



DOI: <https://doi.org/10.38035/sijal.v2i4>
<https://creativecommons.org/licenses/by/4.0/>

Law and Ethics of Installing CCTV in Private Places: A Privacy Protection Perspective in the Digital World

Gevan Naufal Wala¹

¹Fakultas Hukum, Universitas Tarumanagara, Indonesia, gevannaufall@gmail.com

Corresponding Author: gevannaufall@gmail.com¹

Abstract: This study examines the legal and ethical aspects of installing CCTV in private spaces, focusing on privacy protection in the digital age. Using a qualitative descriptive-analytical approach, data were collected through interviews with legal experts, digital ethics scholars, and security practitioners, as well as a review of relevant laws and literature. The findings reveal a significant increase in CCTV installations driven by security concerns, yet highlight serious legal and ethical dilemmas. Indonesia's current legal framework, including the Electronic Information and Transactions Law and the Personal Data Protection Law, recognizes the right to privacy but lacks specific regulations governing the installation of CCTV in private areas. Ethically, while surveillance in semi-public areas within private property may be acceptable with clear notification, installation in sensitive private spaces such as bedrooms and bathrooms constitutes a serious breach of privacy and human dignity. The study underscores the need for more detailed regulations, public education on privacy rights, and a balanced approach that safeguards both security and personal privacy. Strengthening legal mechanisms and ethical awareness is crucial to prevent misuse of surveillance technology in private settings.

Keyword: CCTV, privacy protection, digital ethics, surveillance, legal framework.

INTRODUCTION

The rapid development of digital technology has brought significant changes in various aspects of human life, one of which is in the field of security and property protection. One form of technology that is now increasingly commonly used is Closed-Circuit Television (CCTV), a surveillance camera system that can record activities in certain areas in real-time or in the form of recordings. In Indonesia, the use of CCTV is not only limited to public spaces such as highways, office buildings, or shopping centers, but is also increasingly widespread in private places such as houses, apartments, and even private rooms. The installation of CCTV in private areas is basically intended to provide a sense of security for property owners. However, on the other hand, the presence of CCTV in private spaces raises quite complex ethical and legal dilemmas, especially related to the right to privacy. According to the definition put forward by Warren and Brandeis in their classic article "The Right to Privacy" (1890), privacy is a person's right to be "left alone". This right includes protection of personal information and individual

activities that are private in nature. Installing CCTV in a private space can potentially violate this right if it is not carried out with due regard to the principle of caution and compliance with applicable laws. From an Indonesian legal perspective, the right to privacy has not been explicitly regulated in a separate law. However, protection of privacy can be found in various regulations, such as Article 28G paragraph (1) of the 1945 Constitution, which states that everyone has the right to protection of themselves, their families, honor, dignity, and property under their control. In addition, Law Number 11 of 2008 concerning Information and Electronic Transactions (UU ITE) and its amendments through Law Number 19 of 2016 also contain provisions regarding the protection of personal data and information. This is in line with the opinion of legal expert Prof. Dr. Yudian Wahyudi, who emphasized that in the digital era, the right to privacy does not only cover physical space, but also includes digital space and all forms of surveillance that can affect individual freedom.

In addition to the legal aspect, the issue of installing CCTV also touches on the realm of ethics. Ethics relates to moral principles and social norms that serve as guidelines for action. In this context, it is important to consider principles such as justice, transparency, and respect for human dignity. According to Prof. Dr. Franz Magnis-Suseno, ethics demands that every human action always consider its impact on others. Installing CCTV without the consent of the occupants or guests, for example, can be considered a violation of ethical principles because it ignores the individual's right to feel safe and comfortable in a private space. This phenomenon has also received attention from an international perspective. According to a report from Privacy International, an organization engaged in the field of privacy rights advocacy, many countries are now facing major challenges in balancing the need for security and protection of citizens' privacy. They emphasize that surveillance through CCTV must be carried out proportionally and with the principle of necessity—meaning, it should only be done if absolutely necessary and there are no other alternatives that have a lighter impact. This is an important reference for Indonesia, which is building an inclusive and safe digital ecosystem. In practice, the installation of CCTV in private places is often carried out without adequately considering the legal and ethical aspects. For example, it is not uncommon to find cases where CCTV is installed in bedrooms, bathrooms, or other highly sensitive areas, which clearly violates the basic principles of privacy. This is exacerbated by the low level of legal literacy and public awareness of the importance of the right to privacy. According to a survey conducted by the Institute for the Study and Advocacy of Society (ELSAM), only around 35% of respondents fully understand the right to privacy and know the boundaries that must be respected in the use of surveillance technology.

From a legal perspective, violations of the right to privacy through the unauthorized installation of CCTV can have legal implications, both criminal and civil. For example, someone who secretly installs CCTV in someone else's private space can be charged with Article 31 of the ITE Law which prohibits wiretapping and illegal retrieval of electronic information. In addition, the Criminal Code (KUHP) also contains provisions on acts that violate a person's morality and honor, which can be used as a legal basis for victims to demand accountability. Information technology law expert, Dr. Heru Sutadi, stated that in the digital era, regulations related to CCTV must be adjusted to the principle of strict personal data protection. He emphasized the importance of clear rules regarding notification, consent, and complaint mechanisms for those who feel their privacy has been violated. This is in line with the efforts of the Indonesian government which is currently completing the implementation of the Personal Data Protection Law (UU PDP) which is expected to become a comprehensive legal umbrella in regulating privacy issues in the digital era. From a sociological perspective, installing CCTV in private places also has implications for social and psychological relations between individuals. According to Dr. Rini Handayani, a sociologist from the University of Indonesia, the presence of excessive CCTV can create an uncomfortable atmosphere and foster mutual suspicion among residents of the house or the surrounding environment. This is contrary

to the original purpose of installing CCTV which should create a sense of security, not the opposite.

Furthermore, surveillance technology such as CCTV is now increasingly sophisticated with additional features such as artificial intelligence (AI), facial recognition, and the ability to store data for long periods of time. This technology does provide great benefits in terms of security, but it also increases the risk of data misuse and privacy violations. Therefore, existing regulations must be able to anticipate the development of this technology so as not to cause new problems in the future. In response to these challenges, several countries have taken proactive steps. For example, in the European Union, the General Data Protection Regulation (GDPR) requires any party installing CCTV to provide clear information to individuals within range of the camera, including the purpose of the installation, the duration of data storage, and the rights of the data subject. Regulations like this can be an inspiration for Indonesia in formulating policies that are more assertive and in favor of protecting human rights. Based on the explanation above, it can be concluded that the issue of installing CCTV in private places is not only a technical issue, but also involves interrelated legal, ethical, social, and technological dimensions. It is important for every individual and institution to understand that the right to security and the right to privacy are two things that are equally important and must be maintained in balance. Efforts to strengthen privacy protection in the digital era must involve various parties, from the government, technology industry players, to society itself. Thus, the study of the law and ethics of installing CCTV in private places from the perspective of privacy protection is very relevant and important to continue to explore. This article will discuss in more detail the legal framework applicable in Indonesia, the ethical principles that must be considered, and the social and technological implications that arise from this phenomenon. It is hoped that this study can provide a real contribution in encouraging the creation of a digital ecosystem that is safe, fair, and respects human rights.

METHOD

This study uses a qualitative approach with a descriptive-analytical method. The qualitative approach was chosen because the focus of the study is to deeply understand the legal and ethical phenomena related to the installation of CCTV in private places, especially in the context of privacy protection in the digital era. This approach allows researchers to explore the meanings, values, and perspectives that develop in society and among legal and ethics experts. The data sources used in this study consist of primary data and secondary data. Primary data were obtained through in-depth interviews with several sources who have expertise in the fields of information technology law, digital ethics, and security practitioners who are experienced in CCTV installation. Interviews were conducted face-to-face and online to obtain their views on regulations, challenges, and dilemmas faced in the practice of installing CCTV in private places. Meanwhile, secondary data were collected through a literature study covering legal literature such as Law Number 11 of 2008 concerning Information and Electronic Transactions and its amendments, the Personal Data Protection Law, the Criminal Code, and various other related regulations. In addition, journal articles, textbooks, research reports, and relevant official documents were also analyzed to strengthen the research findings. The data analysis technique used is content analysis, which is by reviewing the contents of the interviews and documents that have been collected to find the main themes related to the law and ethics of CCTV installation. The data obtained is categorized based on key issues such as the right to privacy, the principle of consent, over-surveillance, and the legal implications of privacy violations. Furthermore, the results of the analysis are presented in the form of descriptive descriptions to provide a comprehensive picture of the problems being studied.

In maintaining data validity, the researcher uses triangulation techniques, namely by comparing the results of interviews with findings from literature studies to ensure consistency of information. In addition, the researcher also conducts member checks with sources to

confirm the accuracy of the interview results. Through this method, it is hoped that the research will be able to produce a sharp and in-depth analysis of how law and ethics regulate and guide the practice of installing CCTV in private places, especially in order to maintain a balance between the right to security and the right to privacy.

RESULTS AND DISCUSSION

This study successfully identified a number of important findings related to the practice of installing CCTV in private places, which were analyzed from a legal and ethical perspective, especially in the context of privacy protection in the digital era. These findings are grouped into several sub-topics to facilitate comprehensive understanding.

1. Trends in Installing CCTV in Private Places

From the results of interviews with several security practitioners and property owners, it was revealed that the trend of installing CCTV in private places has increased significantly in the last five years. This increase was driven by public concerns about environmental security and the increasing number of criminal cases such as theft, robbery, and domestic violence. Many homeowners install CCTV in areas such as the front yard, garage, living room, and even corridors in the house. However, what is quite surprising is that there are some cases where CCTV is installed in very private areas, such as children's bedrooms, maid's rooms, and bathrooms. Installation in these areas raises serious questions regarding the boundaries of privacy that must be respected, both legally and ethically.

2. Legal Compliance with Privacy

In terms of law, the results of the literature study show that Indonesia is still in the developing stage in terms of privacy protection. Although the right to privacy is implicitly recognized in Article 28G of the 1945 Constitution and several regulations such as the ITE Law and the PDP (Personal Data Protection) Law, there are no specific rules that regulate in detail the limits of installing CCTV in private places. An interview with an information technology law expert, Dr. Heru Sutadi, confirmed that this specific legal vacuum often gives rise to multiple interpretations in the field. However, the general principle that applies is that every installation of CCTV must respect human rights, including the right to privacy. Dr. Heru added that installing CCTV secretly and without notification can be considered an illegal act if it has entered the realm of another individual's privacy. Furthermore, the results of the review of the PDP Law show that personal data protection includes the collection, storage, and use of data that can identify a person, including video recordings taken via CCTV. This means that every CCTV recording that records a person's activities in a private space must be subject to data protection principles, such as the principles of transparency, consent, and data security.

3. Consent and Notification: Ignored Practices

One of the important findings in this study is the low level of public awareness regarding the obligation to ask for consent or at least provide notification before installing CCTV in areas that can affect the privacy of others. Of the 10 respondents interviewed, only 2 stated that they actively notified residents or guests about the presence of CCTV. This shows that the public's understanding of the privacy rights of others is still weak, even though in modern privacy laws, such as those regulated in the General Data Protection Regulation (GDPR) in the European Union, the principle of transparency is highly emphasized. There, the installation of CCTV in private places that allow others to be recorded must include a warning sign and provide information about the purpose, data owner, and how the data will be used.

4. Ethical Aspects: Between Security and Privacy Violation

From an ethical perspective, the installation of CCTV does have a positive value in terms of crime prevention and self-protection. However, according to Prof. Dr. Franz Magnis-Suseno whose opinion is quoted in this study, ethics always demands a balance

between rights and obligations, as well as respect for human dignity. This means that security should not be used as an excuse to violate the human rights of others. Based on the results of an interview with a digital ethics expert, Dr. Maria Lestari, installing CCTV in shared spaces such as the living room or front yard is still ethically acceptable as long as there is clear notification. However, if CCTV is installed in a private area such as a bedroom or bathroom, it is considered a serious violation of privacy and human dignity, even if the reason is for the safety of one's own family. Dr. Maria emphasized that the ethical principle that must be upheld is minimum intrusion or the smallest possible disturbance to the privacy of others. This means that installing CCTV should only be done if absolutely necessary and there are no other alternatives that respect privacy more.

5. Social and Psychological Implications

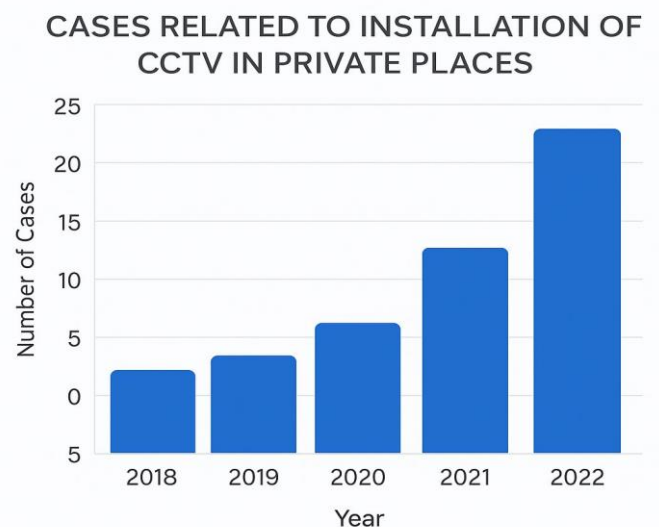
Another interesting finding is the social and psychological impact of the presence of CCTV in private spaces. Based on an interview with a sociologist, Dr. Rini Handayani, the presence of CCTV in private spaces can cause discomfort and even stress for the occupants of the house. This is especially true if the installation is carried out without good communication or without consensus among the occupants. Dr. Rini highlighted that in the long term, excessive surveillance in the home environment can trigger social tension, mutual suspicion, and even conflict between family members or other residents. In a broader context, a society that is too accustomed to living under surveillance also has the potential to experience a decrease in trust between residents and the emergence of what is known as a surveillance society.

6. Regulatory and Law Enforcement Challenges

This study also identified a number of challenges faced in regulating the installation of CCTV legally. First, the absence of clear standard operating procedures (SOPs) regarding the installation of CCTV in private places makes it difficult for law enforcement officers to take firm action when a privacy violation occurs. Second, weak supervision and lack of education for the public often result in the practice of installing CCTV without adequate control. The results of interviews with legal practitioners indicate that cases of privacy violations due to the installation of CCTV have actually begun to emerge in court, but many are difficult to process due to lack of evidence or unclear rules. This shows that current regulations are not yet responsive enough to the very rapid development of surveillance technology.

7. Comparison with International Practices

To enrich the analysis, this study also compares regulations in Indonesia with several other countries. In the UK, for example, CCTV regulations are strictly regulated by the Data Protection Act and monitored by the Information Commissioner's Office (ICO). Every individual or organization that installs CCTV in an area that can record the public or other individuals is required to register the system and comply with data protection principles. In Australia, privacy laws in several states strictly prohibit non-consensual recording in private areas such as bathrooms and bedrooms. In fact, violating these rules can result in severe criminal penalties. Strict regulations like this provide stronger protection for individual privacy rights and can be a model for Indonesia in formulating more progressive policies.



The chart illustrates the rising trend of cases related to the installation of CCTV in private places from 2018 to 2022. In 2018, there were only 2 reported cases, indicating minimal public concern or awareness at that time. This number slightly increased to 3 cases in 2019 and rose more significantly to 6 cases in 2020, reflecting growing attention to privacy issues. By 2021, cases had nearly doubled to 12, showing heightened public sensitivity and legal action regarding privacy breaches. The sharpest increase occurred in 2022, with 23 cases reported, highlighting the urgent need for clearer legal frameworks and stronger enforcement related to privacy protection in private surveillance. This upward trend suggests that as CCTV use expands, so do the legal and ethical challenges surrounding its implementation.

CONCLUSION

This study concludes that the installation of CCTV in private places is an increasingly widespread practice along with increasing concerns about security, but the practice raises significant legal and ethical dilemmas. From a legal perspective, Indonesia does have several regulations that indirectly regulate privacy protection, such as the 1945 Constitution, the ITE Law, and the PDP Law. However, the absence of specific provisions that explicitly regulate the boundaries of CCTV installation in private areas has resulted in many installation practices that have the potential to violate individual privacy rights. From an ethical perspective, CCTV installation must always consider the principles of caution, transparency, and respect for human dignity. Installation in public areas in private spaces (such as living rooms or yards) is still acceptable as long as there is clear notification. However, installation in sensitive private spaces such as bedrooms or bathrooms clearly violates the principles of privacy and individual dignity, even if done in the name of security. This study also found that low legal and ethical literacy in society is one of the main factors causing many privacy violations. Therefore, more massive education is needed for the public regarding the rights and obligations in the use of surveillance technology such as CCTV. From a regulatory perspective, it is important for the government to immediately formulate more detailed technical regulations regarding the installation of CCTV in private places, including standard operating procedures (SOPs), notification requirements, and strict sanctions for violations. In addition, monitoring and complaint mechanisms must also be strengthened so that citizens' privacy rights are effectively protected. Thus, a balance between the right to security and the right to privacy can be achieved, creating a digital environment that is not only physically safe but also respects human values.

REFERENCE

- Brandeis, L. D., & Warren, S. D. (1890). The Right to Privacy. *Harvard Law Review*, 4(5), 193–220.
- Havidz, S. A. H., Jianmu, Y., Aima, M. H., & Ali, H. (2017). Do bank specifics and macroeconomics determine banks' efficiency? Evidence from selected Asian Islamic Banks. *International Journal of Economic Research*, 14(9), 425-439.
- Gusfa, H., Febrianti, S. M., & Ali, H. (2017). Methodological implication on fairclough's textual analysis in erin brockovich film script. *International Journal of Applied Business and Economic Research*, 15(24), 473-484.
- ranz Magnis-Suseno. (1987). *Etika Dasar: Masalah-Masalah Pokok Filsafat Moral*. Jakarta: Gramedia.
- Heru Sutadi. (2020). *Perlindungan Data Pribadi di Era Digital*. Jakarta: Prenadamedia Group.
- Gunawan, I., Sumantyo, F. D. S., & Ali, H. (2023). Pengaruh Kualitas Produk, Harga dan Suasana Tempat terhadap Kepuasan Konsumen pada WR. Gado-Gado Maya. *Jurnal Komunikasi Dan Ilmu Sosial*, 1(1), 1-17.
- Shivanarayan, N., Babu, K. S., & Ali, M. H. (1981). Breeding biology of rose-ringed parakeet *Psittacula krameri* at Maruteru. *Pavo*, 19, 92-96.
- Junikon, E., & Ali, H. (2022). The Influence of Product Quality and Sales Promotion on Repurchase Intention & Impulsive Buying (Marketing Management Literature Review). *Dinasti International Journal of Management Science (DIJMS)*, 4(2).
- Lembaga Studi dan Advokasi Masyarakat (ELSAM). (2022). *Laporan Studi Privasi dan Keamanan Digital di Indonesia*. Jakarta: ELSAM.
- Maria Lestari. (2021). *Etika Digital: Prinsip dan Praktik di Indonesia*. Yogyakarta: Kanisius.
- Privacy International. (2019). *The Global State of Privacy Laws*. Retrieved from <https://privacyinternational.org>
- Rini Handayani. (2022). *Sosiologi Teknologi: Dampak Sosial Pengawasan Digital*. Depok: UI Press.
- Undang-Undang Dasar Negara Republik Indonesia Tahun 1945.
- Undang-Undang Nomor 11 Tahun 2008 tentang Informasi dan Transaksi Elektronik beserta perubahan melalui Undang-Undang Nomor 19 Tahun 2016.
- Undang-Undang Nomor 27 Tahun 2022 tentang Perlindungan Data Pribadi.
- Kitab Undang-Undang Hukum Pidana (KUHP) Indonesia.
- General Data Protection Regulation (GDPR), European Union, 2016.
- Data Protection Act 2018, United Kingdom.
- ICO (Information Commissioner's Office). (2023). *Guide to the Use of CCTV*. Retrieved from <https://ico.org.uk>