



ISSN : 3031-7355

<https://doi.org/10.61796/ejcbt.v1i9.1013>

LEGAL ANALYSIS OF VIOLATION OF PRIVACY RIGHTS BY SHOPEE EXPRESS COURIERS WHEN PHOTOGRAPHING CONSUMERS AS PROOF OF RECEIPT OF GOOD

Shofia Eka Putri Wulandari 1, Mochammad Tanzil Multazam*2

Department of Law, University of Muhammadiyah Sidoarjo, Indonesia

Department of Law, University of Muhammadiyah Sidoarjo, Indonesia

Email: tanzilmultazam@umsida.ac.id*Received: Jul 22, 2024; Accepted: Aug 29, 2024; Published: Sep 22, 2024;*

Abstract: **General Background:** The rapid growth of e-commerce in Indonesia has brought to light critical issues regarding privacy rights, particularly in the context of delivery services. **Specific Background:** This research specifically addresses the actions of Shopee Express couriers who take photos of package recipients without their consent, raising significant concerns regarding personal data protection and privacy violations. **Knowledge Gap:** Despite the existence of laws aimed at protecting personal data, there is insufficient analysis of how these laws apply to courier practices in e-commerce. **Aims:** The study aims to examine the legal implications of these privacy violations and the adequacy of existing regulations in safeguarding consumer rights. **Results:** Utilizing a normative juridical methodology with a statutory approach, the findings indicate that such actions contravene multiple Indonesian laws, including the 1945 Constitution, Law No. 8 of 1999, and various governmental regulations concerning data protection. **Novelty:** This research adds to the existing literature by highlighting the intersection of e-commerce practices and privacy law, emphasizing the need for more robust legal frameworks. **Implications:** The findings suggest that enhanced policies and stricter law enforcement are necessary to protect consumer privacy rights effectively and maintain public trust in Shopee Express services. Potential sanctions for couriers include warnings and civil lawsuits, reinforcing the importance of accountability in the delivery sector.

Keywords: legal protection; privacy rights; courier; shopee express

This is an open-access article under the [CC-BY 4.0](https://creativecommons.org/licenses/by/4.0/) license

Introduction

In this increasingly modern era, it has created technological advances and online trading that is increasingly prevalent among the public. The use of goods delivery services is a major element in supporting online trade to meet consumer needs. One of them is the shopee express e-commerce platform which is widely recognized by all circles of society. Shopee express as one of the delivery services that provides courier services, has a strict policy on proof of receipt of goods. The provision of proof of receipt of goods by shopee express which requires taking photos or videos of consumers as proof of receipt of goods has caused debate. In practice, couriers often take photos with less than optimal conditions such as taking photos of consumers without permission. From that, at first glance it seems ordinary but has a dangerous impact on users of these delivery services.

Basically, the courier takes a photo of the consumer using his personal cell phone. The thing that many consumers are worried about is that the photos taken by the courier are stored in their phone storage or only stored in the delivery service application. With the rampant cases that are currently circulating about photos of package recipients spread on the internet, it is feared that it will make

consumers less interested in shopping online. We also often experience this when using shopee express delivery services, where the courier takes photos without prior permission. Of course, this is contrary to the provisions on personal data processing that have been regulated in Article 20 paragraphs (1) and (2) of Law Number 27 of 2022 concerning Personal Data Protection. The article states that every person who processes the personal data of another person must obtain the consent of the owner of the personal data before processing the personal data. So indirectly the courier did not get written or unwritten consent from consumers for taking photos without permission.

In the process of taking photos, it is the same as entering consumer personal data into the shopee express expedition service company, so it creates problems. Problematics include, in Law Number 19 of 2016 concerning Amendments to Law Number 11 of 2008 concerning Electronic Information and Transactions Article 26 paragraphs (1) and (2) has explained that the use of other people's information through electronic media involving personal data such as taking photos without permission is a violation of the law, because without written or unwritten consent from the party concerned.

According to Warren & Brandeis, privacy is defined as the right to “right to be alone” or the right of individuals to have their own freedom. In addition, based on the United States Supreme Court's decision as “the right of bodily integrity”, the right to privacy was affirmed as a fundamental individual right by the Supreme Court. The Supreme Court stated that every person has the right to be free from government interference in determining what is best for themselves, as part of the right to bodily integrity [1]. In this case, the right to privacy is the ability of individuals to determine whether or not their personal information will be shared with third parties [2]. In other words, this right gives individuals control over the disclosure of their personal information or personal data to other people or entities.

The existence of Shopee Express under Shopee adds to the complexity, considering that Shopee is a platform that is in high demand by various groups of people. This condition makes it vulnerable to violations of privacy rights and misuse of personal data. Therefore, further attention is needed regarding the implementation of rules that should be carried out to protect consumers in the process of delivering goods, including in this case, photos as part of personal data [3].

The importance of maintaining consumer privacy in online transactions, especially when receiving goods, shows the need for improved policies and law enforcement [4]. The urgency of this research is the need to understand how important legal protection of consumer privacy rights is, especially regarding the taking of photos without permission by Shopee Express couriers as proof of receipt of goods. The importance of a deep understanding arises along with the rampant violation of privacy rights that has the potential to have a negative impact on the use of personal data by irresponsible parties. In this context, the act of couriers taking photos without permission is a serious concern, as it can harm consumers and undermine trust in the Shopee Express courier service.

By ensuring the protection of privacy rights, it is expected to increase consumer confidence in the courier service. Measures to improve policies and law enforcement need to be taken to prevent unauthorized photo-taking and potential misuse of personal data. Improved policies not only create a safe online shopping environment, but also increase public trust in digital transactions. Protecting consumer privacy rights is not only a legal obligation, but also an effort to maintain public trust in this digital era. Therefore, the right to privacy is considered a fundamental individual right in the ever-evolving digital world.

The current state of research, according to Jesselyn Valerie Herman and Christine S.T. Kansil (2021) examines the legal protection of marketplace users against alleged violations of

personal rights by delivery services based on positive law in Indonesia, a viral case of buying and selling transactions “Cash on Delivery”. This research highlights the lack of guidelines related to taking photos as evidence in COD payment innovations for complaints submitted by consumers due to inappropriate goods ordered. Then the courier documented it by disseminating photos and videos to social media without permission from the party concerned [5].

Furthermore, research, according to Yehuda Yavila Pemasela, Djefry W Lumintang, Anastasia Gerungan (2023) which examines the legal position of freight forwarders against consumers according to Law No.8 of 1999 concerning consumer protection. From the results of this study, it highlights the form of responsibility of goods delivery services for violations committed by couriers against consumers for the delivery of lost goods based on current regulations, so that consumers do not feel let down by the company [6].

And finally, according to Ramadinata Tri Setiawan (2023) examining legal liability for the actions of Shopee Xpress expedition couriers who disseminate consumer photos on Twitter social media. The results of the study emphasize that business actors in the electronic transaction sector must provide full protection of consumer personal data to ensure that consumers' legal rights remain protected and legal legal liability by couriers who disseminate consumer personal data on social media [7].

Based on the three previous studies, it can be concluded that each of them discusses legal protection for consumers who complain about the goods received and then documented and distributed by couriers to social media, the responsibility of delivery services for violations committed by couriers for not delivering the ordered goods, and the protection of consumer personal data disseminated by shopee express couriers to twitter. Meanwhile, my research focuses on protecting consumer privacy rights and providing recommendations for Shopee Express in improving their policies and procedures to better respect consumer privacy in proof of receipt of goods and the legal consequences that occur. So that no one has researched at this time.

This research focuses on how the taking of photos without permission by shopee express couriers can be considered a violation of privacy rights. The purpose of writing this research is to provide protection for the privacy rights of consumers of the shoppe platform carried out by shopee express couriers. This research was also conducted to provide security to customers by enforcing stricter policies on couriers. As well as legal rules for users of shopee express expedition services and couriers who are still arbitrary in taking pictures of customers without permission which will have legal consequences. Therefore, this research can provide legal justice and legal certainty in terms of consumer privacy data security.

Methods

My research is a normative juridical research using the Statute Approach (Legislation). In addition, this research uses deductive analysis by sourcing primary and secondary legal materials.

1. Primary legal materials
 - a. Law of the Republic of Indonesia Year 1945
 - b. Law Number 8 Year 1999 on Consumer Protection
 - c. Law Number 19 of 2016 concerning Amendments to Law Number 11 of 2008 concerning Electronic Information and Transactions
 - d. Law No. 27 of 2022 on Personal Data Protection

- e. Government Regulation Number 71 of 2019 concerning the Implementation of Electronic Systems and Transactions
 - f. Government Regulation Number 80 of 2019 concerning Trading Through Electronic Systems
 - g. Minister of Communication and Information Technology Regulation Number 20 of 2016 concerning Protection of Personal Data in Electronic Systems.
2. Secondary legal materials in the form of scientific articles, books, journals or others relevant to the discussion.

Results and Discussion

A. Rules for the right to privacy

The development of technology has created changes in the use of technology that have the potential to violate the privacy of others. In Indonesia, the rules regarding the right to privacy are not explicitly regulated by law. However, implicitly the right to privacy is contained in Article 28G paragraph (1) of the 1945 Constitution of the Republic of Indonesia which explains “Everyone has the right to protection of self, family, honor, dignity, and property under his control, and is entitled to a sense of security and protection from threats of fear to do or not do something that is a human right.” This right to privacy certainly concerns all personal activities and the lives of each individual, because privacy protection is closely related to the fulfillment of the right to personal data [8].

rights can be interpreted as a form of truth, authority, ownership, degree, power, and authority. Privacy, according to Holvast (2008), means attached to freedom, control and self-determination [9]. Meanwhile, the Big Indonesian Dictionary has defined privacy as a form of personal freedom and discretion. So, the right to privacy is the right of a person to have personal freedom or discretion. Privacy is used as a limitation to protect oneself from unwanted interference. So that it can be used as a tool to control ourselves to ensure who knows information about ourselves [10]. Basically, the protection of privacy rights is carried out to protect ourselves from external threats related to personal data because everyone has the right to privacy.

Privacy has three principles, namely the first principle of “right to be alone” which is used as the basis for one's privacy. In this principle, there are several types of violations such as displaying one's face out of place, displaying one's personal data such as personal identity and publishing one's personal data. The second principle is a person's personal data written or created by others. The third principle of online privacy refers to the control one has over personal information collected, stored and used on the internet. This is such as the interception of electronic communications by other parties which is a form of privacy violation [11].

Chairman of the Indonesian Data Protection Practitioners Association (APPDI) Raditya Kosasih believes that rights can be said to be privacy related to one's access to data or vice versa. Meanwhile, personal data protection is about preventing unauthorized access. However, privacy rights are certainly interrelated with personal data. The relationship between privacy rights and personal data has been regulated in Article 26 paragraph (1) of Law Number 19 of 2016 concerning Amendments to Law Number 11 of 2008 concerning Electronic Information and Transactions which states that “Unless otherwise provided by laws and regulations, the user of any information through electronic media concerning a person's personal data must be done with the consent of the person concerned.” It can be concluded that the right to privacy is the right owned by a person to open or disseminate personal data to other parties in accordance with the freedom of that person. Every

individual can voice their freedom to protect their personal data which is part of electronic privacy carried out by other parties which is a form of privacy violation.

Personal data is something sensitive owned by everyone because it contains important information that no one should see without permission. Based on Article 1 paragraph (1) of Law 27 of 2022 concerning Personal Data Protection, it explains “Personal data is data about an individual who is identified or can be identified individually or combined with other information either directly or indirectly through electronic or non-electronic systems”. In this case, personal data that is directly identified, such as name, address, and date of birth, or can be indirectly identified through a combination with other information, such as online transaction history or application usage history.

Based on Article 1 paragraph (1) of the Regulation of the Minister of Communication and Information Technology Number 20 of 2016 concerning Personal Data Protection in Electronic Systems, it has explained that “Personal Data is certain individual data that is stored, maintained, and maintained in truth and protected confidentiality.” This form of personal data protection is a form of respect for privacy. In Article 2, personal data protection in electronic systems includes protection against the acquisition, collection, processing, analyzing, storage, display, announcement, transmission, dissemination, and destruction of Personal Data.

In the process of collecting and processing personal data, Article 14 of Government Regulation No. 71/2019 on the Implementation of Electronic Systems and Transactions states that electronic system providers must protect the personal data they manage and are prohibited from processing personal data without the consent of the data owner. Article 15 also states the obligation to delete irrelevant electronic data or documents at the request of the person concerned. Article 26 also confirms that electronic system providers are obliged to maintain the integrity, confidentiality and availability of the personal data they manage. And Article 29 confirms that the owner of personal data is entitled to information regarding the identity and clarity of the legal basis of the organizer requesting their personal data, as well as the purpose of the request, use and disclosure of the personal data.

The occurrence of cases of violation of the right to privacy of personal data taken without permission is one form of lack of law enforcement efforts and shows less than maximum legal protection of personal data. This concept of personal data protection for each individual has provisions to oversee the transfer of personal data that they have. The right to privacy that has developed in this digital era has affected personal data, so it can be used as a reference for the right to protect personal data.

B. Flow of the Photo Taking Process by Shopee Express Couriers

As the leading online shopping platform in Southeast Asia, shopee provides an easy, fast and safe online shopping experience for customers in all regions [12]. Hopee has a variety of features, including the shopee live feature where sellers offer their products by reviewing them live via live streaming and through the shopee video feature sellers can create promotional content through short videos [13]. With these features, consumers will be interested in buying the promoted product. When consumers want to shop, there are three ways to checkout at shopee, including:

1. Buy and checkout immediately

In this process, the buyer searches for the product first, then selects the buy now option and will appear to select the variation option if any. Then choose buy now and select the delivery option you want, use shopee vouchers and coins if available, after that choose the payment method you want and make an order.

2. Put the product in the cart and checkout with other products

When you're done searching for products, select add cart on the product page and select add cart and then open the cart to select the products you want to buy. If you have shopee vouchers and coins, use them and select checkout. After that, choose the desired payment method and place the order.

3. Chat with the seller to make an offer

On the product page, the chat now screen will appear, select bargain and select the desired option if any. Next, enter the price you want to bargain, select bargain and the buyer can continue the checkout process from the shopping cart.

The number of online stores that sell various types of products in shopee has generated interest among consumers to shop online. During the sales process until the delivery of the goods ordered by the buyer will be delivered by the shopee expedition service courier, one of which is shopee express.

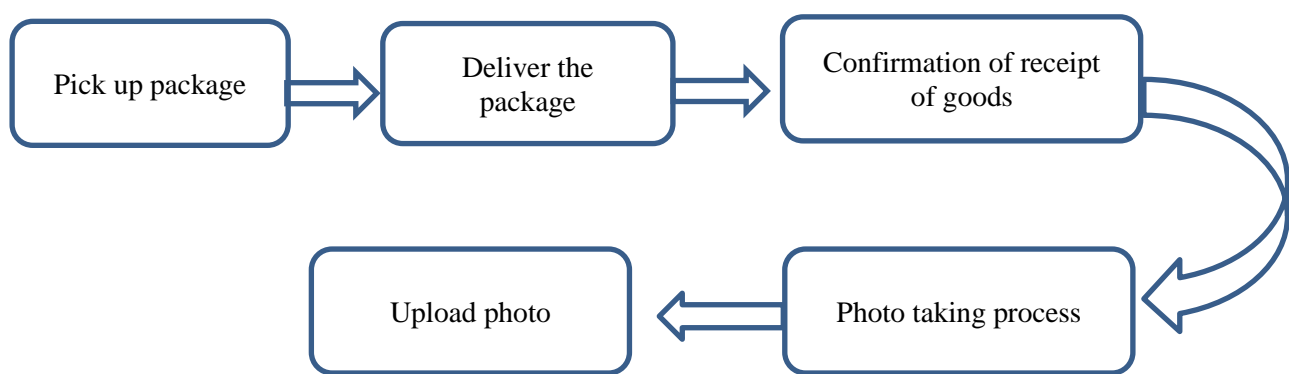


Figure 1. Package Delivery Flow

Before taking photos of consumers as recipients of packages, the first step that couriers need to do is pick up the package first. In this case there are two order delivery processes with SPX Express agents. The following are the steps for picking up packages by shopee express couriers:

1. Drop Off Service

- In this Drop Off service, the first step is for the seller to come with the package to the SPX Express Agent.
- The SPX Express agent receives the package and gives a receipt to the seller.
- In addition, the SPX Express agent enters the package data into the system.
- The courier comes to pick up the package.

2. Self Pickup Service

- In this service, the buyer completes the order checkout process and selects the "Pick up on the spot" delivery option.
- The buyer selects the nearest SPX Express Agent location.
- Courier delivers the order to the nearest SPX Express Agent.
- Order completed.
- Buyer picks up the order at the selected SPX Express Agent.
- Notification and pick-up PIN information will be received by the buyer.
- SPX Express Agent processes the package delivery from the courier.

It can be seen from the steps above that shopee has the right delivery procedure. Consumers are made easy by the existence of this shopee express delivery service because they have two kinds

of ways in the package delivery process.

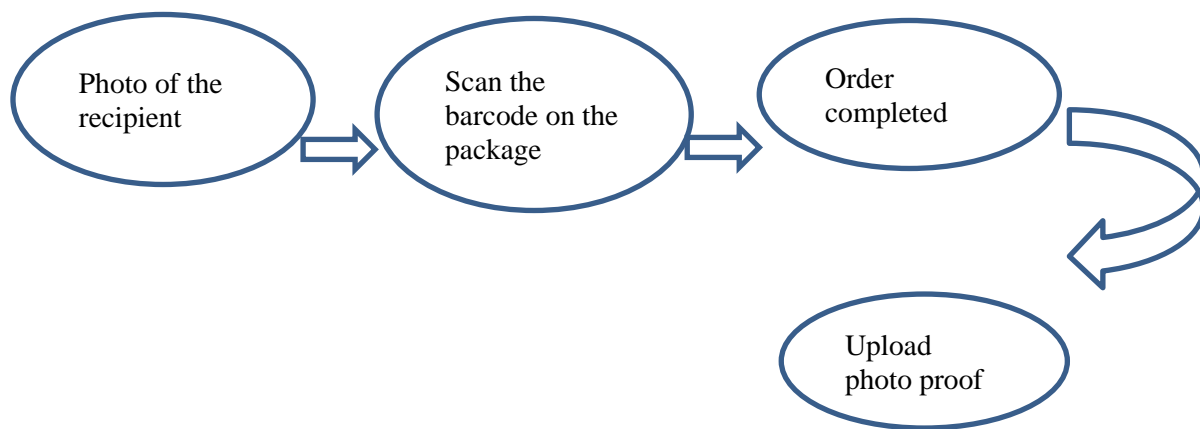


Figure 2. Photo Capture Process Flow

Judging from the flow of the photo taking process above, the buyer can check the proof of the order that has been received. Here are the steps to view proof of order:

1. The first step to checking proof of delivery is to open the shopee application via mobile phone.



Figure 3. Open Shopee App

2. Secondly, open the menu page to select the “Me” icon, which will display the user profile.

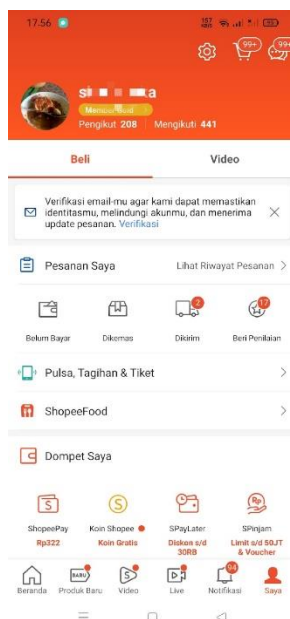


Figure 4. Open Menu Select “Me” Icon

3. Third, select the “Send” icon to view the orders that are being delivered by the courier. Users will know what items are being delivered by the courier.



Figure 5. Select the “Send” Icon

4. Fourth, select the icon (>) on “My Orders” to view shipping information. The user will know where the shipped order has arrived.

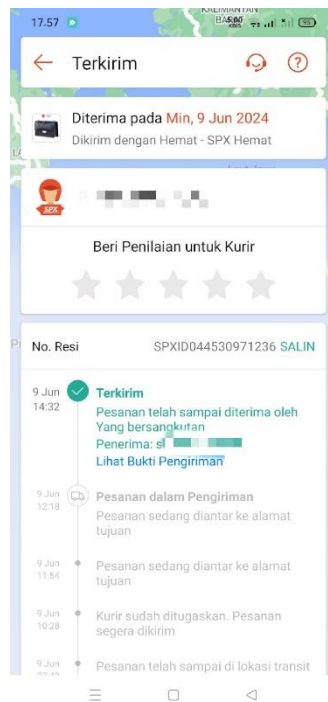


Figure 6. Select the “My Orders” Icon

- The fifth step is to select “View Proof of Delivery” to view images or photos of the package recipient. Application users can check the results of photos taken by the courier during the order delivery process.



Figure 7. Select “View Proof of Delivery”

In this case the courier is required to upload photographic evidence or a signature image as proof that the product has been received by the buyer. Photo proof of receipt of the goods is taken by the courier via his personal cellphone.

C. Privacy Rights Criteria for Shopee Express Couriers Who Take Unauthorized Photos

In the shopee platform, there is a privacy policy that regulates all activities of the users. Shopee will be responsible for all matters concerning user privacy based on applicable privacy laws and regulations and is committed to respecting the rights and privacy concerns of all users of the shopee platform. This privacy policy is used to collect, use, disclose and or process personal data belonging to users. Shopee collects personal data when users access this platform.

Shopee collects personal data belonging to users such as name, email address, date of birth, phone number, photographs including photographs taken for the purpose of electronic submission of proof of delivery or audio or video recordings and many more. During the data collection process carried out by shopee, of course, it must be with the consent of the owner of the personal data. As with personal data in the form of photos taken through a cellphone camera. Photos can be said to be electronic information and/or electronic documents if they are still in electronic form.

In the context of delivery services such as Shopee Express, the collection of personal data, including the taking of photos of recipients by couriers, must be carried out in accordance with the principles of privacy. In these privacy principles, of course, it cannot be separated from the principles of Personal Data Protection which contains seven principles, namely: [14]

1. Limitation of Purpose of Collection

One of the main criteria in the right to privacy is that the acquisition and collection process is based on individual consent. When the Shopee Express courier arrives at the recipient's address, they must inform the recipient that the courier will take a photo of them as proof that the goods have been received by the buyer. The courier when taking the photo must have a clear purpose that the photo will serve as proof of receipt of the goods. The recipient of the package must be informed either in person or through the Shopee app. The courier must obtain prior approval from the recipient clearly and not through silent acceptance. Because the process of taking personal data must be done with the explicit legal consent of the subject of the personal data. The recipient has the right to agree or refuse the taking of the photo. In addition, the photos taken are only used for the purpose of proof of receipt of goods and may not be used outside that context. Taking photos without valid consent is considered an invasion of privacy.

2. Data Minimization

In this process, couriers are only allowed to collect data that is only needed, such as the address, telephone number of the recipient and a picture/photo of the recipient as proof of package delivery. Because the data collected must be relevant according to the purpose for which it is collected and its use must be in accordance with the agreed purpose of delivering goods.

3. Security and Confidentiality

After accurate data collection, the security of the recipient's data is the next priority. Shopee Express must ensure that the photos taken and stored on their system can only be accessed by authorized parties. Couriers are personally not allowed to store photos in their personal cellphones because of the fear of misuse of personal data. Strict security systems, such as access control, data encryption and other features on the Shopee Express platform to restrict couriers from accessing it for purposes other than its intended use.

4. Accuracy

The principle of accuracy has the purpose of ensuring that the data that has been collected including photos is correct and not misleading. The photo taken by the courier must clearly show the recipient of the package and the package received to avoid confusion. For example,

if an item has been received and verified, then the courier must delete the photo in accordance with the applicable data storage policy.

5. Openness and Validity

This principle of openness is necessary to protect the privacy rights of the package recipient. The Shopee Express courier is obliged to inform the purpose of taking photos of package recipients, storing photos and their use. In the Shopee application, there is a description that contains the purpose of using the photo of the package recipient.

6. Retention/Limitation of Storage

In this principle, couriers can delete data that is no longer used and should not retain longer than the purpose for which it was collected. Such as photos taken by couriers, after their use will be automatically deleted through the system used.

7. Accountability

In the process of taking this photo, the courier must take full responsibility for the data to ensure that the process is carried out in accordance with the principles of personal data protection. This can be done by ensuring data security and respecting the privacy rights of users. In addition, Shopee Express must have clear policies and procedures regarding the photos taken, how they are stored and how they are used. Shopee Express must also enforce compliance such as being given consequences when couriers do not follow the established procedures properly.

All actions taken by couriers must be based on applicable legal and ethical aspects. The process of taking photos involving the recipient of the package may be a violation of the right to privacy if it does not meet the seven principles of the right to privacy in personal data protection rules. This is because photos are one type of personal data that is general in nature, which is related to things that can identify a person. And photos are very sensitive things for each individual. Taking photos without permission is an action that is not approved by the recipient of the goods. When a courier photographs the recipient of goods by taking facial or full body photos without consent, this is considered to violate the basic principles of the right to privacy which require the consent of the owner of personal data. Taking photos without permission can cause non-material losses, such as causing anxiety, threat and discomfort to the owner of personal data. This is a tort due to the negligence of the courier.

In Government Regulation No. 80/2019 on Trading Through Electronic Systems, businesses are obliged to protect personal data provided by consumers. This includes taking adequate technical and administrative measures to keep personal data secure from unauthorized access, disclosure, or misuse. Consumers also have the right to know information on the management of their personal data. The Shopee application does not specifically explain the rules regarding the risks of taking photos of package recipients without permission, but Shopee will be fully responsible for actions that violate privacy policies. In the legislation, it has been regulated that the act of taking photos of other people without permission is a form of violation of privacy rights. In addition, Article 2 of Consumer Protection Law Number 8 of 1999 emphasizes that the protection of consumer privacy rights contains the principles of benefits, justice, balance, consumer security and safety, and legal certainty. The principle explains that rights and obligations run in balance [15].

Judging from the professionalism of work, shopee express couriers have professionally carried out their obligations to deliver packages and take pictures as proof of receipt of goods. but on the other hand, consumers feel their rights have been violated because shopee express couriers take photos without permission as proof of receipt of goods, unless the courier asks permission first or

only takes half-body photos without faces. Couriers who work with expedition services and also shopee, of course, must comply with applicable policies. And Shopee has also regulated their obligations and responsibilities.

D. Legal Steps Consumers Can Take

The act of taking unauthorized photos by Shopee Express couriers can be resolved based on the applicable law. The consumer as the recipient of the package can file a complaint to Shopee and the Shopee Express delivery service. The party from Shopee will give a strict warning to the delivery service, especially to the courier who was on duty at that time. The Shopee Express courier will also be sanctioned for his actions. Usually, Shopee will give penalty points for the offending party.

If the recipient of the package feels that their right to privacy has been violated and has an impact on the misuse of personal data, they can take civil and criminal action in accordance with applicable legal procedures [16]. In a civil settlement, the impact of the action can be seen. If the consumer feels that the actions taken by the courier can put him at risk, he can file a civil lawsuit in court to claim compensation for privacy violations. A civil suit can be brought if the consumer is harmed by the courier's actions. This may include financial compensation for material and immaterial losses suffered. Consumers can ask the perpetrator to stop the actions that violate privacy rights and not to repeat such violations in the future.

In the criminal law settlement process, it can be seen from the nature and impact of the losses suffered by the victim. If the photo taken by the courier without permission is stored in his phone storage and spread to social media, it can be reported to the authorities. This can be said to be misuse of personal data. In accordance with Law No. 27 of 2022 concerning Personal Data Protection, article 67 paragraph (2) is that every person who intentionally and unlawfully discloses Personal Data that does not belong to him as referred to in Article 65 paragraph (2) shall be punished with a maximum imprisonment of 4 (four) years and or a maximum fine of Rp. 4,000,000,000.00 (four billion rupiah) [17].

However, if the actions taken by the courier contain elements of negligence and are not intentional, the problem of violation of the right to privacy can be resolved civilly. When a courier takes an unauthorized photo as proof of receipt of goods, the act may be done without malicious intent but still violates the consumer's right to privacy. If the photo taken by the courier is spread to social media, then the legal steps that can be taken are criminal law settlement by reporting the courier. And the courier must be responsible for his actions in accordance with applicable law.

Conclusion

The violation of privacy rights on the Shopee platform by Shopee Express couriers has serious legal implications and consequences, as it violates applicable laws and regulations. This can lead to inconvenience as well as misuse of personal data. In the context of the Shopee Express delivery service, the taking of photos of recipients by couriers must comply with privacy protection principles such as individual consent, data minimization, and data security. Although taking photos as proof of package delivery is part of the courier's working procedure, this action must be done with the recipient's permission to avoid privacy violations. Principles such as openness of purpose, data accuracy, and accountability must be followed to ensure the recipient's privacy rights remain protected. Couriers may be deemed to have violated privacy rights if they do not comply with applicable policies. To prevent privacy violations, there is a need for strict compliance with regulations, setting ethical and professional standards to respect the privacy rights of users. Shopee is responsible for ensuring that the privacy policy is followed by all parties involved in the delivery

process. Protecting the right to privacy is a right and obligation for every individual. Someone who violates the right to privacy will get legal consequences. The legal consequences for the courier are warnings and sanctions from Shopee. In addition, the courier can be sued civilly for his actions that have harmed the victim. However, the courier cannot be sentenced criminally unless the photos taken without permission are shared on social media.

References

- [1] N. P. N. Suharyanti and N. K. Sutrisni, "Urgensi Perlindungan Data Pribadi dalam Menjamin Hak Privasi Masyarakat," *Pros. Semin. Nas. Fak. Huk. Univ. Mahasaraswati Denpasar 2020*, vol. 1, no. 1, pp. 119–134, 2021, doi: <https://e-journal.unmas.ac.id/index.php/psnfh/article/view/2395>.
- [2] S. A. Kusnadi and A. U. wijaya, "Perlindungan Hukum Data Pribadi Sebagai Hak Privasi," *AL WASATH J. Ilmu Huk.*, vol. 2, no. 1, Art. no. 1, 2021, doi: <https://doi.org/10.47776/alwasath.v2i1.127>.
- [3] N. Hamim and M. I. P. Nasution, "Analisis Perlindungan Hukum Terhadap Keamanan Data Privasi pada Market Place Shopee," *IJM Indones. J. Multidiscip.*, vol. 1, no. 4, Art. no. 4, Jul. 2023, doi: <https://journal.csspublishing.com/index.php/ijm/article/view/312>.
- [4] A. R. Pratiwi and M. N. Hidayati, "Penegakan hukum privasi pada aktivitas perdagangan elektronik." Accessed: Dec. 29, 2023. [Online]. Available: <https://eprints.uai.ac.id/1889/>
- [5] J. V. Herman and C. S. T. Kansil, "Perlindungan Hukum Pengguna Marketplace terhadap Dugaan Pelanggaran Hak Pribadi oleh Jasa Pengiriman berdasarkan Hukum Positif di Indonesia (Contoh Kasus Viral Transaksi Jual Beli 'Cash On Delivery')," *J. Huk. Adigama*, vol. 4, no. 2, Art. no. 2, 2021, doi: 10.24912/adigama.v4i2.17769.
- [6] Y. Y. Pemasela, D. W. Lumintang, and A. Gerungan, "Kedudukan Hukum Kurir Jasa Pengiriman Barang Terhadap Konsumen Menurut Undang-Undang No. 8 Tahun 1999 Tentang Perlindungan Konsumen," *LEX Priv.*, vol. 12, no. 1, Art. no. 1, Jul. 2023, Accessed: Feb. 27, 2024. [Online]. Available: <https://ejournal.unsrat.ac.id/v3/index.php/lexprivatum/article/view/49424>
- [7] R. T. Setiawan, "Pertanggungjawaban Hukum atas Tindakan Kurir Ekspedisi Shopee Xpress yang Menyebarluaskan Foto Konsumen di Media Sosial Twitter," bachelorThesis, Fakultas Syariah dan Hukum UIN Syarif Hidayatullah Jakarta, 2023. Accessed: Dec. 29, 2023. [Online]. Available: <https://repository.uinjkt.ac.id/dspace/handle/123456789/75224>
- [8] S. D. Rosadi and G. G. Pratama, "Urgensi Perlindungan Data Privasi Dalam Era Ekonomi Digital Di Indonesia," *Veritas Justitia*, vol. 4, no. 1, Art. no. 1, Jun. 2018, doi: 10.25123/vej.v4i1.2916.
- [9] S. Yuniarti, "Perlindungan Hukum Data Pribadi Di Indonesia | Business Economic, Communication, and Social Sciences Journal (BECOSS)." Accessed: Jun. 14, 2024. [Online]. Available: <https://journal.binus.ac.id/index.php/BECOSS/article/view/6030>
- [10] C. T. Lesmana, E. Elis, and S. Hamimah, "Urgensi Undang-Undang Perlindungan Data Pribadi Dalam Menjamin Keamanan Data Pribadi Sebagai Pemenuhan Hak Atas Privasi Masyarakat Indonesia," *J. Rechten Ris. Huk. Dan Hak Asasi Mns.*, vol. 3, no. 2, Art. no. 2, 2021, doi: 10.52005/rechten.v3i2.78.
- [11] F. Priscyllia, "Perlindungan Privasi Data Pribadi Perspektif Perbandingan Hukum | JATISWARA." Accessed: Jun. 14, 2024. [Online]. Available: <http://www.jatiswara.unram.ac.id/index.php/js/article/view/218>

- [12] G. Suhendra and I. Krisnadi, “Kekuatan Shopee Sebagai E-Commerce Terpopuler Di Indonesia Saat Ini,” *Academia.edu*, 2020, [Online]. Available: https://scholar.google.com/scholar?hl=id&as_sdt=0%2C5&q=Kekuatan+Shopee+Sebagai+E-Commerce+Terpopuler+Di+Indonesia+Saat+Ini&btnG=#d=gs_qabs&t=1720155455926&u=%23p%3Dy3j6sEP22h8J
- [13] “17. ok_Buku Market Place Joko Sutopo.pdf.” Accessed: Jun. 08, 2024. [Online]. Available: https://eprints.uty.ac.id/12612/1/17.%20ok_Buku%20Market%20Place%20Joko%20Sutopo.pdf
- [14] R. Dhianty, “Kebijakan Privasi (Privacy Policy) dan Peraturan Perundang-Undangan Sektor Platform Digital Vis A Vis Kebocoran Data Pribadi,” *Scr. J. Kebijak. Publik Dan Huk.*, vol. 2, no. 1, Art. no. 1, Jan. 2022, doi: <https://journal.puskapkom.org/index.php/scripta/article/view/16>.
- [15] A. R. Maulana and A. Sud’jai, “Perlindungan Konsumen Terhadap Kebocoran Data pada Marketplace Ditinjau dari Perundang-Undangan di Indonesia,” *Kult. J. Ilmu Huk. Sos. Dan Hum.*, vol. 2, no. 2, Art. no. 2, Jan. 2024, doi: 10.572349/kultura.v2i2.1046.
- [16] D. L. Kusumadewi and A. Cahyono, “Urgensi Perlindungan Data Pribadi Pada Sistem Elektronik Untuk Anak Di Bawah Umur Di Indonesia Serta Perbandingan Regulasi Dengan Uni Eropa (General Data Protection Regulation),” *Lex Patrimonium*, vol. 2, no. 2, Nov. 2023, [Online]. Available: <https://scholarhub.ui.ac.id/lexpatri/vol2/iss2/12>
- [17] L. Prihatin, M. Achwan, and C. C. Dewi, “Kajian Yuridis Regulasi Perlindungan Hukum Terhadap Penyalahgunaan Data Privasi Dalam Perspektif Undang-Undang Nomor 27 Tahun 2022 Tentang Perlindungan Data Pribadi,” *UNES Law Rev.*, vol. 5, no. 4, Art. no. 4, Jul. 2023, doi: 10.31933/unesrev.v5i4.731.