Civil and Political Rights,<sup>34</sup> Privacy International said the document is not free from bias over whose rights were protected. The reason is that at that time, the oppression of gender minorities, especially women, was still prevalent, so it often it was not applicable to women.<sup>35</sup>

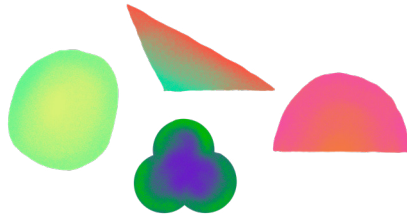
In this study, PurpleCode's research partners seek to explore the experiences of women research partners from diverse backgrounds classified as vulnerable groups, such as indigenous peoples, disabilities and gender minorities to reflect on the meaning of privacy. Experience is viewed as a human way of accessing the world, not only as a series of information that we receive, but also as an active way for humans to access and form an understanding of the world.<sup>36</sup> At the very least, we highlight some important points for interpreting privacy for women with gender minority and other minority identities:

<sup>34</sup> In terms of the guarantee of the right to privacy, Article 17 of the ICCPR expressly states as follows: (1) No one shall be subjected to arbitrary or unlawful interference with his privacy, family, home or correspondence, or to unlawful attacks on his honour and reputation (2) Everyone shall have the right to the protection of the law against such interference or attacks.

<sup>35</sup> 'From Oppression to Liberation: Reclaiming the Right to Privacy' (Privacy International 2018) <<https://www.privacyinternational.org/sites/default/files/2018-11/From%20Oppression%20to%20liberation-reclaiming%20the%20right%20to%20privacy.pdf>> p.2.

<sup>36</sup> Merleau-Ponty, Maurice. *Phenomenology of Perception*. Routledge, 2013, p.50.





## A. Multiple Definitions of Privacy

Among 13 research partners involved in this study, several keywords frequently emerged when they explained the meaning of privacy. These included privacy as a right, relating to personal life, and being free from interference from others. Privacy is understood as something deeply personal and connected to an individual's life. This understanding is influenced by various identities and experiences, including experiences of oppression and violence, and is closely related to the concept of agency. Privacy, in this context, is seen as a means of resistance to the status quo.

In general, the meanings of privacy conveyed by the research participants include: identity, which includes gender identity and beliefs, spatiality, collective privacy, and personal data protection.



### Privacy as Gender Identity and Trust

Based on the results of interviews with research partners, women and transwomen have experienced how their lives and bodies are intervened upon by society, ranging from the way they dress, act, speak, and even their life choices, such as employment, marriage or remaining unmarried, and whether or not to have kids. From these experiences of interventions on their bodies and lives, the research partners interpreted the scope of privacy as very closely linked with individual personal lives and choices, which today are still subject to societal control.

Along the same lines, for a research partner who identifies as transgender, privacy pertains to the choice of gender identity and sexual orientation. Another research

partner emphasised that privacy is a space of protection from the dominance of patriarchal values in society,

“I interpret privacy as a space. A space that should protect me from contemporary society that is still dominated by patriarchal and heteronormative values.”

Still related to resistance to hegemony, a research partner who works on HIV issues, said that the scope of privacy also pertains to individual health conditions, both physical and mental, which are often the basis for discrimination against individuals with certain health backgrounds.

Privacy as an understanding of gender identity aligns with the United Nations Report on protection against violence and discrimination based on sexual orientation and gender identity.<sup>37</sup> The report emphasises that self-determined gender is the basis of a person's identity. The right to self-determination of gender must be protected. This is equivalent to the rights to freedom from discrimination, equal protection of the law, privacy, identity and freedom of expression.

The report cites a ruling by the Inter-American Court of Human Rights that affirms every individual has the fundamental right to be recognised as a unique person and distinguished from others. The court also established that the aspects of personality on which this right is based must be respected without any limitations other than those imposed by the rights of others.

"Consolidating the individuality of the person before the State and before society implies having the legitimate authority to determine the exteriorization of their persona in accordance with their most intimate beliefs, which are closely related to their self-determination, self-perception, dignity, and freedom."<sup>38</sup>

This also is relevant to faith-based and *penghayat* (belief-follower) groups; the scope of privacy includes matters of faith and belief as well as how humans express their beliefs.<sup>39</sup> This concept is known as *forum internum*, which refers to the internal dimensions of religiosity or one's inner beliefs, including faith, conscience, and psychic freedom. The *forum internum* refers to a space that is private, i.e.

<sup>37</sup> 'Report of the Independent Expert on Protection against Violence and Discrimination Based on Sexual Orientation and Gender Identity' <<https://www.ohchr.org/en/calls-for-input/report-legal-recognition-gender-identity-and-depathologization>> Accessed on 6 February 2025.

<sup>38</sup> *Advisory Opinion on Gender Identity, Equality, and Non-Discrimination of Same-Sex Couples* [2017] Inter-American Court of Human Rights OC-24/17.

<sup>39</sup> Research partners of the Believers Group.

matters relating to the conscience and inner world of the individual, which largely take place in private thoughts and feelings. In addition, the spatial expanse for the implementation of worship as an expression of one's beliefs (*forum externum*) is also considered to be a part of privacy that must be respected and protected. This understanding of privacy emerges as a response to the experience of state and community interventions that regulate or limit the beliefs of *penghayat* groups. In this context, the *forum internum* of *penghayat* groups is often unrecognised, even considered heretical. Meanwhile, the space for their worship is also intervened upon, which will be further explained in the sub-chapter on privacy violations.



## Collective Privacy for Indigenous Peoples

The Kasepuhan Cipta Gelar indigenous group in West Java views the term privacy in a more ambiguous way: "It exists but also does not exist." In their lives, which is based on collectivism and sharing a common space, the concept of privacy is clearly different from that understood in urban society. For Kasepuhan Cipta Gelar, privacy is not just an individual right, but also a matter of respecting the collective. For example, the loss of individual privacy can be seen in the traditional 'Beberes' ceremony. This ceremony is performed to 'heal' a sick citizen, where the customary leader will lead and force the individual to reveal everything in detail so that the treatment and forgiveness process can be carried out clearly and accurately. This ritual is not only to save the sick individual, but also to protect the collective well-being of the indigenous community.

This view is in line with the findings of Megan Vis-Dunbar et al. in their study, "*Indigenous and Community-based Notions of Privacy*," which compared the individualistic Anglo-American cultural paradigm of privacy with the communal concept of privacy adopted by Aboriginal peoples in Canada. In addition, Megan explains that communal privacy is closely related to the recognition of the right to self-determination, which is recognised in the UN Declaration on the Rights

of Indigenous Peoples.<sup>40</sup> While Article (1) recognises the right of indigenous peoples to enjoy rights and freedoms, both as individuals and collectively. The UN Declaration further recognises the right of indigenous peoples to maintain, control, protect and develop cultural heritage, traditional cultural knowledge and expressions, manifestations of science, technology and culture, as well as human and genetic resources.<sup>41</sup> However, state entities, including governments, often misinterpret the self-determination of indigenous peoples as the subjugation of indigenous groups to kingdoms or governments, as seen in the history of the Aboriginal Peoples and the Kingdom of Canada.<sup>42</sup>

On the other hand, indigenous communities also believe that privacy must be respected as part of their ethics and respect for their space. The closeness of the Kasepuhan community to their environment and the Earth is an approach to safeguarding their spatial realm. For example, there is a space called '*Rumah Beras*' (Rice House). This room is considered sacred and outsiders who have no authority or interest are prohibited from entering. Sacred in this context is not just religious holiness, but because the storage place for community food is of fundamental importance, only certain authorised parties can enter there.

The relationship between indigenous communities and the land on which they stand is also very personal, so infrastructure policies carried out by state institutions (such as village officials) should be based on collective decisions and approval. Regarding spatial boundaries, although there are restrictions on allowing those outside the community to enter some indigenous places, for fellow Kasepuhan members, entry and exit to other families' homes has almost no restrictions. The following is an expression from one of the research partners who is part of the indigenous community.

"For example, in the city when someone wants to come to the home of another person, they usually have to give prior notice or ask first. At least, 'Can I come to your house? Or are you busy right now?'. Here, that kind of boundary doesn't exist. So people can go anywhere and come to our house."

<sup>40</sup> Megan Vis-Dunbar, James Williams and Jens H Weber Jahnke, 'Indigenous and Community-Based Notions of Privacy' (University of Victoria 2011) UVic/IPIRG--2011--TR--04 <[https://www.researchgate.net/profile/Jens\\_Weber6/publication/310482039\\_Indigenous\\_and\\_Community-based\\_Notions\\_of\\_Privacy/links/582f93e408ae138f1c03595c/Indigenous-and-Community-based-Notions-of-Privacy.pdf](https://www.researchgate.net/profile/Jens_Weber6/publication/310482039_Indigenous_and_Community-based_Notions_of_Privacy/links/582f93e408ae138f1c03595c/Indigenous-and-Community-based-Notions-of-Privacy.pdf)>.

<sup>41</sup> UN Declaration on the Rights of Indigenous Peoples, Article 31.

<sup>42</sup> Megan et al, p.11.

Indigenous research partners emphasise that the scope of privacy has certain levels, namely: privacy among the indigenous community collective and privacy between the indigenous community and outsiders. These levels indicate different meanings of privacy. Thus, the experience of understanding privacy is also related to spatiality as a collective space.

The elaboration demonstrates that Cipta Gelar and their concept of privacy as an indigenous collective is very broad, holistic, and distinct from the concept of privacy as property and individualistic ownership. For example, although the object is related to spatial or physical space, the Cipta Gelar indigenous community view privacy in a cultural context that intersects with aspects of life, such as existence, cultural preservation, and even the health of the cultural collective members. Meanwhile, privacy in the context of property rights is the inviolability of one's territory due to ownership.

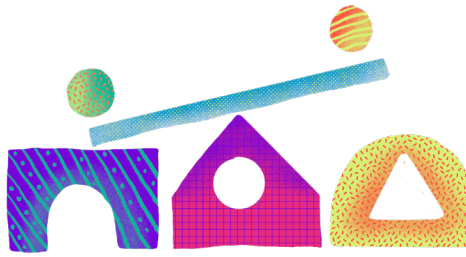


## Privacy and Data in the Age of Technology

In the context of digital communication and life, research partners interpret the scope of privacy as being closely related to personal data that can identify individuals. The experience of personal data being intertwined to real life was emphasised by a research partner who had been a victim of personal data misuse by a peer-to-peer lending company.

**“Privacy is personal data.  
Not just documents, but also life.”**

One of the research partners revealed that privacy in the context of personal data is not just a document governed by law, but a part of one's life. According to them, this concept relates to the dissemination of personal data, the impact of which is very real, not only in the digital world, but also in everyday life. The topic of the impact of privacy breaches will be discussed in greater depth in the next chapter.



## B. Privacy as Freedom, Control and Agency

The word 'freedom' is one of the terms most frequently associated by our research partners with privacy. The next question is: free from what and who?" The answers from the research partners often relate to experiences of oppression, violence, and constant monitoring, which constitute interventions in their living spaces, as explained in the previous sub-chapter. This indicates a shift in the meaning of privacy in a feminist perspective, which initially considered the private realm as a source of violence, but has now evolved into a space that must be fought for. The meaning and respect for privacy becomes a form of resistance to heteronormativity imposed by families and society."

How do we fight for this space? Our research partners interpreted privacy as the ability to determine what things we share or do not share with outside parties. This ranges from life choices to matters relating to the body. This ability to decide is considered a form of control over aspects of one's personal life. One way to achieve this is through consent.

"As women, we actually have the right to choose to disclose or not to disclose what we do in our daily lives," said one of the research partners.

Choosing whether or not to share information about oneself is a form of agency- the ability to control what information one wants to share with others.

A similar statement also emerged from a transgender research partner:

"There are aspects of privacy that are for me. But there are aspects I share with others on a limited basis, but I don't give consent to them to share it further."

Agency, as a form of freedom and self-authority is also closely related to the expression that one believes in and practices. For women's groups engaged in reproductive health rights issues, agency is reflected in the choice not to be intervened in matters relating to sexual and reproductive health. Gender expression that opposes heteronormativity is one form of agency for the queer community. Meanwhile, for believers, their agency is seen when they can express their belief in God in accordance with their beliefs.

Agency is not only about self-authority as an individual, but also part of the group and community. Recognition of agency in the lives of women and gender minorities shows an equal position and the right to have control over oneself, including in terms of consent. Consent becomes a form of control over the body and personal identity. In the context of privacy, consent can relate to personal information and data, life choices related to the body, and interactions with the surrounding environment. The disregard for individual consent can be considered a violation of privacy, as it removes agency or self-authority. Consent, privacy, and its violation will be discussed further in the next chapter.



## C. Privacy as a Limitation on Self-Intervention

Feminism has long played an important role in debates about the conceptualisation of public and private space. The second wave of feminism highlighted that private life is often the place, though not the only place, where oppression occurs.<sup>43</sup> In 1974, in *Woman, Culture and Society* (Lamphere and Rosaldo)-which became an important text in academic feminism-authors asserted the main cause of women's oppression lay in their confinement to the domestic sphere. In response, the feminist movement pushed for the creation of more egalitarian spaces, both

<sup>43</sup> Joan B Landes (ed), *Feminism, the Public and the Private* (Oxford University Press 1998).

in the public and private spheres, which became a key demand. This evolved into a call to limit public intervention, especially the state's power to regulate individual bodies and limit freedom.

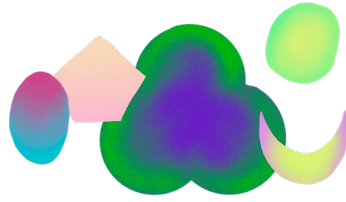
Furthermore, in the article *Challenging the Public/Private Divide: Feminism, Law and Public Policy*, Susan Boyd mentions that the gap between public and private space is a hegemonic concept that needs to be critiqued. This requires in-depth research into how differences in acceptance and rejection of this concept arise from various backgrounds and disciplines.<sup>44</sup> This is certainly in line with what has been mentioned earlier that privacy is not just about resisting heteronormativity, but also functions as a resistance to the hegemony of masculinity that has been used as a standard to judge the lives and experiences of women and queer people.

The experiences shared by research partners show that privacy is not limited to private spaces or things that are hidden from public view, but rather a condition of respect for individual agency and authority. Acknowledgement of agency in the context of privacy serves as a tool to negotiate, even resist intervention from outsiders who try to regulate choices and beliefs, both at an individual and collective level.

Rejection of these interventions is rooted in the experiences of violence experienced by women and transgender as minority groups. Interventions that come from parties who feel they hold greater authority-whether it is the majority group or the state-often impose their values, while ignoring the experiences of women and minority groups. For example, the experience of belief-followers groups, who face interference with their beliefs and expressions of worship by the majority society and facilitated by the state, shows how much impact external control has on privacy. The same goes for the sexual identity of transwomen, who are often targeted for intervention and even criminalisation. From these experiences, privacy is seen as a shield and a weapon to respond to interventions, as well as a form of control that individuals and collectives have over themselves.

<sup>44</sup> Susan B Boyd (ed), *Challenging the Public/Private Divide: Feminism, Law, and Public Policy* (University of Toronto Press 1997).





## D. Privacy: Security and Freedom of Expression

Research participants expressed that privacy provides a sense of security for themselves and allows them to express themselves without fear of interference. Privacy that limits heteronormative values creates a safe space for individuals and collectives. Security, in this context, is understood as a state of freedom from threat - a condition that is highly personalised, subjective and closely related to gender identity. Security, they argue, has a broad and holistic dimension, encompassing not only the physical body, but also psychosocial and digital aspects. Privacy protection breeds a sense of security because authority over the self and the collective is respected, recognised and free from coercion or interference.

For example, one of the research partners recounted her experience of intimidation related to her spiritual beliefs and expressions. Her experience emphasised that security is not just a physical issue, which prevents people from worshipping, but also an inner sense of security, both in psychosocial and spiritual contexts. Religious beliefs and expressions are part of individual and collective privacy. When this privacy is violated, by intervening in their beliefs and worship practices, feelings of fear and insecurity arise, threatening their identity as believers. The impact of this intimidation, which can be seen as a form of violence, will be further explained in the next chapter.

In addition, experiences in the context of reproductive health also show that the meaning of security is strongly related to the way services are provided. Privacy in reproductive health access and services, according to research partners, increases trust and creates a sense of security in the process of accessing these services. In line with the principle of 'interdependence' of human rights, which emphasises that these rights are mutually reinforcing and nurturing, privacy as a right also plays an equally important role in the enjoyment of other human rights.<sup>45</sup> Apart from being a form of protection, privacy is also key to accessing other

<sup>45</sup> Bruce Porter, 'Interdependence of Human Rights' dalam Jackie Dugard (ed), *Research handbook on economic, social and cultural rights as human rights* (Edward Elgar Publishing 2020).

human rights, including freedom of expression. For queer people, respect for privacy creates a sense of security that allows them to express their gender identity and sexual orientation without fear. The same is true for belief-followers, where respect for privacy is the basis for freely expressing worship and belief rituals. In this context, privacy does not stand alone, but is closely intertwined with other rights. This connection shows that privacy protection is an integral part of efforts to protect human rights, especially for minority groups.



## E. Breaking the Privacy Taboo

The research partners explained the importance of reinterpreting privacy in a way that can dismantle outdated notions that still exist today. Privacy, according to them, is not just property or property rights within an individual framework. When referring to international documents that recognise privacy as a right, a search of documents from English-speaking countries from 1361 to 1948 shows that the understanding of privacy has evolved far beyond the concept of private property.<sup>46</sup> The themes associated with the right to privacy have always been similar throughout the ages, primarily relating to the ownership of private property, home and family.

In Privacy International's study *"From Oppression to Liberation: Reclaiming the Right to Privacy"*<sup>47</sup> it is mentioned that women and their issues even become part of the 'property' itself. The approach to privacy in the past is often considered closely related to the concept of ownership in a capitalistic framework, which ultimately ignores women's experiences, including in spatial contexts. This is very different from the privacy experiences of indigenous groups who emphasise collective spatial spaces. Privacy, in this context, is not only limited to what is

<sup>46</sup> "From Oppression to Liberation: Reclaiming the Right to Privacy" (Privacy International 2018) <<https://www.privacyinternational.org/sites/default/files/2018-11/From%20Oppression%20to%20liberation-reclaiming%20the%20right%20to%20privacy.pdf>> hlm.8. [Dokumen yang dimaksud adalah Justices of the Peace Act in England (1361), British Lord Camden (1765), Parliamentarian William Pitt (18th Century), Declaration of the Rights of Man and the Citizen (1792)]

<sup>47</sup> Ibid.

determined or described by law, but also includes ideas, notions, life identity, culture, and everything related to it.

In addition, dismantling the taboo of privacy means abandoning the old understanding that considers privacy as a closed and exclusive space with negative connotations such as dishonour. This view is often used to impose majority values, especially heteronormativity, which are considered more correct or more appropriate for the 'common good'. The impact of this conservative view of privacy is to render the bodies, experiences, ideas and expressions of women and other minority groups as 'inappropriate'. This is the root of the problem of intimidation and the imposition of 'togetherness' on minority individuals.

For example, the experiences and life cycles of women and transwomen are often considered taboo. Menstrual cycles, hormonal changes, pregnancy issues, and gender identity are considered inappropriate subjects to talk about and access to information is made difficult. Transwomen's experiences of gender identity transition are also considered taboo from a heteronormative perspective. Things that are considered taboo provide space for the community to intervene and determine what is considered 'good and right' for the bodies of women and transwomen. This is also the case with the experience of indigenous religious groups. Because their way of worship is considered 'different' from the majority religion, their belief practices and experiences seem to be considered invalid or blamed.



## CHAPTER 03

# The Complexity of Privacy Violations on Agency, Security, and Freedom of Expression



## A. Privacy Violations Stem from Power Inequalities and Domination

Perception is a way for humans to understand reality. Merleau-Ponty views perception as an experience derived from what the human body senses, formed by every experience it encounters.<sup>48</sup> The daily experiences of an individual greatly influence the way they understand and perceive privacy. While perceptions of privacy can be shaped through learning and reflection, direct experiences are often the determining factor. One of our research partners told us about how people in higher positions than her felt entitled to determine what is considered privacy and what is not. They do this to justify actions that they consider legitimate, even if they are actually violating privacy. For example, our research partner had a demand made of her to be kept informed of the details of her personal life, as they did not consider such information to be private. At work, our research partner and her friends were forced to disclose the browser history and IP addresses of their devices after a report of a problem in the office. While they felt this was an invasion of privacy, those with power in the relationship did not see it that way. They felt they had the right to access other people's personal information.

This interpretation of privacy by the dominant group, which is then used to justify violations, is clearly not the correct definition of privacy. It is precisely those who experience privacy violations, such as our research partners, who can fully understand what needs to be protected and safeguarded, and what is allowed to be known to others. Perceptions of privacy are often controlled by those who have authority over other people's data and information. However, at its core, perceptions of privacy are deeply personal, and are actually formed through knowledge derived from highly personalised bodily and mental experiences.<sup>49</sup> In this regard, one can perceive privacy based on their fundamental understanding of the concept, which is shaped by personal learning and reflection. Privacy is not just about what is taught or learnt, but also how the body and mind process

<sup>48</sup> Merleau-Ponty, Maurice. *Phenomenology of Perception*. Routledge, 2013, p.14-15

<sup>49</sup> Ibid.

the experience, such as when one asks, "Is this an invasion of privacy or not?" In the case of the relationship between parents and children, or superiors and subordinates, power relations are evident.

Power relations refer to the way power is distributed and exercised in social and institutional contexts. These relations show that power does not solely belong to individuals, but is structured in social systems and patterns that form hierarchies.<sup>50</sup> If we fixate on a definition of privacy that is absolute and controlled by this kind of power relations system, then privacy is no longer understood through individual perception. Privacy, in this context, becomes just a rigid rule that only benefits groups or individuals with certain powers. Experiences of privacy violations and remedies that should be in favour of humanity will feel irrelevant if we do not open ourselves to various perceptions and experiences from various individuals and groups. There is an urgent need to look at privacy through an intersectional perspective, which recognises the layers of oppression that overlap and differ from one individual to another, creating a diversity of experiences and needs that must be addressed.<sup>51</sup>

Research partners' experiences of power relations and the authoritarian formulation of privacy definitions are not unique to one person. Research participants from queer communities, such as lesbian and transwomen, also faced violations of privacy driven by power relations. Families that impose idealised or normative values, companies that feel entitled to question very personal matters, and the state that through its institutions imposes uniformity, all contribute to taking away personal boundaries that should be respected. In fact, research partners who were victims of online lending (pinjol) also experienced privacy violations, where those who had control over their data violated their personal information.

This adverse power relation also happened to research partners dealing with health institutions. Data that should only be accessible to medical personnel and patients is disseminated because medical personnel have the power to access it, as experienced by people living with HIV (PLHIV). Another case related to health institutions is the restriction of access to reproductive health information that is often experienced by women, especially those related to abortion. These restrictions do not only come from medical personnel, but also from state policies that regulate what individuals can and cannot do. In this case, the state and medical personnel have greater power over information, creating an unbalanced power relationship.

<sup>50</sup> Linabary, J. R., and Corple, D. J. (2018). Privacy for whom?: a feminist intervention in online research practice. *Information, Communication & Society*, 22(10), p.12.

<sup>51</sup> Gamble, S. (Ed.). (2004). *The Routledge companion to feminism and postfeminism*. Routledge.

Privacy is not just a matter of data and information boundaries, but also an experience born out of the interaction of one's body, mind and social context. There is no single way to understand how individuals or groups take agency in navigating their knowledge. Relationships of power and domination often simplify the meaning of privacy to support their interests, without considering the diversity of these meanings. Therefore, redefining privacy with an intersectional approach is essential as a form of respect for agency as well as honouring the diverse experiences and needs of individuals and groups.



## B. Interconnection of Violations: Examining the Relationship between Different Types of Privacy through Experience

As outlined in Chapter II, the research partners described their perceptions of privacy based on various experiences they have actively lived, including experiences of privacy violations. Referring to the theoretical framework of the typology of privacy proposed by Koops, the experiences of privacy violations shared by the co-researchers included various types of privacy, such as bodily privacy, spatial privacy, communication privacy, proprietary privacy, intellectual privacy, and decisional privacy. Our research findings confirm that each privacy violation does not occur in isolation, but is intertwined with each other.

For example, interference with bodily privacy experienced by women is not only on restrictions on bodily expression, such as choice of clothing, which is included in bodily privacy, but also extends to violations of decisional privacy. This is reflected in the interference of the state, society and family in influencing personal life decisions, such as marriage decisions or choices related to reproductive health services. Furthermore, this violation also relates to associational privacy, as there are regulations regarding who a person can communicate or associate with.



The interconnection between these violations becomes clearer from the experience of research partners working on the issue of PLHIV. Cases where PLHIV health statuses were outed by healthcare workers shows how violations of health-related bodily privacy can undermine the privacy of individual decisions. In addition, the experience of a research partner with a disability who was a victim of online stalking, where the stalker knew her offline location, shows how violations of personal data privacy can impact spatial privacy. The research partner felt uncomfortable and fearful when having to travel in person due to feeling threatened.

These experiences confirm that a single privacy breach does not only affect one aspect of privacy, but can affect many other dimensions of privacy.



## C. Privacy Violation as a Collective Structural Problem

The state has a major role in protecting human rights, including the right to privacy, as mandated by Article 28I (4) of the 1945 Constitution which reads, "The protection, promotion, enforcement and fulfilment of human rights are the responsibility of the state, particularly the government." The state is the duty bearer to protect, fulfil and respect human rights.<sup>52</sup> Looking at the long history of human rights violations in Indonesia, it is clear that the state often fails to fulfil its role in protecting human rights. This is evident from discriminatory policies that are exclusionary to direct human rights violations committed by state officials.

For example, a research partner pointed out that the Criminal Code (KUHP) has exacerbated stigma and discrimination against gender minorities in Indonesia. According to them, the Criminal Code acts as a legal product that provokes people to commit privacy violations, such as unilateral raids on gender minority groups. Ironically, when gender minorities experience violence, accessing justice

<sup>52</sup> International human rights law | OHCHR. Available at: <https://www.ohchr.org/en/instruments-and-mechanisms/international-human-rights-law>



through the criminal justice system becomes a complicated issue. A research partner recounted the experience of accompanying a transgender woman who went to the police station to report the violence she had experienced. However, instead of receiving proper assistance, law enforcement officials asked irrelevant questions such as, "Is this a man or a woman?" According to research partners, such questions are not only insensitive, but also a form of invasion of privacy against victims of violence.

One research partner also highlighted the vulnerability of trans people in Indonesia who are most exposed to discriminatory policies, given their most visible gender expression compared to other gender and sexuality diverse groups. It said there are currently at least 140 local regulations that are discriminatory. One example is the Bogor City Regulation No. 10 of 2021 on the Prevention and Countermeasures of Sexual Deviance (Perda Bogor P4S). Research partners highlighted that this regulation not only shapes, but also legitimises the behaviour of communities to carry out persecution and other privacy violations against gender minorities under the pretext of preventing 'sexual deviant behaviour'.

In addition, the Broadcasting Bill is another example of a discriminatory law. The research partner explained how the bill criminalises the broadcasting of transgender and homosexual content. The threat of criminalisation, she argued, is a serious obstacle in educating the public about gender and sexuality diversity in Indonesia.

The violations described by our partners cannot be seen as an individual problem alone. These are structural problems that arise from unequal power relations in social, cultural and political structures. These violations reflect the systems, patterns or structures that underlie these injustices.<sup>53</sup> The pattern or structure in question when looking at the depiction of these violations is rooted in patriarchy, heteronormativity, capitalism, and the hegemony of the state in determining social norms. The state in this case plays a power relation that uses privacy violations as an instrument of social control.

To understand power relations with the state, we need to understand that society and the state work through a social contract, where the state gains legitimacy from the mutual agreement between the state and citizens. Therefore, the government is responsible for protecting the rights of individuals and groups by respecting their will and values.<sup>54</sup> However, the state often imposes its own values, as if its own values are the right ones.

<sup>53</sup> Frigg, Roman, dan Ioannis Votsis. "Everything you always wanted to know about structural realism but were afraid to ask." *European journal for philosophy of science* 1 (2011): 227-276.

<sup>54</sup> Rousseau, J. J. (2016). The social contract. dalam *Democracy: A Reader* (pp. 43-51).

More than just analysing information, the experiences shared by our research partners reveal how the freedom of individuals and groups to make decisions, express themselves and live as they wish has been taken away. Through multiple overlapping layers, these experiences demonstrate the complexity of structural discrimination experienced by vulnerable groups. This encourages us to dig deeper into the patterns used by violatory actors in placing individuals or groups in structures that control and restrict them.

Ultimately, these experiences are not just a collection of events, but a reflection of larger structural issues. What is experienced by one individual is often also experienced by other people or groups with similar backgrounds. The violations of privacy that occur demonstrate the need for us to reassess how we can address these structural patterns of discrimination through inclusive policies, collective consciousness, and equitable advocacy.



## D. Bodily Privacy

Many of the privacy violations revealed by our research partners highlighted aspects of the body. In patriarchal societies, women's bodies are often seen as *liyan* (other) - an object that can be controlled and manipulated. The subordination and objectification of women, as well as gender minorities, continues unabated. Our research partners highlighted how women's bodies are often restricted by various external forces, and in some cases, these restrictions threaten their very survival.

The bodily aspect of the privacy typology deals with privacy issues that touch the physical body, encompassing issues such as safety and physiological well-being. These violations of bodily privacy include acts such as compulsory immunisation, blood transfusions without consent, forced sampling of bodily fluids or tissues,

and compulsory sterilisation. All of these examples illustrate how often the bodily privacy of women and minority groups is overlooked, even when it relates to their basic right to control their own bodies.<sup>55</sup>

Healthcare issues are often directly related to women's bodies, as our research partners revealed. One of our partners who works in reproductive health explained that state policies regarding abortion create vulnerability for women and individuals who could become pregnant. Abortion bans are not only stigmatising, but also open to privacy violations. For example, women report abortions to the neighbourhood association (*RT*), revealing how policies that regulate women's bodies deny them their basic right to determine what happens to their own bodies. Our partners also highlighted the impact of abortion policy on reproductive health organisations. In the research conducted, there was misinformation that our partner's organisation provided access to abortion. This emphasises the importance of informed consent in research, as abortion is a sensitive issue in Indonesia. This restrictive policy also limits access to comprehensive information about safe abortion, which directly violates bodily privacy and privacy in decision-making. Women and individuals who can become pregnant are often denied objective choices in managing their pregnancies.

In addition, in the context of health services, another research partner criticised mandatory VCT (Voluntary Counselling and Testing) for couples getting married in Indonesia. While important, this as a requirement is considered a violation of individual privacy, as sensitive health data can lead to stigma and discrimination. For example, bullying of children living with HIV in educational institutions demonstrates how privacy violations in health and decision-making can affect individuals.

Bodily privacy violations also occur in the context of family. A research partner who is a transgender woman recounted how she was mocked by her family who imposed traditional norms, even calling a shaman to "treat" her. The family, which is supposed to be a safe place, violates the privacy of the body by imposing their views. Another research partner, a queer person, also recounted how her family often regulated her dressing, speaking, sitting, and restricted her expression.

Privacy violations are also experienced by individuals with disabilities. One of our research partners with disability explained how families often consider them incapable of making decisions, limiting their freedom despite being an adult. This objectification also occurs in the context of the body, where our partner and her

<sup>55</sup> Bert-Jaap Koops et al, 'A Typology of Privacy' (2017) 38 University of Pennsylvania Journal of International Law <<https://scholarship.law.upenn.edu/jil/vol38/iss2/4/>> p.498.

friends often experience harassment, both by family and people around them. These experiences adversely affect their mental health and limit their access to wider knowledge and experiences.

On the other hand, the state also plays a role in the violation of bodily privacy, as happened with the vaccination policies forced on indigenous peoples during the COVID-19 pandemic, even though they tend to be isolated and have no positive cases. In this case, the state violated the privacy of bodies and decisions by imposing medical interventions without considering their wishes or circumstances. Privacy violations also occur in educational institutions, as revealed by our research partners regarding lecturers and students violating personal privacy. For example, in classrooms, personal questions such as "Have you ever been to a nightclub?" or "Do you intend to have children?" were asked to research partners who were discussing the right to a safe abortion. These questions are a violation of a person's privacy, both in terms of association and decision-making about their bodies.

At lower levels of education, invasions of privacy are also common. One of our research partners recounted her experience of being forced to wear a hijab, even though she is a belief-follower and is not Muslim. The imposition of religious attributes in school uniforms, despite being prohibited by the Minister of Education and Culture Regulation (Permendikbud) No. 45/2014, still occurs in many places. This creates psychological pressure for students who do not conform to the imposed norm.

These violations illustrate how privacy, especially related to the body, is often violated in various contexts-by the state, family, and educational institutions. These violations are not just individual issues, but are the result of social and cultural structures that create inequality and discrimination against certain individuals and groups.

The description of these situations is consistent with the struggles of the second feminist movement, which fights for women's rights in the public and private spheres. Women's experiences of privacy become highly political, especially in relation to their bodies, life choices and beliefs. From these experiences, awareness of one's own right to privacy is not an instantaneous process. It is an attempt to realise one's agency in response to the constant interventions in their lives.



## E. Privacy in Decision-Making

Privacy in decision-making is protection from state interference in the rights of citizens to make certain intimate choices about their lives, including choices related to marriage.<sup>56</sup> In Indonesia, the problem arises when heteronormative state-religious hegemony dictates how marriage should be conducted. This can be observed in, for example, the prohibition of same-gender marriages, interfaith marriages,<sup>57</sup> including the non-recognition of marriages between individuals of faiths outside of the religions 'recognised' by the state. The long struggle of our research partner, a belief-follower in fighting for marriage registration and legal identity, is clear evidence of how state-religious hegemony impacts the intimate spaces of its citizens.

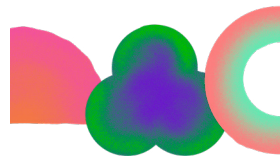
Our research partner had to go through a series of lengthy steps, starting from applying for recognition for indigenous peoples to the State Administrative Court (PTUN), until finally reaching the Supreme Court (MA). This process took years. In this case, the state does not respect the rights of belief-followers to marry and determine how they conduct their marriages. In addition to the matter of marriage registration, our research partners also revealed the discrimination experienced by indigenous faith communities in various aspects of population administration. For example, the religion column on the ID card is left blank by certain agencies, even though the Population Administration Law (Adminduk Law) Number 23 of 2006 has been updated with the Constitutional Court's decision Number 97/PUU-XIV/2016 which allows the inclusion of indigenous beliefs. This shows the state's lack of respect for the privacy rights of indigenous faiths in Indonesia.

In addition, some of our research partners also identified privacy violations that occur in decision-making by companies, particularly in the recruitment process. One example given was the intimate questions asked by prospective employers

<sup>56</sup> Anita L. Allen, *Unpopular Privacy: What Must We Hide?*, (New York: Oxford University Press, 2011) p.4

<sup>57</sup> Bani Syarif Maula and Ilyya Muhsin, 'Interfaith Marriage and the Religion-State Relationship: Debates between Human Rights Basis and Religious Precepts' (2024) 8 Samarah: Jurnal Hukum Keluarga dan Hukum Islam 791, p.816.

during interviews, such as: "Do you intend to get married?", "If your husband asks you to quit your job, what would you do?", or "If you get pregnant, what would you do?". Questions like these trigger discomfort for the prospective worker and are a clear violation of privacy. Other forms of violations occur in communications privacy, intellectual privacy and proprietary rights, which contribute to creating space for exploitation and injustice in various aspects of individuals' personal lives.



## F. Associational Privacy

Our research partners also revealed many forms of privacy violations related to association. According to Anita Allen, association privacy encompasses the right of individuals and groups to maintain their internal relationships, as well as determining who may join or be excluded. It also relates to the values that underlie inclusivity and exclusivity within a group. Allen emphasises that association privacy is not only about the right of members to maintain membership, but also about control over communication patterns within the group—who to admit or exclude, and the reasons behind those decisions.<sup>58</sup>

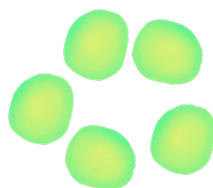
Some of our research partners cited family interference in personal lives as a violation of association privacy. This happens when families impose their will, for example by asking for highly personal information, even though the child is an adult. Questions related to relationships with partners or friends, which our partners found very personal, were also subject to intervention. This kind of questioning or coercion to disclose information was distressing, affected their ability to make life decisions and reduced their agency.

Regarding family interventions, one of our research partners who is a transgender woman experienced humiliation from extended family members, who even called a shaman to perform a ritual cleansing simply for choosing her gender identity. The family's actions were perceived as a violation of the privacy of the research

<sup>58</sup> Bert-Jaap Koops et al, 'A Typology of Privacy' (2017) 38 University of Pennsylvania Journal of International Law <<https://scholarship.law.upenn.edu/jil/vol38/iss2/4/>> p.501.

partner and her association with her gender identity and views. Her family, which should have been a safe place to grow up, instead imposed heteronormative norms, which prevented the research partner from living in accordance with her identity. This experience shows how families are often the perpetrators of privacy violations, especially privacy of association, against individuals who do not follow their conventional values.

Several research partners also revealed how violations of privacy of association impact women's and gender minorities' access to financial and banking services. For example, a research partner who identifies as transgender shared her experience of being denied registration by a *pinjol* (online loan) company due to a mismatch between her gender expression and the data on her E-KTP (identity card). Another research partner had a similar experience when interacting with banking institutions. Rejection based on the gender identity stated on the E-KTP document is a clear form of violation of association privacy, which ignores the choice of individual gender identity.



## G. Spatial Privacy

One of the most widely expressed forms of privacy violations relates to spatial violations. In several state constitutions, including Indonesia's, spatial privacy is a focal point of privacy protection.<sup>59</sup> Allen mentions that physical or spatial privacy refers to the expectation of privacy in and around one's home. An invasion of privacy here would be, for example, peeping toms intruding on the privacy of two people's intimate lives by looking through a bedroom window and taking photographs.

From the above definition, we noted various experiences of research partners who experienced spatial privacy violations. Home and family are often places where privacy violations occur. For example, family members often open rooms without permission, and in the aspect of communication, personal information

<sup>59</sup> Ibid, p.515.

that should remain within the family sphere is spread or forced to be disclosed. This clearly results in a loss of agency for the affected individuals.

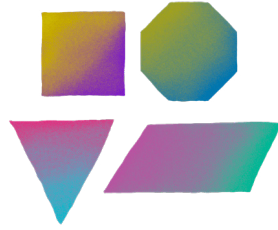
Outside the realm of home and family, research partners also expressed experiences of expulsion from places of worship in Jakarta. This expulsion was based on the assumption of her identity associated with a particular ethnicity and religion, which became a violation of privacy by religious institutions. This case shows how the violation of identity privacy that starts with assumptions, leads to a violation of spatial privacy, because the individual can no longer access the worship space.

In addition to spatial privacy in the traditional physical sense, the research partner's experience also expands the definition of spatial itself, namely the struggle for space as part of the expression of political identity. Gender and sexual minority groups, for example, often experience spatial restrictions when their organisations are banned from holding discussions or even disbanded when holding activities in their cities. A transgender research partner emphasised that these physical spatial restrictions do more than just deprive them of privacy, but also narrows the space for them to express their gender and political identities.

These broader spatial restrictions often create stigma against minority communities. For example, discriminatory local regulations in some cities prevent our partners from expressing themselves politically. These spatial restrictions also affect their everyday privacy, such as access to public toilets, banking registration and other public services. Our research partners revealed that these violations encourage them to self-censor in expressing their views and identities, as well as in their daily behaviour. This means that spatial privacy violations against gender minorities also have implications for intrusions into the privacy of their behaviour and decision-making.

In the context of indigenous peoples, spatial issues are more holistic. As explained in Chapter II, spatial is not just about physical space, but also involves communal rights, recognition of their identity and sovereignty. Experiences of state intervention, such as paving projects implemented unilaterally without coordination with indigenous communities, are perceived as a violation of their spatial privacy. This is further complicated when the policy contradicts the values held dear by these indigenous communities.





## H. Data Privacy

Data privacy is a form of protection for our personal data. All aspects of life today have gone through a process known as datafication, a process of transforming human life into data through a process of quantification, in order to generate various types of value from data.<sup>60</sup> Critical studies of data have long pointed out the unequal power relations between the actors involved in the datafication of human life. States and corporations are two powerful actors that benefit from datafication.<sup>61</sup> Similarly, scholars have warned how big data can become "big brother", and datafication can exacerbate the power imbalance between the state/corporations and the people.<sup>62</sup> In this section, the research seeks to outline the various ways in which states and corporations violate citizens' data privacy in the era of datafication.

Data privacy violations by the state are a serious form of personal data abuse. One of our research partners recounted their experience of their personal data reused by government agencies without consent. Other cases, such as the leak of HIV patient data at the Social Services Office, show serious breaches of sensitive information. Our research partner asserts that this kind of data leakage has a huge impact on the individuals involved, reflecting the failure of the state to protect the personal data of its citizens. A research partner who fell victim to *pinjol*, expressed the same sentiment where their personal data was stolen by the company, while the state was unable to ensure its protection due to existing policies that are not sufficiently binding.

The international human rights legal framework regulates the state's obligation to protect the right to privacy, while emphasising that companies are also responsible for respecting these rights as part of human rights. This means

<sup>60</sup> Ulises A Mejias dan Nick Couldry, 'Datafication' (2019) 8 Internet Policy Review, Hlm.7 <<https://policyreview.info/concepts/datafication>> accessed on 13 March 2023.

<sup>61</sup> Ibid.

<sup>62</sup> Kenneth Cukier dan Viktor Mayer-Schoenberger, 'The Rise of Big Data: How It's Changing the Way We Think About the World' (2013) 92 Foreign Affairs 28, p.37

that companies must avoid violating human rights and take responsibility for the negative impacts of their business activities. For this reason, companies are required to take preventive, mitigating and remedial measures, as stated in the *Guiding Principles on Business and Human Rights: Implementing the United Nations "Protect, Respect and Remedy" Framework* (2011). Unfortunately, data privacy breaches by companies are still common. Several of our research partners identified privacy violations in corporate decision-making, both in employment and customer relationships.

One of our research partners highlighted the practice of employers requiring job candidates to disclose their social media accounts during the recruitment process. According to him, this is done to monitor workers' social media accounts and sanction those who post content deemed "inappropriate" by the company. Furthermore, this partner also revealed that employers have intimidated and forcibly searched workers' devices following reports of labour violations in the company. This shows how important the right to privacy is in protecting the rights of other workers.

Another example is unilateral termination of employment by an employer when the health conditions of workers, such as HIV status, are discovered. This is a clear violation of privacy related to an individual's body and health information. In this context, data privacy is not only about protecting personal information, but also protecting a person's fundamental rights, both in the world of work and in their personal lives.<sup>63</sup>

The experiences of privacy violations disclosed by our research partners in labour relations show a wide and varied impact. One is how these privacy violations normalise surveillance practices in the workplace, making them seem inevitable in our professional lives.<sup>64</sup> Surveillance in the workplace can negatively impact workers in a number of ways: first, it is a breach of privacy as workers do not consent to the processing of their personal data; secondly, as with other surveillance technologies, workplace surveillance runs the risk of being used for different purposes than originally intended, a phenomenon known as '*function creep*'.<sup>65</sup> One clear example is the practice of social media monitoring of workers by employers revealed by one of our research partners.

In addition to the employment context, privacy violations by companies also occur in consumer relations, particularly in the financial and banking sectors.

<sup>63</sup> Bert-Jaap Koops et al, 'A Typology of Privacy' (2017) 38, p.569, <<https://scholarship.law.upenn.edu/jil/vol38/iss2/4/>>.

<sup>64</sup> Kirstie Ball, 'Workplace Surveillance: An Overview' (2010) 51 Labor History 87, p.89.

<sup>65</sup> Ibid, p.93.

The experiences shared by our research partners are closely related to how surveillance capitalism works in everyday life. Surveillance capitalism was first conceived by Shoshana Zuboff in 2019, who defined the phenomenon as "a new economic order that claims human experience as free raw material for the hidden commercial practices of extraction, prediction and sale".<sup>66</sup> In practice, companies are now competing to collect personal data to predict consumer behaviour, with the ultimate aim of increasing their sales.

The experience of one of our research partners illustrates this phenomenon clearly. They recounted their confusion upon being contacted by many parties, offering them a credit card. They realised that their personal data had been shared with various parties without her consent. Another research partner who was a victim of data misuse by a *pinjol* company in Indonesia had a similar experience. This partner explained that the *pinjol* company shared the personal data of its customers without permission. The data is obtained by requesting access to personal information when the *pinjol* application is first downloaded. One common tactic used by *pinjol* is to copy the contact list on customers' devices and send intimidating messages to these people. A more shocking experience came from a woman victim, who received intimidating and harassing messages. This situation shows how data privacy violations not only harm the direct victims, but also impact those around them.

<sup>66</sup> Shoshana Zuboff, *The Age of Surveillance Capitalism: The Fight for a Human Future at the New Frontier of Power* (Profile books 2019).



## CHAPTER 04

# The Impact of Privacy Violations on Agency, Security, and Freedom of Expression



## a. Agency

The Feminist Internet Principles provide a relevant framework to analyse how privacy breaches affect individual agencies, particularly in terms of access, consent, participation, expression and privacy protection. Agency refers to an individual's capacity to act independently and make choices. In the context of consciousness and cognition, it relates to the experience of reasoning about actions and changes in thinking.<sup>67</sup>

The privacy violations described by our research partners often lead to a loss of agency, even to the point of nullifying an individual's agency altogether. This happens when the privacy that is violated limits one's access to information, knowledge or services, which are crucial in the decision-making process. In this context, it is important to re-evaluate how distributed access, especially access to information and knowledge, affects the ability of individuals or groups to make decisions and take action. This research highlights agency as a focal point, as the privacy violations experienced by our research partners have a major impact on their capacity to make choices-both as individuals and as part of a collective with diverse backgrounds and experiences.

Our research partners often expressed that privacy violations led to a loss of agency in various aspects of their lives. For example, a research partner felt stigmatised by her peers for speaking out on sensitive issues. The stigma has made her more cautious, even choosing not to express personal beliefs or opinions anymore. This clearly affected her agency in controlling her personal narrative, which in turn impacted her decisions and actions.

In another case, a partner with HIV recounted how their personal information was disseminated without consent. The impact was profound: the individual felt

<sup>67</sup> de Vignemont, F. dan Fournieret, P. (2004) 'The sense of agency: A philosophical and empirical review of the "who" system', *Consciousness and Cognition*, p. 1-19.

isolated and limited in social participation due to the stigma and discrimination received. This shows how important it is to recognise privacy as part of the freedom to participate in society without fear of judgement or rejection.

As our research partners working in reproductive health also revealed, non-inclusive health policies severely limit access to safe abortion information and services for women and individuals who could become pregnant. For many women, the decision to continue or terminate a pregnancy is a deeply personal choice, yet they are often not given adequate options or even the right to make decisions about their own bodies. The inability to access the right information affects agency, while preventing them from making the right choices for themselves.

Marriage, as an individual's fundamental right to choose a life partner, can also be restricted by discriminatory policies. A research partner who is a follower of an indigenous religion recounted the long and complicated process she had to go through to get married in accordance with her faith. The state, in this case, became the perpetrator of the violation of agency, limiting the freedom to carry out marriage in accordance with their beliefs. This protracted legal process also reflects how discriminatory and non-inclusive policies shape society's view of agency, especially for women and minority groups.

In addition, discriminatory policies contribute to the stigma that haunts the lives of our queer research partners. They reported that non-inclusive policies have hindered their access to decent work and a full life. In fact, some trans partners revealed that they do not have the agency to choose toilets that match their gender identity, as the stigma and discrimination is too great.

A deaf partner also shared how families often restrict her will. Individuals with disabilities are often in a position of dependency, which is often abused by those around them, leading to invasions of privacy. This abuse often limits their access to technology and information, creating ignorance that puts them in a vulnerable position. Ignorance of personal rights, bodily privacy, and the ability to socialise without family restrictions hinders their agency. The result is fear that limits their ability to navigate life and achieve agency.

This violation of privacy that threatens individual agency has deep psychological repercussions. Fear and inhibitions in decision-making arise, even in basic matters, such as whether one wants to participate in social life. However, collective struggle becomes crucial in processing and restoring lost agency. The experiences of our partners, especially those who fought for their rights in lengthy legal processes, show collective struggle can bring about change. The agency problems they experience are not just individual experiences, but structural problems experienced by many people with similar identities and backgrounds.



Therefore, creating inclusive spaces to share experiences and fight for justice is crucial for self-recovery and agency. With such spaces, individuals can critique existing policies and dismantle stigmas that limit their freedom.

## b. Security

The right to a sense of security and tranquillity, as well as protection against the threat of fear to act or not act, is part of our human rights as citizens.<sup>68</sup> The research also found that privacy violations are often committed for spurious security reasons. This can be observed, for example, in a story described by one of our research partners in relation to her relationship with her parents. Another research partner explained that someone in her family insisted on opening her mobile phone to find out what she was chatting about through text messages.

"There are some activities that we are forced to disclose for (they say) our safety and because we are women, we are restricted," said the research partner.

According to her, this affirms that women are weak, and therefore, need to be protected.

This violation of privacy on the basis of false security also affects groups of diverse sexualities and genders. The government often issues narratives that position gender minority groups as a 'threat' that needs to be 'tackled'. In practice, instead of being a threat, this research found that gender minority groups experience many privacy violations that have an impact on their security and sense of security. This is especially true in relation to the rampant persecution of gender minority groups and how the government has restricted the movement of civil society organisations working to advocate gender diversity issues in Indonesia. In this context, discrimination experienced by gender minority groups does not only occur in offline spaces, but also extends to online spaces, where privacy violations further exacerbate feelings of insecurity.

<sup>68</sup> Law No. 39 Year 1999, Article 30.

In addition, research partners also shared how the impact of privacy violations in online spaces often followed them into offline spaces. This experience made the research participants feel insecure when doing activities in the offline world. This insecurity is part of what Liz Kelly (1988) refers to as a "continuum of violence."<sup>69</sup> Violence experienced in one space—both online and offline—is often intertwined and forms a unity. Using Liz Kelly's continuum of violence framework, the Sisterhood Recollections research shows that the online gender-based violence (OGBV) experienced by our research partners is not limited to the violence they directly perceive or understand, but is also influenced by other forms of violence that occur simultaneously. This reflects an expansion of the meaning of spatial privacy, which now includes not only physical (offline) spaces, but also digital (online) spaces, where privacy violations also occur and have equally harmful effects.

Our research partners revealed that privacy violations by the state can have serious repercussions, including criminalisation aimed at intimidating individuals or even imprisoning them. Such violations often begin with intrusions into private spaces, particularly when gender minority groups organise activities. In many cases, these activities are dispersed by the authorities. For this reason, our research partner emphasised the importance of broadening the definition of security to include not only physical security, but also psychological security that can provide a sense of security for every individual. One of our partners, a belief-follower in Indonesia, also added that violations of privacy by the state adversely affected her inner and psychological well-being, which exacerbated feelings of insecurity due to discriminatory and non-inclusive policies.

A research partner who is a survivor of OGBV shared her experience of how privacy violations made her feel very insecure. This feeling, according to her, is one of the major impacts experienced by OGBV survivors. This feeling of insecurity not only limits opportunities for expression and politics, but also risks depriving them of resources, both personal and social.<sup>70</sup>

Another research partner, who is an active advocate for reproductive health rights in Indonesia, emphasised that in the context of privacy, feeling safe is not only related to the protection of personal data, but also to the privacy of narratives or stories shared. When this privacy is respected, individuals feel safer and more comfortable in accessing reproductive health rights, which are often considered taboo to talk about.

<sup>69</sup> Liz Kelly, *Surviving Sexual Violence* (Polity Press 1988).

<sup>70</sup> Amalia Puri Handayani et al, 'Sisterhood Recollections: Naming Violence, Nurturing Collective Recovery' p.192 <<https://web.tresorit.com/l/gvz8Y#FxFrHNfxscexK8EJk7j20Q>> (PurpleCode Collective, 2022)



For gender minorities who face systemic discrimination in Indonesia, privacy violations can have a significant impact on their sense of safety in everyday life. A transgender research partner, for example, recounted an experience of being interrogated by a security guard at a shopping centre while trying to access the women's toilet. For the research partner, the officer's question about her "gender" was a violation of her personal safe space and privacy.

Another research partner, who is involved in advocacy organizations for minority groups, also revealed that public disclosure of a survivor's personal data can trigger various forms of violence, from beatings, to expulsion, to hate speech. The impact is not only felt by the victim, but also affects the psychological condition of those who witness the violence. This finding is in line with the results of the study *Resilience amid Repression of Freedom of Expression*, which shows that OGBV not only harms survivors, but also damages the psychological well-being of those involved or witnessing the violence.<sup>71</sup>

In addition to victims or survivors, privacy violations also affect those who assist victims. One research partner recounted being intimidated and threatened by strangers. They asked for personal data, such as name, phone number and home address. According to the research partner, the sharing of personal data like this can have a negative impact on security, especially if it is done by those who intend to vent their hatred through violence against gender minorities. This is worrying, given the high levels of gender-based violence in Indonesia. Jakarta Feminists in the Femicide Data Report 2023 found that there were at least 180 cases of femicide with 187 victims spread across 38 provinces in Indonesia.<sup>72</sup>

## c. Freedom of Expression

Freedom of expression is a human right guaranteed in various international instruments, such as the Universal Declaration of Human Rights (UDHR) and the International Convention on Civil and Political Rights (ICCPR). The article on freedom of expression is explicitly written in UDHR Article 19 which reads, "Everyone has the right to freedom of opinion and expression; this includes freedom to hold opinions without interference, and to seek, receive and impart information and opinions by any means and regardless of frontiers".

<sup>71</sup> Alia Yofira Karunian et al, 'Resilience among Repression of Freedom of Expression: The Impact of GBV Exposure on Women and Gender Minority Groups' (PurpleCode Collective, 2024).

<sup>72</sup> Syifana Ayu Maulida and Nur Kholifah, 'Systematic Cruelty: Understanding Femicide Brutality and the Treatment of Corpses' (Perkumpulan Lintas Feminis Jakarta 2023).

Freedom of expression can be interpreted as the right of individuals to express opinions, ideas and information without fear of punishment or torture, including the right to access, seek and disseminate information.<sup>73</sup> In the Feminist Internet Principles, expression is considered a fundamental principle that emphasises the importance of fighting for equal forms of expression. Freedom of expression includes not only political and religious expression, but also expression related to gender and sexuality. This principle strongly opposes attempts by state and non-state actors to control, monitor, regulate, or restrict feminist and queer expression on the internet, whether through technology, legislation, or violence. However, in Indonesia, violations of freedom of expression often occur through policies that marginalise certain groups, preventing them from voicing political ideas or ideas that are deemed contrary to prevailing norms.

Based on discussions with our research partners, many of them face barriers to expression due to traumatic experiences related to privacy violations. For example, a transgender research partner shared a story of a privacy violation she experienced in a public toilet, where she was interrogated simply for using the toilet according to her gender identity. This was a violation of highly sensitive personal information. The visibility of transgender partners should be a legitimate form of political expression. However, in this case, the invasion of privacy directly attacks that expression and limits their self-actualisation. For our transgender partners, their existence in everyday life is a tangible form of political expression, fighting against stigma and discrimination inflicted by the state and society.

Another research partner, a queer individual, expressed her fear in accessing public services due to a previous experience, where a discussion they participated in was disbanded by the authorities simply because it was deemed not in line with the norms. Politically, she felt inhibited in voicing her opinions in public for fear of being stigmatised and discriminated against. The experience of these violations greatly affects the way they express themselves in their daily lives.

The state, in the context of freedom of expression, has a fundamental role. State policies have a major impact on privacy violations and contribute to stigmatisation and discrimination against vulnerable groups, who should receive more protection. Freedom of expression must be protected as a basic right of every citizen, and one of the primary duties of the state is to ensure this freedom is respected as part of human rights.

In looking at freedom of expression, we need to consider how power dynamics operate, especially with regard to individual identities such as gender, sexual orientation, social class, and others. Individuals have different needs in expressing

<sup>73</sup> O'Flaherty, M. (2012) 'Freedom of expression: Article 19 of the International Covenant on Civil and Political Rights and the human rights committee's general comment no 34', *Human Rights Law Review*, 12(4), P. 627-654.

themselves, and those with minority or different beliefs are often more vulnerable to privacy violations and discrimination. As we navigate our daily lives, it is important to consider how diverse identities create different opportunities and vulnerabilities. As such, we must collectively lift up each other's experiences as a step towards liberating the expression that is a basic right of every individual. The problem of limited expression experienced by these vulnerable groups is a structural issue that requires collective action.



## CHAPTER 05

# Respect and Recognition of Privacy



## A. Privacy and Consent

The Feminist Internet Principles emphasise the important role of consent as a key element in protecting privacy and personal data. The consent principle specifically highlights that women's agency lies in their ability to make informed decisions about which aspects of their public or private lives they wish to share. This principle is closely related to another Feminist Internet Principle, the Privacy and Data Principle, which emphasises the importance of protecting the right to privacy and full control over personal data.

Most of the researchers in this study stated that consent is a key element in respecting and protecting one's privacy. One research partner said consent is a basic form of respect for the right to privacy. In the context of this study, we interpret consent as a process of requesting and giving consent that involves mutual agreement between several parties regarding an action.<sup>74</sup>

The meaning of consent can be observed in our daily lives. For example, a research partner described a situation where when someone wants to visit someone else's house, the visitor will ask for permission and convey the purpose of their visit when knocking on the door of the person's house. This is a close example of how homes are part of the spatial privacy we have offline. It also underlines that in order for consent to be given, it is important to state the purpose.

Another research partner shared an experience when visiting a banking institution. At that time, one of the bank employees she visited called them by the name according to their E-KTP. This caused some discomfort for the research partner. Instead of assuming, according to the research partner, individuals should ask, for example, "How are you comfortable being addressed?" Through this conversation, consent can be given, a sense of comfort is created, and the research partner feels their privacy is valued and respected.

<sup>74</sup> "CTRL+F+PRIVACY Privacy in Endless Space: Interpreting Privacy Through Feminist Perspectives", 2022, p.19

The statement of purpose as a crucial part of consent was also shared by another research partner, who noted the importance of communicating the purpose of personal data processing when our personal data is to be collected by others. Thus, clear and transparent communication about the processing of personal data (the purpose and how our personal data is used) is crucial. This creates a sense of security and comfort for the individuals whose data is collected and processed. Without consent, research partners expressed that their freedom of expression was limited.

Another research partner also underlined the importance of talking about consent early on, especially with children. Through preventive approaches such as education, individuals are expected to recognise the boundaries of what they can and cannot do. In addition, even if there has been a violation of privacy, research partners also underlined the availability of a clear enforcement mechanism as an important component in respecting and valuing privacy. This enforcement mechanism, according to the research partner, can be done through government channels or related agencies.

## B. Law & Policy: A Double-Edged Sword for Privacy

"The state should be at the forefront of guaranteeing, protecting and respecting the privacy of its citizens. Instead, it should create policies that bully, damage and take away the private space and freedom of expression of its citizens."  
- Research partner

In this research, we sought to understand the role of law and policy in respecting the right to privacy, particularly from the perspective of women and gender minorities in Indonesia. In general, most partners stated that existing laws and policies often interfere with citizens' privacy rights. However, there were also partners who remained hopeful for improvements in laws and policies - both existing and expected in the future - that could provide more protection for individual privacy. In this regard, partners emphasised that the state has a crucial role to play in creating laws and policies that affirm that privacy is a right of every citizen. They also argued that these efforts are important to raise awareness and encourage behavioural change about the importance of maintaining privacy.

## Laws and Policies Shape People's Behaviour (Good and Bad)

Patriarchal culture influences how laws are formed and enforced. In turn, the law validates people's behaviours that are rooted in patriarchal values. Afifah (2017)<sup>75</sup> underlines the role of policy in the various forms of discrimination experienced by women in Indonesia. In line with this, research partners emphasise how policies that discriminate against gender and sexuality diverse groups also encourage privacy-infringing behaviours. In fact, being free from the shackles of discrimination is our constitutional right enshrined in the 1945 Constitution of the Republic of Indonesia (UUD NRI) which stipulates that:

“Everyone is free from discriminatory treatment on any grounds and entitled to protection against such discriminatory treatment”.

- Article 28I paragraph (2), UUD NRI 1945

Despite the guarantee of the Constitution, there are still many laws and policies in Indonesia today that are discriminatory. The manifestation of these discriminatory policies, for example, are policies that limit women's movement and right to reproductive health. As an example, research partners explained how legal products contribute to shaping people's attitudes towards privacy. In some cases, the law actually makes people more 'aware' and sensitive to actions that are considered to violate the privacy of others, especially in private spaces. For example, in the context of the Criminal Code criminalising abortion, a research partner recounted the experience of a midwife who reported a person suspected of having an abortion to the RT(neighbourhood association). This shows that legal regulations that prohibit certain actions can change the way people perceive and act on the issue.

As discussed in Chapter III, privacy violations are a structural problem with collective impacts. This is partly due to the enactment of discriminatory laws and policies. In response, one of the research partners emphasised the important role of policy makers in creating anti-discrimination and non-gender-biased regulations, in order to shape a society that respects and protects privacy. The research partner also expressed the importance of passing an Anti-Discrimination Bill that refers to human rights principles as the basis for privacy protection. According to them, this kind of regulation is not only to protect privacy, but also freedom of expression, especially for marginalized gender and sexual orientation groups.

<sup>75</sup> Wiwik Afifah, "Law and the Constitution: Legal Protection of Discrimination on Women's Human Rights in the Constitution" (2017) 13 DiH: Journal of Legal Studies <<http://jurnal.untag-sby.ac.id/index.php/dih/article/view/1583>> accessed on 6 December 2024.

While encouraging the enactment of the Anti-Discrimination Bill, the research partner also expressed concern about the possibility of bias in the drafting and enactment process.

## C. Finally, Will Our Personal Data Be Protected?

Research partners highlighted the importance of regulations that limit third-party access to individuals' personal data. For example, they pointed out how questions about marital status that often arise in job recruitment processes are considered irrelevant, yet are still asked. Another research partner also expressed concern about banking, noting that she often receives spam messages that trigger fears that her personal data is being leaked. Such incidents reduce trust in banking institutions to protect their personal data as customers.

While the Personal Data Protection Law (PDP Law), which was passed in 2022 and took full effect in October 2024, is a positive step, many are still unaware of the law. Only one research partner mentioned the PDP Law as a relevant regulation to protect privacy. In fact, they were unsure whether the PDP Law had been passed or was still in draft form. This finding shows the lack of public understanding of the PDP Law, even though this regulation is very important in respecting the right to privacy in Indonesia.

Before the PDP Law was passed, personal data protection was regulated sectorally in various separate laws, leading to legal uncertainty and overlapping regulations. The PDP Law is here to harmonise these various regulations, unify the definition of personal data, strengthen the rights of data subjects, and regulate the obligations of parties processing personal data. The PDP Law aims to limit the scope of personal data collected and define the purposes for which the data is collected. For example, companies that want to send marketing messages to customers must be transparent about the purpose and how the data is used, and give customers the right to choose whether or not they want to receive such messages.

However, the PDP Law also has shortcomings, especially in terms of protecting specific data that pose a high risk of harming data subjects, such as gender identity and sexual orientation data. The experience of research partners shows that data related to gender identity and sexual orientation are subject to discrimination and oppression, which can have adverse effects on individuals. Unfortunately, the current PDP Law only includes specific categories of data such as health,



biometrics, genetics, criminal records, child data, and personal financial data. This shows that the protection provided is still inadequate, especially for women and gender minorities. Thus, the state has not fully fulfilled its responsibility to protect the privacy of these groups.

## D. Privacy as Collective Work to Respect Boundaries

Traditionally, maintaining privacy is considered an individual responsibility. However, this research highlights that respecting privacy should be a collective responsibility. The Feminist Internet Principle, particularly in the context of the movement, emphasises that the internet is a political space that allows individuals to connect across borders to build and nurture the feminist movement. As part of this, most of our research partners asserted collective work is a key cornerstone in the fight for privacy.

One research partner provided a concrete example of the importance of solidarity in maintaining privacy. When she was suing the state over the denial of marriage registration as a belief-follower, the collective support from various parties gave her strength and awareness that privacy is a human right that must be safeguarded together.

In addition to the role of individuals, a research partner also emphasised the importance of the role of journalists and public officials in maintaining privacy. Some research participants identified the media as a key actor, given the impact of media coverage that can affect many people. They emphasised that the media should practice consent, such as by seeking confirmation from individuals who are the subject of coverage before publishing information.

Furthermore, policy makers, especially public officials, need to understand that the right to privacy is part of the human rights protection that every individual has, regardless of gender identity and sexual orientation. As such, they must demonstrate their commitment to protecting these rights.

In addition, education plays a crucial role in fighting for respect for the right to privacy. Through education, people can better understand the importance of privacy and why it should be respected. Some research partners also suggested involving men in these education programmes, to ensure that privacy awareness is more widespread. One research partner highlighted the importance of

deepening the understanding of feminism, gender equality, and diverse gender identities and sexual orientations (SOGIESC). SOGIESC is one of the key topics in comprehensive Sexual and Reproductive Health and Rights (SRHR) education, covering important issues such as puberty, pregnancy, contraception, safe abortion and gender-based violence.<sup>76</sup>

The descriptions above show that respecting and honouring privacy is not an individual task. Collective work of various parties in the form of solidarity, policy change, and education is needed to fight for better respect and appreciation of privacy rights.

<sup>76</sup> UNESCO et al, *International Technical Guidance on Sexuality Education: An Evidence-Informed Approach* (UNESCO 2018) <<https://unesdoc.unesco.org/ark:/48223/pf0000260770>> accessed on 6 December 2024.



## CHAPTER 06

# Conclusion



## A. Conclusion

There are several conclusions that emerge from this research,  
which are as follows:



### Understanding Perceptions and Unravelling the Meaning of Privacy

There is no single definition of privacy because its meaning and perception depart from the diversity of identities and experiences, including the oppression experienced as individuals and groups. Privacy has historically been perceived from a conservative perspective as something taboo and secret. This concept often considers the experiences and values of vulnerable groups to be contrary to social norms, so privacy is often considered a form of control or restriction. As such, the research partners believe that there needs to be a movement to dismantle the taboo meaning of privacy that has become the hegemony of discriminatory and non-inclusive social norms.

Dismantling the meaning of privacy for research partners is to record every experience, including oppression related to the bodies, ideas, identities, views, and beliefs of individuals and groups that must be recognised and protected. In this case, privacy should also go beyond the meaning of individuality and ownership, as indigenous peoples recognise the term communal privacy. Privacy is also understood as freedom and a form of agency and control over the dominating values of heteronormativity. Moreover, privacy is also closely related to the security of the self and the group as a whole.



## Unravelling the Complexity of Privacy Violations

Privacy violation is a complex issue. It does not just happen because of one thing and can be solved with one solution. There are unequal power relations and domination that cause some parties to be able to have control over individuals or minority groups. These violations also occur in various relational contexts, such as family and children, corporations and workers or consumers, the state and citizens, and other institutions. In addition, privacy violations cover many aspects, such as body, decision-making, association, space, and data. We find that one aspect and another are intertwined. There is a connectedness in seeing the issue of violations, this is not only individual, but structural, hegemonies driving violations that have a collective impact. To address this issue we need an intersectional approach that is able to encourage the creation of policies that are inclusive and able to protect privacy rights fairly.



## Looking at the Impact of Privacy Breaches on Agency, Security, and Freedom of Expression

### Agencies:

Privacy breaches that limit access to information, knowledge and services fundamentally impede social participation and decision-making. This has a profound impact on individual and collective agency, hindering the ability to perform everyday tasks. This is especially true for women and minority groups who experience psychological issues and fear due to the violations.

### Security:

Privacy violations impact the security of women and minority groups. Security is interpreted not only as physical security, but also the right to psychological security.

### Freedom of Expression:

Experiences of violations have an impact on the freedom of expression of women and minority groups. Freedom of expression as a fundamental right is restricted through regulations and norms that are not inclusive and discriminate against minorities. Collectively we need to encourage the creation of spaces for expression for all individuals, without discrimination.



## ↘ Promoting Respect and Honour for Privacy

### Privacy and Consent:

Consent is a key element in respecting and valuing one's privacy and agency. There is also a need for transparent and accountable enforcement mechanisms in the event of violations of consent and privacy;

### Law and Policy:

Laws and policies play a dual role in encouraging and preventing privacy violations. For gender minorities in particular, this research found that legal and policy challenges are structural. Regulations specifically enacted to safeguard privacy, such as the PDP Law, are also inadequate to protect the privacy of gender minorities;

### Collective Work:

The responsibility of maintaining privacy has long been cast as that of the individual. In contrast, this research highlights the importance of collective work by various parties, with different responsibilities and roles, in respecting and valuing the right to privacy.

## B. Reflection

Throughout the research process, the research team learnt and grew from the challenges that arose. This section outlines the research team's reflections on the entire research process.

During the development of the interview questions, the research team realised that some of the terminology used in this research may not be commonly used and understood by the community. Therefore, in the process of drafting the questions, the research team endeavoured to define terms such as "Freedom of Expression" and "Agency" to make it easier for research partners to understand the questions being asked. Despite these efforts, some partners expressed difficulty in understanding the research questions. We will learn from this in the future to conduct a pilot test of the research instruments prior to the data collection process.

Furthermore, in the process of this research, we realised that there was a bias stemming from the identity of the research team. As an illustration, this research was conducted by three (3) research teams with various gender identities, namely cisgender and transgender. We are well aware that these identities have an impact on how we collect, analyse, and interpret the diverse experiences of our partners in this study. Especially because our research method tries to record the experiences of research records with various backgrounds and identities into knowledge.

To minimise biased perspectives in the writing process, we wrote collaboratively, with each researcher providing feedback on the other's writing. At every stage of writing, we held discussions together to equalise our understanding of the meaning of the interview data. We also reconfirmed our findings with our research partners in focus group discussions and received corrections on a number of issues. Through this process, the research team learnt a lot about how identity affects perception..

## C. Recommendations

**This research shows the need to expand the discourse of privacy based on experiences with various identities and oppression.**

An understanding of privacy that is not limited to individual issues navigates us to reinterpret the outdated meaning of privacy: privacy narratives that eliminate the agency of women and other minority groups for reproductive health, gender identity as a political expression, beliefs, and cultural values as a way of life. Privacy, which is synonymous with secrets and obscurity, becomes a way to control these things and impose heteronormativity. Thus, the more discourses to dismantle the concept of privacy will provide a new narrative that privacy is closely related to agency, security, and freedom of expression.

**The issue of privacy is a collective work.**

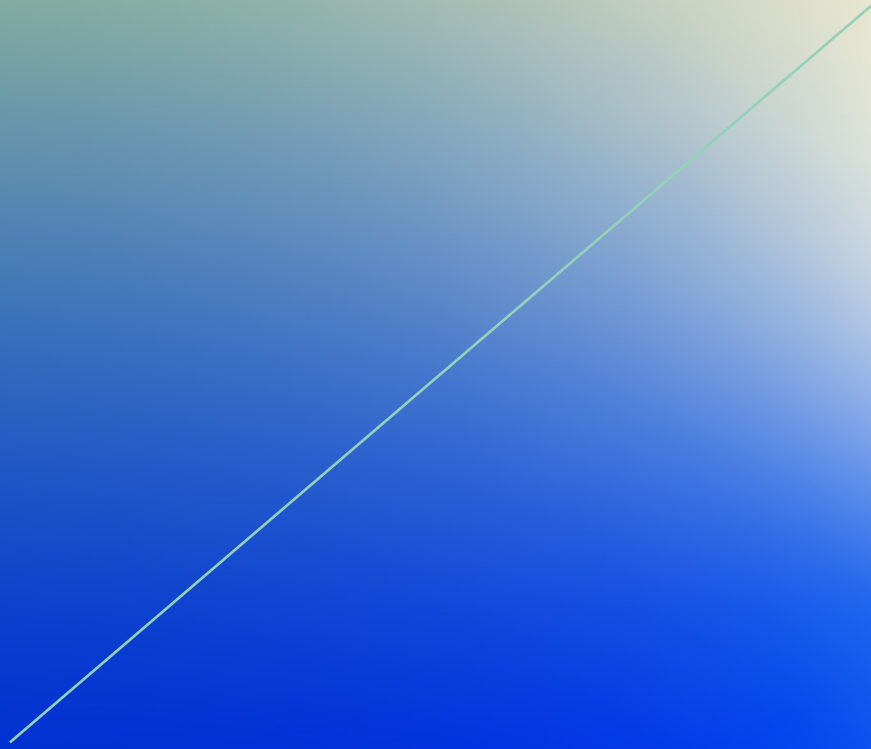
This research also notes that the experience of privacy violations is not limited to individual problems, but shows a collective experience of discrimination and structural oppression, especially for women and other minority groups. In addition to seizing the narrative of privacy as a form of agency, this is also a joint work as a community and collective to realise respect for privacy as an effort to eliminate structural discrimination.

**Furthermore, this research also encourages education regarding consent and comprehensive sexual and reproductive health rights (SRHR) from an early age which must be pursued collectively.**

**Encourage the passing of the Anti-Discrimination Bill as a form of legal protection for cases of discrimination that become the basis for violations of the right to privacy.**

One of the important materials in this bill is to protect the freedom of expression of groups of diverse genders and sexualities. This is urgent as one of the forms of privacy violations that often occur is interference and restrictions on the expression of diverse gender and sexuality groups, including indigenous peoples and belief-follower groups.





# Bibliography

## DRAFTS AND LEGISLATION

UN Declaration on the Rights of Indigenous Peoples  
Covenant on Civil and Political Rights  
Bill on Anti-discrimination  
Bill on Broadcasting  
Constitution of the Republic of Indonesia Year 1945  
Law No. 27 of 2022 on Personal Data Protection  
Law No. 1 of 2023 on the Criminal Code  
Law No. 39 of 1999 on Human Rights  
Bogor City Regional Regulation Number 10 of 2021 on  
Prevention and Countermeasures of Sexual Deviant  
Behaviour

## COURT DECISION

*Advisory Opinion on Gender Identity, Equality, and Non-Discrimination of Same-Sex Couples* [2017] Inter-American Court of Human Rights OC-24/17

## BOOK

Allen, Anita, *Unpopular Privacy: What Must We Hide?* (Oxford Scholarship Online 2011)  
Gamble, S. (Ed.). (2004). *The Routledge companion to feminism and postfeminism*. Routledge.  
Kelly L, *Surviving Sexual Violence* (Polity Press 1988)  
Landes JB (ed), *Feminism, the Public and the Private* (Oxford University Press 1998)  
McConnell L and Smith RKM (eds), *Research Methods in Human Rights* (Routledge 2018)  
Merleau-Ponty, M. (2013). *Phenomenology of Perception*. Routledge.  
Porter B, 'Interdependence of Human Rights' in Jackie Dugard (ed), *Research handbook on economic, social and cultural rights as human rights* (Edward Elgar Publishing 2020)  
Susan B Boyd (ed), *Challenging the Public/Private Divide: Feminism, Law, and Public Policy* (University of Toronto Press 1997)  
Zuboff S, *The Age of Surveillance Capitalism: The Fight for a Human Future at the New Frontier of Power* (Profile books 2019)

## JOURNAL ARTICLES

Afifah W, 'Law and Constitution: Legal Protection of Discrimination in Women's Human Rights in the Constitution' (2017) 13 DiH: Journal of Legal Studies <<http://jurnal.untag-sby.ac.id/index.php/dih/article/view/1583>>

Ball K, 'Workplace Surveillance: An Overview' (2010) 51 Labor History 87  
Cukier K and Mayer-Schoenberger V, 'The Rise of Big Data: How It's Changing the Way We Think About the World' (2013) 92 Foreign Affairs 28  
De Vignemont, F., & Fournieret, P. (2004). The sense of agency: A philosophical and empirical review of the "Who" system. *Consciousness and cognition*, 13(1), 1-19.  
Frigg, R., & Votsis, I. (2011). Everything you always wanted to know about structural realism but were afraid to ask. *European journal for philosophy of science*, 1, 227-276.  
Linabary, J. R., & Corple, D. J. (2019). Privacy for whom?: A feminist intervention in online research practice. *Information, Communication & Society*, 22(10).  
Maula BS and Muhsin I, 'Interfaith Marriage and the Religion-State Relationship: Debates between Human Rights Basis and Religious Precepts' (2024) 8 Samarah: Journal of Family Law and Islamic Law 791  
Mejias UA and Couldry N, 'Datafication' (2019) 8 Internet Policy Review <<https://policyreview.info/concepts/datafication>>  
O'Flaherty, M. (2012). Freedom of expression: article 19 of the international covenant on civil and political rights and the human rights committee's general comment no 34. *Human Rights Law Review*, 12(4), 627-654.  
Rousseau, J. J. (2016). The social contract. In *Democracy: A Reader* (pp. 43-51). Columbia University Press.  
Warren SD and Brandeis LD, 'The Right to Privacy' (1890) 4 Harvard Law Review <<https://www.cs.cornell.edu/~shmat/courses/cs5436/warren-brandeis.pdf>>

## OFFICIAL DOCUMENTS

*Guiding Principles on Business and Human Rights: Implementing the United Nations "Protect, Respect and Remedy" Framework*. (2011). United Nations Human Rights Office of the High Commissioner. [https://www.ohchr.org/sites/default/files/documents/publications/guidingprinciplesbusinesshr\\_en.pdf](https://www.ohchr.org/sites/default/files/documents/publications/guidingprinciplesbusinesshr_en.pdf)  
International human rights law | OHCHR. <https://www.ohchr.org/en/instruments-and-mechanisms/international-human-rights-law>  
'Report of the Independent Expert on Protection against Violence and Discrimination Based on Sexual Orientation and Gender Identity' <<https://www.ohchr.org/en/calls-for-input/report-legal-recognition-gender-identity-and-depathologization>>  
UNESCO and others, *International Technical Guidance on Sexuality Education: An Evidence-Informed Approach* (UNESCO 2018) <<https://unesdoc.unesco.org/ark:/48223/pf0000260770>>

## NEWS ARTICLE

- Amer R and Alsaafin L, 'No Privacy, No Water: Gaza Women Use Period-Delaying Pills amid War', *Al Jazeera* (October 2023) <<https://www.aljazeera.com/news/2023/10/31/no-privacy-no-water-gaza-women-use-period-delaying-pills-amid-war>>
- Jo Yurcaba and Garrett Haake, 'Trump signs executive order barring transgender people from military service', *NBC News* (Januari 2025) <<https://www.nbcnews.com/nbc-out/out-politics-and-policy/trump-executive-order-transgender-military-dei-rca189470>>
- Pasinringi T, 'Wanted: Comprehensive Sexual Education for "Queer" Young People' (*Magdalene.co*, 22 December 2021) <<https://magdalene.co/story/dicari-edukasi-seksual-komprehensif-untuk-orang-muda-queer-2/>>
- Patrick Jackson, 'Taliban to force Afghan women to wear face veil', *BBC* (Mei, 2022). <<https://www.bbc.com/news/world-asia-61361826>>.

## OTHER SOURCES

- '#OUTLAWED: "The Love That Dare Not Speak Its Name"' <[https://features.hrw.org/features/features/lgbt\\_laws](https://features.hrw.org/features/features/lgbt_laws)>
- 'CTRL+ALT+DEL KBGO: Series #1 Getting to Know the Basics of KBGO' (PurpleCode Collective 2021) <<https://web.tresorit.com/l/6BdDo#OD-9z2OdX0KP32wZIW2M9g>>
- 'Feminist Principles of the Internet' <<https://feministinternet.net/>>
- 'From Oppression to Liberation: Reclaiming the Right to Privacy' (Privacy International 2018) <<https://www.privacyinternational.org/sites/default/files/2018-11/From%20Oppression%20to%20liberation-reclaiming%20the%20right%20to%20privacy.pdf>>
- Handayani AP and others, 'Sisterhood Recollections: Naming Violence, Nurturing Collective Recovery' <<https://web.tresorit.com/l/gvz8Y#FxFrHNfxscexK8EJk7j20Q>> (PurpleCode Collective, 2022)

- Jacobs S, 'Negative vs. Positive Rights: Understand the Differences' (Spread Great Ideas, 25 May 2024) <<https://spreadgreatideas.org/contrasts/negative-vs-positive-rights/>> diakses pada 6 Februari 2025
- Karunian AY and others, 'Resilience among Repression of Freedom of Expression: The Impact of GBV Exposure on Women and Gender Minority Groups' (PurpleCode Collective, 2024)
- Maulida SA and Kholifah N, 'Systematic Cruelty: Understanding the Brutality of Femicide and the Treatment of Corpses' (Perkumpulan Lintas Feminis Jakarta 2023)
- Roberts CK, 'Reconceptualising the Place of the Forum Internum and Forum Externum in Article 9 of the European Convention on Human Rights' (University of Bristol 2020) <<https://research-information.bris.ac.uk/en/studentTheses/reconceptualising-the-place-of-the-forum-internum-and-forum-extern>> diakses pada 6 Februari 2025
- Vis-Dunbar M, Williams J and Jahnke JHW, 'Indigenous and Community-Based Notions of Privacy' (University of Victoria 2011) UVic/IPIRG--2011--TR--04 <[https://www.researchgate.net/profile/Jens\\_Weber6/publication/310482039\\_Indigenous\\_and\\_Community-based\\_Notions\\_of\\_Privacy/links/582f93e408ae138f1c03595c/Indigenous-and-Community-based-Notions-of-Privacy.pdf](https://www.researchgate.net/profile/Jens_Weber6/publication/310482039_Indigenous_and_Community-based_Notions_of_Privacy/links/582f93e408ae138f1c03595c/Indigenous-and-Community-based-Notions-of-Privacy.pdf)>



2025

SUPPORTED BY  
**Luminate**