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THE INSTALLMENT DASHBOARD CAMERA WILL NOT AFFECT YOUR PRIVACY: A STUDY IN KUDUS REGENCY, KUDUS

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Abstract:

The dashboard camera has become a very important device for vehicles nowadays because it is used for audio and/or video recordings. Recordings produced by the dashboard camera includes important evidences such as the route used, the front road, the road behind and the cabin, and also the conversation in the car for some types. In the present era, not everyone supports the development of dashboard camera technology. One of the reasons is privacy. Some people feel overexposed by dashboard camera in private vehicles. Privacy belongs to the private law thus the consent of each person is very important. In fact, people in Kudus Regency alone still not familiar with dashboard camera. This shows that it is still a long way to proceed the legality of it but at the same time this development of technology must be adapted carefully. The approach method used in the study is normative juridical, a scientific research procedure that relies on scientific logic and is viewed from a normative perspective. The research method employed in this study is qualitative descriptive. This approach relies on references from a collection of data obtained from library studies, includes previous laws and research, and is based on the opinion of the public, especially in the Kudus Regency. The study aims to strengthen the understanding that dashboard camera will not affect people's privacy as long as the private law regulates it in accordance with justice, certainty and the usefulness also to ensure legally that dashboard camera can improve legal protection.

Keywords:

Dashboard Camera, Kudus Regency, Legal Protection, Privacy

Introduction

Every citizen has constitutional rights inherent in him, where these rights are guaranteed and protected by law as the main basis for carrying out national and state life. Thus the state has a responsibility to ensure that these rights are not only recognized but also seriously protected. The constitution as the highest legal foundation establishes basic principles that must be adhered to, including the protection of individual rights. One form of constitutional responsibility is expressly stated in the 4th paragraph of the 1945 Constitution of the Republic of Indonesia which confirms the state's commitment to protecting every citizen (Kusnadi, 2021). In Law number (No). 11 of 2008 concerning ITE article 26 paragraph 1 explains that "the use of any information via electronic media that concerns a person's personal data must be carried out with the consent of the person concerned". In the midst of ever-changing societal dynamics and the rapid development of information and communication technology, issues of personal rights and privacy are becoming increasingly important. The development of information and communication technology opens the door to extraordinary progress, but also raises new challenges, especially related to individual privacy. Personal rights no longer only refer to property rights but also include fundamental privacy rights that are closely linked to a person's identity. As Indonesia enters the Industrial Revolution 4.0 era where everything can be accessed and managed digitally through interconnected technological networks, the protection of personal data becomes increasingly urgent (Syaifudin, 2020). However, in the midst of this amazing technological progress, the protection of personal data in Indonesia has not been specifically regulated (Situmeang, 2021). The large number of consumer data leaks shows the weaknesses of existing systems and raises concerns about individual privacy in the face of rapid technological and information developments. Therefore, concrete and comprehensive steps in regulating and protecting personal data are a must to safeguard citizens' rights and ensure that technology can be used wisely and responsibly for the common good.

The installation of dashboard cameras in private vehicles is a contemporary technological innovation that elicits divergent perspectives among the populace concerning data privacy. A dashboard camera, essentially, is a camera apparatus affixed within a vehicle, tasked with capturing both video and audio recordings throughout the journey. Beyond mere video documentation, these dashboard cameras possess additional functionalities, such as logging travel route particulars and vehicle velocity, thereby rendering them multifaceted tools that can furnish evidence across various contexts. Positioned strategically at the heart of the vehicle's dashboard, these devices offer an optimal vantage point to record events unfolding in front of the vehicle (Ekaputra et al., 2018). encroachment on their privacy rights entailed by the legalization of dashboard camera installations in private vehicles. This apprehension has sparked contentious debates especially on potential privacy infringements arising from the proliferation of dashboard cameras. Some individuals contend that the ubiquitous presence of dashboard cameras encroaches upon their personal privacy, particularly in light of models equipped with audio recording capabilities, thus igniting a discourse surrounding the legality and ethicality of their installation. Given that privacy falls under the purview of civil (private) law, entwined with individual rights, community consensus assumes paramount importance in navigating this issue. However, the procedural intricacies involved in attaining legal authorization for dashboard camera installations often entail protracted deliberations and negotiations, owing to the nuanced considerations and ethical quandaries underpinning this privacy discourse.

The lack of regulations that specifically regulate the installation of dashboard cameras has resulted in a general lack of public understanding about these devices, as well as a lack of knowledge regarding privacy issues related to the use of dashboard cameras. In the Kudus Regency area, the use of dashboard cameras in private vehicles is still not common. It is important to acknowledge that there are a number of reasons that strengthen the urgency of installing a dashboard camera, especially because there are quite a lot of factory industries in the Kudus Regency area. As a result, large vehicles often roam the roads, which can increase the risk of accidents. In situations like this, a dashboard camera becomes a very important tool, especially for large vehicles that are often involved in traffic incidents. It is also important to understand that the use of dashboard cameras should not be considered a threat to people's privacy, because the resulting video and audio recordings can only be accessed by the owner of the vehicle. Even law enforcement officers are only allowed to access video or audio on dashboard cameras in certain situations such as accident investigations. Confiscation is an action that can be taken against perpetrators of traffic violations in accordance with the provisions regulated in Law Number 2 of 2009 concerning Road Traffic and Transportation (Batu, 2019). In this act, confiscation is one of the law enforcement instruments used to take action against individuals who violate traffic regulations. This confiscation can be carried out by authorized parties, such as police officers or traffic officers, with the aim of providing appropriate sanctions against perpetrators of violations. This mode occurs when the perpetrator pretends to be an accident victim to ask for compensation from the real victim. With recordings from dashboard cameras, the evidence obtained can help reveal the truth and protect victims from such fraudulent attempts. Therefore, it is important to immediately regulate the official installation and use of dashboard cameras, in order to ensure the protection of people's privacy while strengthening security on the road. This step is also expected to reduce the concerns and uncertainty that the public may feel regarding the use of dashboard cameras.

Dashboard cameras enable consistent, high-quality outward-facing recording that provides evidence in the event of accidents and unexpected traffic-related incidents. Demand for dashboard cameras is expected to increase substantially throughout the world, with dashboard camera market data valued at US\$1.53 billion in 2014, and reaching US\$5.54 billion in 2022. The Asia Pacific region is expected to experience growth the fastest, with China representing the largest dashboard camera market in the world surpassing South Korea by 60%. In China and South Korea, public transportation is even required to install dashboard cameras to help identify the cause of accidents. Meanwhile in Russia and Europe, an estimated one million people across Russia have installed a dashboard camera in their car, and 39% of drivers in the UK are considering installing a dashboard camera (Naswa et al., 2023).

Research Methods

The approach method used in this research is normative juridical, namely scientific research procedures that rely on scientific logic and are seen from a normative point of view. Meanwhile, the research method used in this research is descriptive qualitative. This approach relies on references from a collection of data obtained from literature studies, including statutory regulations, and is linked to the results of questionnaires based on community opinion, especially in Kudus Regency regarding the cases discussed.

Analysis And Discussion

In Indonesia, dashboard cameras are included in the category of evidence. The dashboard camera can automatically upload videos to storage, which makes the dashboard camera a

promising source of information (Chen & Chiu, 2023). The large number of accident modes and the lack of witnesses result in losses for one of the parties involved in the accident. Therefore, dashboard cameras are included in the classification of electronic evidence as clues. This is based on article 184 paragraph (1) of the Criminal Procedure Code. Currently, the imbalance between vehicle volume and road infrastructure, especially in the context of expanding the road network, is the main cause of traffic accidents (Soekanto, 1984). However, the main trigger for accidents is the lack of ethical principles in driving. Because a traffic accident is an incident that occurs due to negligence, prevention can be done. Preventive steps can be started by conducting a thorough traffic accident investigation from the incident location to the file submission stage (P-21), collecting accurate data, analyzing the results carefully, and carrying out a Traffic Accident Analysis (Vernandhie, 2022).

Literature Review

Installation of Dashboard Cameras and The Kudus Community's Understanding of Dashboard Cameras

Installing a dashboard camera in private vehicles is a prudent and advantageous choice, as it has the potential to elevate safety levels and creates a greater sense of security while navigating the roads. Through the utilization of a dashboard camera, users are empowered to meticulously document every journey and occurrence encountered while driving. The continuous recording functionality facilitates the effortless capture of pivotal details pertaining to any incident, be it accidents or other noteworthy events, thereby furnishing invaluable evidence during emergencies. Moreover, these recordings can also serve as valuable points of reference in facilitating the resolution of insurance claims or furnishing compelling evidence in the resolution of traffic-related disputes. Hence, the installation of a dashboard camera transcends mere safety investment; it represents a strategic move aimed at bolstering awareness of prevailing road conditions and fostering a state of safety in the face of diverse risks and challenges encountered on the thoroughfares. The presence of certain dashboard cameras equipped with audio and video capabilities spanning both front and rear perspectives may contribute to the public's reluctance to adopt them in their private vehicles. However, individuals retain the option to install dashboard cameras configured to solely capture footage from a forward-facing perspective, devoid of audio features. Consequently, such dashboard cameras would solely document the routes traversed, particularly in public and sizable vehicles, where the compulsory installation of dashboard cameras ought to be mandated.

Many residents of Kudus are not yet educated about the benefits of dashboard cameras. In Kudus, there have been many cases of deliberate accidents, and many incidents remain unresolved. A total of 1249 accident cases were recorded in Kudus Regency in 2022. This accident figure increased compared to 2021, which amounted to 841 accident cases. The number of accident cases in Kudus Regency in 2022 can be seen in Table 1.

Table 1: Number of Accident Cases in Kudus Regency in 2022

No	Victim's Condition	Number of Victims
1	Die	49 people
2	Serious Injuries	13 people
3	Minor Injuries	1480 people

Source: Satuan Lalu Lintas Polres Kudus

Based on the data above, the stamp duty loss reached IDR 478,950,000. An accident is an event that occurs accidentally or unexpectedly, which can result in injury, death or damage to property. In accidents, there is always an element of accident or surprise, which often makes the person experiencing it feel shocked or stunned (Kurniawan, 2023). Even though CCTV is currently installed in every corner of the city, it still cannot show the accident incident from the point of view of the vehicles involved in the accident. Therefore, installing a dashboard camera on a vehicle is an urgency for vehicle security, apart from just being a means of accident evidence. Given that the dashboard camera will capture all events occurring in front of the vehicle, the advantages of its installation are evidently clear. Nonetheless, despite the unequivocal benefits of incorporating dashboard cameras, there are still certain stakeholders who harbor concerns that their interests might be compromised should the legal enforcement of dashboard camera installation on vehicles be implemented. In light of the outcomes gleaned from the distributed questionnaire, it is noteworthy that seven respondents perceived dashboard cameras as a mechanism capable of enhancing legal frameworks rather than posing any threat to them. Additionally, these respondents expressed concurrence regarding the necessity for legal guarantees surrounding dashboard camera installations and acknowledged the urgency of their implementation, citing the adage that modern problems necessitate modern solutions and asserting that such measures facilitate law enforcement agencies in streamlining the investigation process. The public agrees that the urgency of installing a dashboard camera falls within the realm of civil (private) law. If there is legality in installing dashboard cameras, according to the public, the law can be improved to provide a valid point of view because it has never been enforced before. With the number of respondents obtained, of course it can be concluded that there is still a small portion of the Kudus community who know or understand the urgency of installing a dashboard camera.

Privacy and Its Relationship with Dash Cameras

Privacy, a concept that has evolved significantly in contemporary legal developments, has deep historical roots. The assertion made by Warren and Brandeis that privacy is an essential right to be left alone served as a foundational principle in shaping the modern understanding of privacy rights. While elements such as confidentiality and solitude continue to play pivotal roles in defining privacy, the modern interpretation tends to broaden the concept. Modern understanding views privacy as a construct closely intertwined with autonomy and the ability to control one's personal information. In this perspective, privacy extends beyond mere protection from external interference; it encompasses the individual's freedom to make choices and regulate their own destiny within society and their social environment. As such, privacy becomes a crucial tool for individuals to strike a balance between the need to share information and the desire to maintain personal boundaries and privacy (Claes et al., 2006). Privacy encompasses more than just shielding oneself from external interference in private matters; it also entails the entitlement to autonomously determine the handling of personal information, identity, and personal expression. In the contemporary digital age marked by the pervasive use of the internet, social media platforms, and surveillance technologies, the significance of privacy has surged, accompanied by emerging challenges linked to data aggregation, online privacy infringements, and safeguarding personal data. Consequently, comprehending and safeguarding individual privacy has emerged as a pivotal focal point in shaping the trajectory of legal frameworks, policy formulations, and ethical considerations in contemporary society. Efforts are continually made to find the right balance between freedom of information, security, and individual privacy rights with the goal of ensuring that individuals have adequate control over their personal information while maintaining their integrity and dignity as individuals.

This can be interpreted that in the online world, digital assets and identities are more closely linked to privacy interests than in the offline world because they are more closely linked to the personal interests and autonomy of users (Harbinja, 2017).

In recent years, data breaches have occurred frequently. For example, in 2016, the LinkedIn networking platform spread to almost 500 million users (Teng, 2022). Of course, this is a factor in people's lack of willingness to install dashboard cameras on private vehicles. In the realm of law and policy, privacy is still widely conceptualized as an individual interest or right (González-Fuster et al., 2022). Based on the findings obtained from the questionnaire, it was discerned that individuals hold varying perspectives regarding the regulation of privacy laws in Indonesia: while some opine that the existing regulations necessitate enhancements, others contend that they are sufficiently comprehensive. Moreover, among the respondents, a subset of four individuals expressed the viewpoint that dashboard cameras should not be conflated with closed-circuit television (CCTV) systems or covert surveillance devices. These individuals asserted that dashboard cameras do not contravene privacy norms as they offer heightened assurances concerning the admissibility of legal evidence. Furthermore, they emphasized that the deployment of dashboard cameras serves law enforcement objectives rather than catering to public interests. Therefore, so that the public does not worry about privacy regarding the installation of a dashboard camera, it must be publicly heard carefully. The settings must be clear, especially the technicalities, the dashboard camera automatically deletes the recording once a month to minimize hacking by other people. Installation of a dashboard camera can be implemented if it has been tested properly, such as using the dashcam series, installation that does not disturb the driver, and the range of dashcam video storage. So compared to the usually slow speed of legal change, the paradigm has changed. Data privacy laws are no longer an issue (Kaminski, 2020).

Conclusion

Based on the aforementioned discussion, it can be inferred that safeguarding constitutional rights and preserving individual privacy constitutes a paramount responsibility of the state. While technological advancements herald significant progress, they also usher in novel challenges concerning individual privacy. The installation of dashboard cameras in private vehicles stands as one of the contemporary issues engendering debate regarding data privacy protection. It is imperative to formalize regulations governing the installation and utilization of dashboard cameras to guarantee the preservation of individuals' privacy while concurrently fortifying road safety measures. Concrete and comprehensive measures to regulate and safeguard personal data are imperative to uphold citizens' rights and ensure the prudent and responsible utilization of technology. Furthermore, in today's digital epoch, grasping and safeguarding individual privacy assume heightened significance. Privacy preservation transcends shielding against external intrusions; it encompasses endowing individuals with the autonomy to shape their own trajectories vis-à-vis society and their societal milieu. Thus, by comprehending and safeguarding individual privacy, a delicate equilibrium can be struck between the freedom of information, security imperatives, and the rights to individual privacy, thereby empowering individuals with adequate agency over their personal information while upholding their integrity and dignity as autonomous beings.

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