

The Right to Privacy in Religious Court Judgments: Limits of Public Disclosure

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Abstract

The publication of judicial decisions is an essential element of judicial transparency and accountability; however, it also raises concerns regarding the protection of individual privacy, particularly in proceedings before Religious Courts that frequently involve sensitive personal and family matters. The increasing accessibility of court judgments through digital platforms has intensified the tension between the public's right to information and the individual's right to privacy. This study examines the legal limits of public disclosure in Religious Court judgments and evaluates whether the existing Indonesian legal framework provides adequate protection for personal data without undermining the principles of open justice. Employing a normative legal research method through statutory, conceptual, and comparative approaches, the study analyzes legislation governing judicial openness, personal data protection, and Religious Court proceedings, together with relevant judicial policies and legal doctrines. The findings demonstrate that although public access to court decisions promotes transparency, unrestricted disclosure may expose sensitive personal information and infringe constitutional privacy rights. The study argues that public disclosure should be guided by the principles of necessity, proportionality, and data minimization through systematic anonymization of personal information while preserving the transparency and integrity of judicial reasoning. Accordingly, clearer regulatory standards and consistent implementation are required to achieve an appropriate balance between judicial openness, the protection of privacy, and public confidence in the administration of justice.

Introduction

The principle of open justice is a fundamental element of the rule of law, ensuring judicial transparency, accountability, and public confidence in the

administration of justice.¹ Public access to court proceedings and judicial decisions enables society to scrutinize judicial reasoning, promotes consistency in legal interpretation, and reinforces trust in judicial institutions. Advances in information technology have further strengthened this principle by allowing court decisions to be published electronically, making legal information more accessible to researchers, legal practitioners, and the general public. Nevertheless, the widespread dissemination of judicial decisions has also generated significant concerns regarding the protection of personal privacy, particularly where judgments contain sensitive personal, family, or financial information.²

The right to privacy is recognized as a fundamental human right under international human rights instruments and modern constitutional systems.³ Although judicial transparency serves an important public interest, unrestricted disclosure of personal information contained in court judgments may interfere with an individual's dignity, reputation, and personal autonomy. This concern has become increasingly important in the digital era, where judicial decisions remain permanently accessible through online databases and search engines, allowing personal information to be reproduced, indexed, and distributed without meaningful limitation. Consequently, many jurisdictions have introduced anonymization policies and personal data protection standards to reconcile the principle of open justice with the protection of individual privacy.⁴

In Indonesia, judicial openness is guaranteed through legislation governing judicial power and implemented by the Supreme Court's policy on public access to court decisions. At the same time, the enactment of Law No. 27 of 2022 on Personal Data Protection establishes stronger legal protection for personal information processed by both public and private institutions.⁵ These developments require courts to balance two constitutional values: the public's right to obtain judicial information and the individual's right to

¹ Alex Latu, "Privacy, Access to Court Documents and Open Justice," *Journal of Media Law*, May 18, 2026, 1–23, <https://doi.org/10.1080/17577632.2026.2668317>.

² LYDIA MORGAN, "Cloistered Justice: The Opposing Trends of Barricade and Respective Secrecy," *Journal of Law and Society* 53, no. S1 (April 23, 2026), <https://doi.org/10.1111/jols.70040>.

³ May Lim Charity and Syaifuddin Anshory, "Balancing Constitutional Rights and Personal Data Protection for Citizens in the Digital Society: A Proportionality Test Analysis of Constitutional Court Decisions," *Indonesian Journal of Digital Society Is a Scientific Journal* 2, no. 1 (February 27, 2026): 37–48, <https://doi.org/10.47313/.v2i1.4351>.

⁴ Ildikó Pilán, "The Text Anonymization Benchmark (TAB)," *ArXiv*, 2022, <https://arxiv.org/abs/2202.00443>.

⁵ Siti Zulaichah, Sheila Kusuma Wardani Amnesti, and Nurul Istiqomah, "Public Information Disclosure and Personal Data Protection in Court Decisions: Legal and Islamic Law," *Negara Hukum: Membangun Hukum Untuk Keadilan Dan Kesejahteraan* 15, no. 2 (March 27, 2025), <https://doi.org/10.22212/jnh.v15i2.4528>.

privacy. The challenge is particularly evident within the Religious Courts (Peradilan Agama), whose jurisdiction encompasses disputes involving marriage, divorce, child custody, inheritance, guardianship, and other family related matters.⁶ Such proceedings frequently contain highly sensitive information concerning family relationships, children's identities, health conditions, financial circumstances, and religious matters, making unrestricted publication of judgments potentially harmful to the parties involved.

Although the Supreme Court has adopted anonymization measures in publishing judicial decisions, their implementation remains inconsistent in practice. Variations in anonymization standards, incomplete redaction of personal identifiers, and differing interpretations among courts continue to expose litigants to unnecessary privacy risks. The absence of comprehensive legal standards defining the limits of public disclosure in Religious Court judgments also creates uncertainty regarding the extent to which judicial transparency should prevail over privacy protection.⁷ As a result, tensions persist between the constitutional commitment to open justice and the obligation to safeguard personal data and human dignity.

Previous studies have generally examined judicial transparency, access to court decisions, or personal data protection as separate legal issues. Other scholars have explored privacy rights in the context of digital governance or public information disclosure. However, limited research has specifically analysed the interaction between judicial openness and privacy rights within Religious Court judgments following the enactment of Indonesia's Personal Data Protection Law. In particular, little attention has been given to determining the constitutional and legal limits of public disclosure while preserving both transparency and the rights of litigants in family law proceedings.

Accordingly, this study examines the legal boundaries of public disclosure in Religious Court judgments from the perspective of the right to privacy. It analyses the relationship between judicial transparency, personal data protection, and constitutional rights within Indonesia's legal framework, and proposes a balanced approach based on the principles of proportionality, necessity, and data minimization. By integrating the doctrines of open justice, privacy rights, and personal data protection, this study contributes to the

⁶ Meng Jia, Mark Stevenson, and Linda Hendry, "A Systematic Literature Review on Sustainability-Oriented Supplier Development," *Production Planning and Control* 34, no. 8 (2023), <https://doi.org/10.1080/09537287.2021.1958388>.

⁷ Teguh Cahya Yudiana, Sinta Dewi Rosadi, and Enni Soerjati Priowirjanto, "The Urgency of Doxing on Social Media Regulation and the Implementation of Right to Be Forgotten on Related Content for the Optimization of Data Privacy Protection in Indonesia," *Padjadjaran Jurnal Ilmu Hukum* 9, no. 1 (2022), <https://doi.org/10.22304/pjih.v9n1.a2>.

development of a legal framework that enhances public confidence in the judiciary while ensuring adequate protection of individual privacy in Religious Court proceedings.

Methods

This study employs a normative legal research method to examine the legal boundaries of public disclosure in Religious Court judgments from the perspective of the right to privacy. The research adopts statutory, conceptual, and comparative approaches. The statutory approach analyzes relevant legal instruments, including the 1945 Constitution of the Republic of Indonesia, Law No. 48 of 2009 on Judicial Power, Law No. 14 of 2008 on Public Information Disclosure, Law No. 27 of 2022 on Personal Data Protection, Law No. 7 of 1989 on Religious Courts as amended, and Supreme Court regulations and policies governing the publication of judicial decisions. The conceptual approach examines legal doctrines concerning the right to privacy, open justice, judicial transparency, personal data protection, and human rights, while the comparative approach reviews international principles and selected foreign practices concerning the publication and anonymization of court judgments. The study relies on primary legal materials consisting of legislation, judicial decisions, and official judicial policies, supported by secondary legal materials, including scholarly books, journal articles, and legal commentaries. All legal materials were collected through library research and analyzed qualitatively using grammatical, systematic, teleological, and comparative legal interpretation to evaluate whether the current legal framework adequately balances judicial transparency with the protection of privacy rights in Religious Court proceedings and to formulate normative recommendations for improving public disclosure standards.

Results and Discussion

The Right to Privacy and the Principle of Open Justice in Religious Court Judgments

Administrative The publication of judicial decisions constitutes an essential manifestation of the principle of open justice, which promotes judicial transparency, accountability, and public confidence in the administration of justice.⁸ Public access to court judgments enables legal practitioners, scholars, and society to evaluate judicial reasoning, monitor judicial consistency, and ensure that courts exercise their authority in

⁸ Sani Chauhan, "JUDICIAL REFORMS IN INDIA STRENGTHENING THE RULE OF LAW FOR A JUST AND EQUITABLE SOCIETY," *VIDYA - A JOURNAL OF GUJARAT UNIVERSITY* 4, no. 2 (2025), <https://doi.org/10.47413/zv7td148>.

accordance with the rule of law.⁹ In Indonesia, this principle is reflected in legislation governing judicial power and in the Supreme Court's policy requiring court decisions to be made publicly accessible through electronic databases.¹⁰

However, judicial transparency is not an absolute principle. Constitutional democracies increasingly recognize that the publication of court judgments must be balanced against the protection of fundamental rights, particularly the right to privacy. Religious Court proceedings frequently involve highly sensitive matters concerning marriage, divorce, child custody, inheritance, guardianship, domestic violence, and family finances.¹¹ Judicial decisions in these cases often contain personal information relating to litigants, children, witnesses, medical conditions, financial circumstances, and religious beliefs. Unlimited public disclosure of such information may expose individuals to stigma, discrimination, reputational harm, or digital exploitation long after the dispute has been resolved.

The enactment of Law No. 27 of 2022 on Personal Data Protection reinforces the constitutional obligation to protect personal information processed by public institutions, including the judiciary. Consequently, judicial transparency should not be interpreted solely as unrestricted public access but rather as access implemented consistently with constitutional guarantees of privacy and human dignity. The principle of open justice therefore requires courts to ensure that transparency serves the public interest without unnecessarily exposing personal information that bears no relevance to the legal reasoning of the judgment. The study finds that privacy and transparency should be regarded as complementary constitutional values requiring proportional balancing rather than competing legal interests.

Legal Limits of Public Disclosure in Religious Court Judgments

Restorative The current Indonesian legal framework recognizes both the public's right to obtain judicial information and the individual's right to

⁹ Nurman Siddiq and Rudhiana Salam, "Enhancing Legal Certainty through Legal Reform in Indonesia: Problems and Efforts to Strengthen Legal Institutions," *Strata Law Review* 3, no. 1 (2025), <https://doi.org/10.59631/slr.v3i1.62>.

¹⁰ Deborah Beim and Kelly Rader, "Setting the Supreme Court's Policy Agenda," *Journal of Law and Courts* 12, no. 2 (2024), <https://doi.org/10.1017/jlc.2024.5>; Ilman Hasjim et al., "SUPREME COURT POLICY IN INCREASING KNOWLEDGE OF RELIGIOUS JUSTICE JUDGES THROUGH THE SHARIA ECONOMIC JUDGE CERTIFICATION PROGRAM," *Jurnal Diskursus Islam* 10, no. 2 (2022), <https://doi.org/10.24252/jdi.v10i2.30681>.

¹¹ Endratno Pilih Swasono et al., "Politeness Strategies in Divorce Mediation Within Indonesian Religious Courts," *Theory and Practice in Language Studies* 15, no. 1 (2025), <https://doi.org/10.17507/tpls.1501.19>; Erie Hariyanto, "Public Trust in the Religious Court to Handle Dispute of Sharia Economy," *Ahkam: Jurnal Ilmu Syariah* 22, no. 1 (2022), <https://doi.org/10.15408/ajis.v22i1.26216>.

privacy. Nevertheless, no comprehensive regulation specifically defines the scope of personal information that should be disclosed or anonymized in Religious Court judgments. Although the Supreme Court has introduced anonymization policies for the publication of judicial decisions, implementation varies considerably among courts because existing regulations provide only general guidance regarding the protection of personal data.

This legal uncertainty becomes particularly significant in Religious Court cases, where judicial decisions frequently include information that extends beyond what is necessary to explain judicial reasoning.¹² Personal identifiers, family relationships, children's identities, residential addresses, financial information, and medical conditions may remain visible in publicly accessible judgments, thereby increasing the risk of privacy violations.¹³ Such disclosure may conflict with the principles of necessity and proportionality that underpin modern personal data protection regimes.

From a constitutional perspective, public disclosure should be limited to information necessary for ensuring judicial accountability and legal certainty.¹⁴ Details that do not contribute directly to the legal reasoning or precedential value of a judgment should be anonymized or removed before publication. International developments concerning open justice similarly demonstrate that transparency does not require unrestricted disclosure of personal data. Instead, judicial openness should focus on the publication of legal reasoning while minimizing unnecessary exposure of private information. Accordingly, the study finds that the absence of detailed anonymization standards remains one of the principal weaknesses of Indonesia's current judicial publication policy.

Toward a Balanced Model of Judicial Transparency and Privacy Protection

The Balancing judicial transparency with privacy protection requires a legal framework that accommodates both constitutional values without subordinating one to the other. The study finds that the principle of proportionality provides the most appropriate constitutional approach for

¹² Benny Hutahayan et al., "Legal Uncertainty of Municipal Bond Issuance: A Case Study of Indonesia and Vietnam," *International Journal of Law and Management* 66, no. 6 (2024), <https://doi.org/10.1108/IJLMA-12-2023-0272>.

¹³ Siti Mariyam et al., "Legal Uncertainty and Its Implications for Innovation and Equality in Ride-Hailing," *Volkgeist: Jurnal Ilmu Hukum Dan Konstitusi* 8, no. 1 (2025), <https://doi.org/10.24090/volkgeist.v8i1.13083>.

¹⁴ La Lathifah Chairunnisa et al., "Analisis Penerapan Kebijakan Keterbukaan Informasi Publik Oleh Pejabat Pengelola Informasi Dan Dokumentasi Di Kota Serang," *Jurnal Ilmu Administrasi Negara (AsIAN)* 11, no. 02 (2024).

determining the limits of public disclosure in Religious Court judgments. Under this approach, courts should disclose only information that is necessary to achieve transparency while protecting personal information that is irrelevant to public oversight of judicial decision making.

An effective disclosure model should incorporate several fundamental safeguards. First, standardized anonymization procedures should be applied consistently across all Religious Courts to ensure equal protection of litigants regardless of jurisdiction. Second, categories of sensitive personal data including names of children, national identity numbers, residential addresses, medical information, financial account details, and other personally identifiable information should be automatically redacted prior to publication. Third, judicial personnel responsible for publishing decisions should receive specialized training concerning personal data protection and privacy rights to ensure consistent implementation of anonymization standards.¹⁵ Finally, the Supreme Court should adopt comprehensive technical guidelines harmonizing judicial transparency policies with the Personal Data Protection Law to eliminate regulatory inconsistencies.

Such a framework would preserve the essential objectives of open justice while strengthening constitutional protection of privacy and personal data. Rather than limiting public access to judicial decisions, the proposed model enhances the legitimacy of judicial transparency by ensuring that openness is implemented responsibly, proportionately, and consistently with human rights principles. In doing so, Religious Court judgments can continue to serve as instruments of legal accountability without unnecessarily compromising the dignity and privacy of the individuals involved.

Conclusions

This study concludes that the principle of open justice and the right to privacy are complementary constitutional values that must be balanced in the publication of Religious Court judgments. While public access to judicial decisions is essential for ensuring transparency, accountability, and public confidence in the judiciary, unrestricted disclosure of personal information may infringe individual privacy rights, particularly in family law disputes involving sensitive personal and domestic matters. The study finds that Indonesia's current legal framework has not yet established comprehensive and uniform standards governing the anonymization and publication of Religious Court judgments, resulting in inconsistent protection of personal

¹⁵ Pavel Biriukov and Alexander Rekhovskiy, "Ministry of Justice of the Republic of Korea: History and Modernity," *Academic Law Journal* 25, no. 1 (2024), [https://doi.org/10.17150/1819-0928.2024.25\(1\).67-75](https://doi.org/10.17150/1819-0928.2024.25(1).67-75).

data across judicial practice. Accordingly, the implementation of public disclosure should be guided by the principles of necessity, proportionality, and data minimization, ensuring that only information relevant to judicial reasoning and public oversight remains accessible while sensitive personal data are adequately protected. Strengthening anonymization standards, harmonizing judicial publication policies with personal data protection legislation, and adopting clearer technical guidelines for Religious Courts are therefore essential to achieving an appropriate balance between judicial transparency, privacy protection, and the constitutional commitment to the rule of law.

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