



Analysis of the Second Principle of Pancasila on Instagram Privacy Disclaimer

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Abstract

The article discusses the importance of user privacy on Instagram, a popular social media platform. In the digital era, millions of users share aspects of their personal lives, creating risks of data misuse and security threats. The right to privacy is recognized as a human right, including in the Indonesian Privacy Rights Law. Privacy Controls: Instagram gives users full control, allowing personal account settings. Data Policy: Instagram has a policy that explains the collection, use, and sharing of data, reflecting civilized principles. Data Security: Instagram claims to implement security measures and collaborate with third parties. Privacy Tools and Features: Instagram is constantly developing new privacy tools and features. In the context of Instagram user privacy, the principle of the second Principle, "Just and Civilized Humanity," reflects fair treatment and respect for human rights. The rights to privacy, freedom of expression, data security, and control over personal information are the emphasis in implementing the second Principle. Assessing the use of Instagram's privacy policy by the second Principle and encouraging users to be wise in sharing information. A mixed method approach with descriptive qualitative methods and literature studies is used to understand the impact of Instagram user privacy. Privacy is a human right, and Instagram is expected to implement the principles of the second Principle with policies that support the control, security, and fair treatment of users' data.

Keywords: *Analysis, Pancasila, Privacy*

INTRODUCTION

Instagram, is a platform or place in the form of social media that is very popular among people who want to express their feelings and show them to the world. Millions of people or even hundreds of millions of people have Instagram accounts, whether they just create an account and then forget about it or show and express their daily activities on Instagram. Posting photos, videos, and stories on social media such as Instagram has become an inseparable part of everyday life.¹ Instagram is also often a place to show off their wealth and achievements to the world, or even brag about the luxuries of their daily life which can make other people feel jealous when they see it. Instagram also helps people to connect with those who are thousands of kilometers away by following each other's Instagram accounts and sending messages to each other using the Instagram feature in the form of Instagram Direct Messages better known as "DM". Therefore, it is not surprising that social media such as Instagram is very popular among people in this modern, digital era.

But you need to remember, that behind the popularity of Instagram and the millions of accounts that exist, there is an important thing that needs to be paid attention to, namely the privacy of Instagram users. Oftentimes, people post their daily activities on Instagram in the form of photos, and videos, or just create stories and share their location, as well as personal things to the world. These people don't think about the negative impacts they might get from the activities they do and only think about their enjoyment in posting their activities, even though many negative impacts and dangers can be obtained from posting on Instagram without thinking about what can and cannot be shown to the world. The bad impacts and dangers that can occur include misuse of personal data, this can happen if Instagram users do not protect their privacy properly by posting things such as ID cards, driving licenses, and other personal information which can be misused by irresponsible parties and can result in fraud and identity theft. Another danger is the risk that arises from account security that cannot be maintained by Instagram users. If Instagram users' privacy is not well maintained, then their accounts will be vulnerable to attacks by hackers who can steal their real identities, and the worst thing is that there is content that unwanted by users due to misuse of personal data and information. Therefore, users need to know, evaluate, and understand how Instagram manages and protects the personal data of Instagram account users.

¹ Ayu Gede Willdahlia, Ni Putu, and Suci Meinarni, "UTILIZATION OF COMMENTS IN SOCIAL MEDIA AS A MARKETING METHOD ASSOCIATED TO BUSINESS ETHICS (CASE STUDY: INSTAGRAM)," *South East Asia Journal of Contemporary Business, Economics and Law* 14, no. 3 (n.d.), <http://seajbel.com/vol-14-december-2017-issue-3-economics/#more-1133>.

Personal data or privacy is something that is very important to protect and is an important human right.² Everyone is obliged to maintain their privacy and has the right to protect and control their data over the information that each individual wish to share. There is also a Privacy Rights Law, such as article 28 paragraph 1 of the 1945 Constitution in Indonesia, which states that everyone has the right to protection of personal privacy.³ However, in the current digital era, personal data is very easy to misuse, and the privacy of each social media user, so that social media users will be very vulnerable to unwanted things. Therefore, well-known social media platforms such as Instagram have a big responsibility in managing and maintaining the privacy of every Instagram account user. In Instagram's privacy policy, Instagram states its commitment to protecting the privacy of Instagram users' data and providing control over personal data and privacy to Instagram users as well as what information Instagram users share on social media. The following is a claim from Instagram that Instagram protects users' data as made by Instagram in their privacy disclaimer.

Table 1: Preliminary Table

No	Instagram Privacy Policy ⁴
1	Privacy Control: Instagram gives users complete control over their privacy. Users can set their accounts to be private, where their content can only be seen by people they allow and users must approve follower requests. Instagram also provides other privacy tools and features that allow users to control who can view and interact with their content.
2	Data Policy: Instagram has a data policy that explains how they collect, use, and share user data. This policy covers all Facebook products, including Instagram. They also provide information about the tools and controls available to users to manage their data. Instagram claims that this policy is designed to protect user privacy and provide a clear understanding of data management. Instagram has a data policy that explains how it collects, uses, and shares user data. This policy covers all Facebook products, including Instagram. They also provide information about the tools and controls available to users to manage their data. Instagram claims that this policy is designed to protect user privacy and provide a clear understanding of data management.
3	Data Security: Instagram claims that they implement appropriate security measures to protect user data from unauthorized access or unauthorized use. They work with third parties to keep

² Ni Putu, Suci Meinarni, and Emmy Febriani Thalib, "Privacy Related to Cyber Space Activities," in *Proceedings of the International Conference on Innovation in Research (ICIIR 2018) – Section: Economics and Management Science*, vol. 88 (Atlantis Press, 2019), 176–79, <https://doi.org/https://doi.org/10.2991/iciir-18.2019.32>.

³ Pemerintah Pusat Indonesia, "Undang-Undang (UU) Nomor 27 Tahun 2022 Tentang Pelindungan Data Pribadi" (2022).

⁴ Instagram, "Privacy Policy," 2023, <https://privacycenter.instagram.com/policy/>.

	user data safe. Instagram also provides information about actions users can take if they feel their account has been hacked or their data has been misused.
4	Privacy Tools and Features: Instagram claims that they implement appropriate security measures to protect user data from unauthorized access or unauthorized use. They work with third parties to keep user data safe. Instagram also provides information about actions users can take if they feel their account has been hacked or their data has been misused.

The table above explains how Instagram claims Instagram user privacy policies. In this case, the policy will be analyzed whether it is by the second principle of Pancasila. The second principle in Pancasila has the principle of "Just and Civilized Humanity" which has the meaning of promoting just and civilized human values in social and state life. We need to treat everyone fairly and respect human and individual rights regardless of race, ethnicity, religion, or gender. It is important to build civilized humans, where people respect each other, appreciate and work together in dealing with each other's differences and interests. There are some previous research that tell about implementation of second principle of Pancasila but with different platform. There are such as research conducted by Melsy Amelia Simanjuntak, Madhani Nur Syafitri, Dina Mutiara Siregar, Halimatussa'diyah, Risma Maulizar Azzanna, Nita Oktaria Tumangger, Jamaludin (2023) in their research entitled "The Influence of the TikTok Application on Morals Junior High School Adolescents in the Context of the Second Principle of Pancasila: Analysis of the Negative Impacts Related to Bullying."⁵ This type of research uses a literature study using a qualitative descriptive approach. The similarity between previous research and this research is that it uses the context of the second principle of Pancasila in analyzing the object under study. The difference between previous research and this research is that it uses a different approach method. The previous research used a descriptive qualitative approach while this research uses a descriptive qualitative method. In previous research, the object studied was the social media platform TikTok regarding negative impacts related to bullying, whereas in this research the object studied was the social media platform Instagram regarding the privacy disclaimer. The second previous research that was used as a reference was research conducted by Alissa Isni Silviani Sutadi, Mohammad Mufid Fadillah Irsan, Mohammad Syafa Aulia, Nadila Az-Zahra, Susanti, Dadi Mulyadi Nugraha (2023) in their research entitled "Low Implementation Of Principles 2 Pancasila In The Use Of Tiktok Social Media".⁶ This type of research uses a mixed-method approach which combines qualitative methods and literature studies. The similarity between previous research and this

⁵ Roafa Salsabila and Minsih, "The Effect of the TikTok Application on the Bullying Behavior of Students in Elementary Schools," 2023, 1916–25, https://doi.org/10.2991/978-2-38476-086-2_153.

⁶ Alissa Isni et al., "The Low Implementation of the Second Principle of Pancasila in the Use of TikTok Social Media," *JAGADDHITA: Jurnal Kebhinekaan Dan Wawasan Kebangsaan* 2, no. 2 (2023), <https://journal.unindra.ac.id/index.php/jagaddhita>.

research is that it uses the context of the second principle of Pancasila in analyzing the social media platforms that are used as objects of analysis. The difference between previous research and this research is that the social media platform is used as the object of analysis. In the previous research, the social media analysis of TikTok was analyzed, and the low level of application of the second principle of Pancasila on the social media platform, whereas in this research, the second principle of Pancasila was analyzed in the disclaimer. Instagram privacy. Another difference is that the previous research used a mixed-method approach which combined qualitative methods and literature studies, whereas this research used a descriptive qualitative method. The final reference for previous research used for this research is research conducted by Aisyah Putri Irawan, Aniek Irawatie, and Putri Dina (2023) in their article entitled "Hate Speech in Deviations from the second Principle of Pancasila". This research uses literature study research methods and quantitative analysis. The similarity between this research and previous research is that previous research and this research use the context of the second principle of Pancasila as the basis or reference for the social media platform which is the object of analysis. The difference between this research and previous research is that the previous research used library research methods and quantitative analysis, whereas this research used descriptive qualitative methods. Previous research also did not only use one social media platform as the object of research, but several social media platforms such as TikTok, Instagram, Twitter, and Facebook, and previous research focused more on hate speech that existed and occurred on social media and analyzed the causes of the speech. This hatred is widespread and there are deviations from the second principle of Pancasila as a result of the large number of hate speeches in cyberspace. Meanwhile, this research focuses more on how Instagram users maintain their privacy through the privacy disclaimer that Instagram has provided and whether Instagram users have used the privacy disclaimer by the second principle of Pancasila. From all of the research about implementation on second principle of Pancasila, there are still a lack of people that conducted the research in the Instagram application.⁷

In this article, we will analyze the second principle of Pancasila, namely "A Just and Civilized Humanity", and then see how this second principle can be applied in the context of Instagram user privacy. In this context, the second principle, namely A Just and Civilized Humanity, will refer to fair treatment and respect for human rights in managing the personal data of every Instagram user. In the background regarding the context of the second principle of Pancasila in the Instagram user privacy disclaimer, the formulation of the problem that can be asked is whether Instagram users have used Instagram's policy under the meaning of the second principle of Pancasila, and what the impacts experienced by those who do not apply the second principle to the Instagram user privacy disclaimer?

⁷ Nadia Azzahra Chandra, "Harmonisasi Hak Dan Kewajiban Asasi Manusia Dalam Konkrit Pelaksanaan Nilai-Nilai Pancasila," *Journal of Human Rights Practice*, 2019.

The purpose of this article is to find out whether Instagram users have implemented and used the Instagram privacy policy that has been provided by them by the second principle of Pancasila and to ensure that Instagram users can be wise in providing or disseminating appropriate information on social media such as Instagram and do not carelessly distribute the personal data of Instagram users. The benefit of writing this article is that we know what we can and cannot do when posting information on social media such as Instagram and how to protect and respect other people's privacy by the second principle of Pancasila.

RESEARCH METHOD

This research uses a mixed method that combines descriptive qualitative methods and literature studies. In descriptive qualitative data collection techniques, data is searched by describing existing phenomena or realities, both natural and human engineering. This research pays more attention to the quality, characteristics, and relationships between activities. Meanwhile, in literature studies, data is collected from information sources relevant to the topic being discussed, such as print media such as articles on indotelko.com, articles on kompasiana.com, as well as sources of information in the form of videos such as videos on YouTube. In the data analysis technique, descriptive qualitative data obtained from the author's assumptions is analyzed using a qualitative approach, namely through the process of data reduction, data presentation, and conclusion. Meanwhile, data from literature studies were analyzed through a process of searching, selecting, and synthesizing information. By using a mixed-method approach, the author can obtain comprehensive data and produce stronger conclusions.⁸

FINDING

Privacy is a human right that underlies freedom of association, thought, expression, and freedom from discrimination. Meanwhile, according to the psychological literature, Hartono in Prabowo, privacy is the level of interaction or openness that a person desires in a certain condition or situation and obtains freedom. According to Warren & Brandeis, privacy is the right to the "right to be alone" or an individual's right to have their freedom. So, from the three definitions above, it can be concluded that privacy is a human right to have a level of interaction with other people in certain conditions or situations. The second principle is the principle of treating everyone fairly, respecting human rights, and building a civilized

⁸ Saptaning Ruju Paminto Rusdin Tahir, I Gde Pantja Astawa, Agus Widjajanto, Mompang L Panggabean, Moh Mujibur Rohman, Ni Putu Paramita Dewi, Nandang Alamsah Deliaroor, Muhamad Abas, Rizqa Febry Ayu, Ni Putu Suci Meinarni, Fatimah Hs, Ni Wayan Eka Sumartini, Dewi Kania Sugiharti, *Metodologi Penelitian Bidang Hukum: Suatu Pendekatan Teori Dan Praktek* (Jambi: Sonpedia, 2023).

society. In the context of Instagram's privacy disclaimer, this principle can be applied to the fair treatment of users' data. In terms of control privacy Instagram gives users complete control over their privacy. Users can set their accounts to private and control who can see their content, reflecting the fair principle of giving individuals the right to control their personal information. The data policy explains the collection, use, and sharing of user data. This reflects civilized principles by providing a clear understanding of data management and supporting users' privacy rights. And data security reflects fair principles by protecting users' privacy and security rights. More details regarding Human Rights (HAM) related to the second principle of Pancasila in the Instagram privacy disclaimer, namely as follows.⁹

Right to Privacy

The Second Precept is closely related to the right to privacy, namely the right to have control over our personal information. This right gives full control to Instagram users to control who can view their Instagram accounts. In this regard, Instagram provides a privacy policy in the form of privacy tools and features, so that Instagram users have full control over their data.¹⁰ This right allows Instagram users to know who has seen their stories on Instagram and who has "liked" their posts, and they can block other account users if they feel uncomfortable and do not know the account user. This right also recognizes how Instagram users know how their information is used and how that information is stored and protected or secured by Instagram's privacy policy.

Right to Freedom of Expression

The second Principle also relates to the right to freedom of expression.¹¹ Instagram users have the right to share information, photos, and videos according to their rights, situation, and desires of Instagram users. This right includes the freedom to upload content in the form of photos and videos, interact with other users through comments on posts, express personal opinions or views by leaving comments on posts on other user's accounts, and conduct live streaming to be able to interact directly with friends and followers. the Instagram user directly.¹²

⁹ Jamal Wiwoho and Munawar Kholil, "Pembumian Pancasila Sebagai Bintang Penuntun Hukum Di Indonesia," *Jurnal Majelis: Media Aspirasi Konstitusi* 4 (2020).

¹⁰ Freedom House, "Freedom On The Net 2021 Indonesia," 2021, <https://freedomhouse.org/country/indonesia/freedom-net/2021>.

¹¹ H Zamharir and S Sazali, "Kemanusiaan Baru: Sebuah Wacana Peneguhan Gagasan Dalam Sila Kedua Pancasila," *Ilmu Dan Budaya*, 2018.

¹² Svetlana M. Mironova and Svetlana S. Simonova, "Protection of the Rights and Freedoms of Minors in the Digital Space," *Russian Journal of Criminology* 14, no. 2 (2020): 234–41, [https://doi.org/10.17150/2500-4255.2020.14\(2\).234-241](https://doi.org/10.17150/2500-4255.2020.14(2).234-241).

Right to Security

The second Precept emphasizes the importance of secure information collection and data use as well as the protection of users' personal information. Instagram users have the right to feel safe and protected when using the Instagram platform and not feel threatened when live streaming. Users have the right to know how Instagram protects and secures their data, as well as how to prevent other users from accessing user account information by changing their account to a private account so that only certain people can access their account.¹³

Right to Information

The second principle also relates to a person's right to information. This right includes the right to obtain clear and transparent information about Instagram's privacy policy and data collection practices. On this right, Instagram provides a privacy policy in the form of a data policy, which explains how Instagram collects, uses, and shares user data. So, this right claims that Instagram users have the right to know how their data is managed by Instagram and how their data is managed by the wishes of Instagram users.¹⁴

Right to Control

The second Precept emphasizes the importance of users having control over their personal information. In this right, Instagram provides a privacy policy in the form of privacy controls for Instagram users, which means that Instagram users have full control over their privacy. This right gives Instagram users the right to control who can view their Instagram account and users can change their account to a private account so that only their followers can see their posts. Users also gain control over how their content is displayed and how their data is used by the platform.¹⁵

Thus, Instagram in general has reflected the principles of the second Principle of Pancasila in compiling its privacy disclaimer, providing fair treatment, and respecting the human rights of application users. Instagram is very suitable to be applied in Indonesia. But what happens, if some people misuse other people's information that they obtained illegally, such as hacking via the Instagram platform? There are penalties for those who distribute other people's private content without permission, which may violate

¹³ Linnet Taylor, "What Is Data Justice? The Case for Connecting Digital Rights and Freedoms Globally," *Big Data and Society* 4, no. 2 (December 1, 2017), <https://doi.org/10.1177/2053951717736335>.

¹⁴ Carly Nyst and Tomaso Falchetta, "The Right to Privacy in the Digital Age," *Journal of Human Rights Practice* (Oxford University Press, February 1, 2017), <https://doi.org/10.1093/jhuman/huw026>.

¹⁵ Fatma Hajar Islamiyah, Muhammad Turhan Yani, and Raden Roro Nanaik Setyowati, "PRAKTIK BAIK PEMBIASAAN DAN PEMBINAAN KARAKTER SEBAGAI INOVASI PENDIDIKAN DI SEKOLAH DASAR (ANALISIS PSIKOSOSIAL DAN IMPLEMENTASI PANCASILA SILA KEDUA DI SD MUHAMMADIYAH 2 GKB GRESIK)," *Pendas : Jurnal Ilmiah Pendidikan Dasar* 8, no. 1 (2023), <https://doi.org/10.23969/jp.v8i1.7576>.

the law according to the applicable legal jurisdiction.¹⁶ In Indonesia, this action may violate several articles in Law Number 11 of 2008 concerning Information and Electronic Transactions (UU ITE),¹⁷ namely Article 27 paragraph (3) "states that every person who intentionally and without right distributes and/or transmits and/or makes electronic information that contains insulting or defamatory content can be accessed," perpetrators who are caught in this article will be punished with a maximum imprisonment of 4 years and/or a maximum fine of Rp. 750,000,000.00.

Another article relating to defamation is Article 45 paragraph (1) of the ITE Law "states that every person who deliberately and without right disseminates information that he knows is false information and/or misleading information and/or information that is detrimental to other people. ". Perpetrators caught in this article will be sentenced to imprisonment for a maximum of 6 years and/or a fine of a maximum of IDR 1,000,000,000.00.

CONCLUSION

Based on the results of data analysis in this research, it can be drawn conclusions as follows: Privacy, in the context of human rights, involves freedom of association, thought, expression, and freedom from discrimination. Psychologists Hartono and Warren & Brandeis define privacy as the level of interaction or an individual's right to the "right to be alone." The concept of privacy concludes that it is a human right to control interactions with other people under certain conditions. The second Principle of Pancasila adheres to the principle of treating all people fairly, respecting human rights, and building a civilized society. In the context of Instagram privacy, this principle is reflected in the complete control given to users over their data. Instagram implements civilized principles through clear data policies and data security protection. The rights to privacy, freedom of expression, security, information, and control are elements of the Second Principle reflected in Instagram's privacy policy. However, involving legal aspects, misuse of information on Instagram, such as hacking, can violate the ITE Law in Indonesia, with the threat of criminal penalties and fines. Providing advice to the public not to reveal personal privacy on social media without knowing the risks. So that people pay more attention to the privacy policy of each application.

¹⁶ Dewi Iriani and Widya Nurreni Astuti, "Hukum, Kejahatan Dan Karakter Pancasila," *Proceeding Od Conference on Law and Social Studies*, 2020.

¹⁷ Pemerintah Pusat Indonesia, "Undang-Undang (UU) Nomor 19 Tahun 2016 Tentang Perubahan Atas Undang-Undang Nomor 11 Tahun 2008 Tentang Informasi Dan Transaksi Elektronik" (2016).

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