

Legal Regulations for Posting Accident Photos on Social Media

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ABSTRACT

Traffic accidents often cause significant impacts, both in terms of material losses and loss of life. The public's reaction to these tragedies has evolved along with the advancement of social media and technology. Instead of helping accident victims directly, many people prefer to take and upload photos or videos of accident victims. This behavior raises a number of moral and legal issues, especially since the distribution of inappropriate material can violate a person's right to privacy and moral principles. With an emphasis on the Criminal Code (KUHP), the Electronic Information and Transactions Law (UU ITE), and the Personal Data Protection Law (UU PDP), this study examines the laws governing the distribution of accident images and videos on social media. According to the study's findings, sharing images or videos of accident victims without their consent can result in serious legal consequences. Therefore, increasing legal knowledge and educating the public is essential to encourage more responsible use of social media.

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INTRODUCTION

The frequency of traffic accidents has recently increased and resulted in various impacts. These incidents can result in death as well as injury to victims and damage to public infrastructure.¹ Human error is the main factor in causing traffic accidents. Human errors that often result in accidents include lack of driver attention, fatigue, driving under the influence of drugs and alcohol, speeding/acting recklessly, vehicle conditions that are not roadworthy, and lack of knowledge of traffic laws. Currently, when accidents occur, people tend to focus more on recording or taking photos of the incident to share on social media, rather than providing first aid to the victim. Many

¹ Umi Enggarsari and Nur Khalimatus Sa'diyah, "KAJIAN TERHADAP FAKTOR-FAKTOR PENYEBAB KECELAKAAN LALU LINTAS DALAM UPAYA PERBAIKAN PENCEGAHAN KECELAKAAN LALU LINTAS" 22, no. 3 (2017).

aspects of human life have undergone significant changes due to technological developments, especially in the field of communication and information. Human behavior and the progress of civilization around the world are directly influenced by the use of media, communication, and technology.² Technology has a significant impact on social transformation so that society is very dependent on it, both for good and bad.³ As civilization advanced, forms of crime also continued to develop. Crime is part of the result of a culture that continues to undergo transformation in its form, nature, and method of implementation. One form of crime that has emerged is the dissemination of content that is contrary to moral values, such as the publication of photos or videos of traffic accident victims openly on social media. Social media is now the main channel for sharing various types of information. Currently, its users are in various circles from children, teenagers, adults, to housewives, professionals, and students.⁴ Social media offers advantages in the form of ease of communication and access to information, but it also has a drawback: published information can have legal consequences. Sports news, food, fashion, travel, and material that goes against moral standards, such as photos of victims of natural disasters or car accidents, are among the topics that are frequently shared. This kind of thing should not be spread carelessly on social media because it can result in legal consequences. As stipulated in Article 27 paragraph (1) of Law No. 19 of 2016 concerning Amendments to Law No. 11 of 2008 concerning Information and Electronic Transactions (ITE Law), "Every Person deliberately and without rights distributes and/or transmits and/or makes accessible Electronic Information and/or Electronic Documents that have content that violates morality"⁵ may be subject to legal sanctions. The dissemination of photos or videos of traffic accident victims is often considered an effort to remind road users and provide information to the victim's family or relatives. However, this action actually violates the rights and honor of the victim as stipulated in Article 28G paragraph (1) of the 1945 Constitution of the Republic of Indonesia (1945 Constitution).⁶ In addition to violating

² Ana Puji Astuti and Anike Nurmalita, "TEKNOLOGI KOMUNIKASI DAN PERILAKU REMAJA," *Jurnal Analisa Sosiologi* 3, no. 1 (2014): hal. 93.

³ Abdul Wahid and Mohammad Labib, *Kejahatan Mayantara (Cyber Crime)* (Bandung: Refika Aditma, 2005).

⁴ Riduan et al., "Pemanfaatan Media Sosial Sebagai Media Informasi Pendidikan Bagi Remaja Millenial," *Borneo Journal of Islamic Education* 3, no. 1 (2023): hal.54.

⁵ *Undang Undang No. 19 Tahun 2016 Tentang Perubahan Atas Undang-Undang Nomor 11 Tahun 2008 Tentang Informasi Dan Transaksi Elektronik*, n.d.

⁶ Leonardo Dade, Caecilia Waha, and Nurhikmah Nachrawy, "KAJIAN YURIDIS TENTANG TINDAK PIDANA PENYEBARAN DATA PRIBADI MELALUI INTERNET (DOXING) DI INDONESIA," *Lex Privatum* 13, no. 3 (2024): hal. 9.

moral norms in society, this action can also have a negative impact in the form of trauma for the victim, their families, and other social media users. Based on the problems that have been described, the focus of the study discussed is "What is the legal regulation of the actions of someone who uploads photos of accidents on social media?"

2. RESEARCH METHODS

This research is included in the type of normative legal research, often referred to as normative law research. Legal systematics can be carried out on certain laws and regulations or written laws. This research, also known as doctrinal law research, conceptualizes regulations as things written in written law (law in books).⁷ This research method uses a statutory method, by looking at all regulations or legislation relevant to the legal topic being researched.⁸

3. ANALYSIS OR RESULTS AND DISCUSSION

In Indonesia, regulation refers to a formal legal source in the form of laws and regulations that consist of several components, including written decisions made by the competent authority or state organization and which are usually binding.⁹ Regulations function as a means to organize and control society through certain provisions or restrictions. Their application can take the form of legal rules issued by the government, regulations within a company, and other forms of oversight. Satjipto Rahardjo argues that law is a human creation in the form of standards that define acceptable behavior. In building and guiding social order, law reflects the desires of society. As a result, the society where the law is applied shapes the concepts included within it.¹⁰ One of the main ideas contained in the law is the concept of justice. Therefore, a set of norms designed to regulate human interests in order to uphold justice can be seen as legal regulations. Anyone found to be violating the law will face consequences in accordance with the applicable legislation. An act that violates the law and is committed by a person who can be held accountable is called a crime. Criminal

⁷ Ida Hanifa, *Pedoman Penulisan Tugas Akhir Mahasiswa Fakultas Hukum Universitas Muhammadiyah Sumatera Utara (UMSU)* (Medan: CV. Pustaka Prima, 2018), hal.19.

⁸ Sri Mamudji, *Metode Penelitian Dan Penulisan Hukum* (Jakarta: Fakultas Hukum Universitas Indonesia, 2005), hal.6.

⁹ Stanley Muljadi, Muhammad Ranga Arya Putra, and Rachel Milafebina, "Regulasi Bukti Elektronik Sebagai Instrumen Pembuktian Dalam Penyelesaian Sengketa Perdata Melalui Rechtsvinding Oleh Hakim," *Jurnal Kewarganegaraan* 8, no. 1 (2024): hal. 691.

¹⁰ Muhammad Sadi, *Pengantar Ilmu Hukum* (Jakarta: Prenadamedia Group, 2019), hal.52.

acts are defined by J. Van Kan and J.H. Beekhuis as violations against the rules that govern a legal system. Therefore, if an act is illegal or deemed a violation by the applicable legislation, it can be classified as a criminal act.¹¹

Distributing unapproved videos or photos online is a criminal offense, which may be punishable by imprisonment and fines.¹² However, many internet users are still unaware of the legal consequences of such behavior. One of the main reasons for the widespread dissemination of illegal information is the lack of public awareness about privacy violations. Currently, many people do not realize that sharing images or videos without permission can have legal consequences, especially if the information includes harmful components. This is not an issue if the uploaded video only contains general information. However, individuals who feel aggrieved can report the video to the police and file a lawsuit against the perpetrator if the video shows someone in a humiliating manner.

Social media users must be aware of the morality of sharing online material.¹³ Unless the material is personal or pertains to public information, not all images or videos may be uploaded and distributed without permission.¹⁴ According to the law, if a video involves other people, their consent must be obtained before the recording is distributed. Unfortunately, this clause is still unknown to many people, and even those who are aware of it often ignore it. In fact, there could be serious consequences if this issue is taken to the judicial system. Therefore, the public is expected to use social media more wisely and to understand the regulations governing the dissemination of online content in this digital era.

1. Legal Regulations Governing the Dissemination of Accident Photos on Social Media

Legal regulations regarding posting accident photos on social media in Indonesia are not specifically governed by a single law, but can be analyzed from several relevant legislations. Posting accident photos can create legal issues, especially if:¹⁵

¹¹ Agus Rusianto, *Tindak Pidana Dan Pertanggungjawaban Pidana* (Jakarta: Prenadamedia Group, 2016), hal.29.

¹² Nida Zhakia Jasmine and Andi Widiatno, "PEMIDANAAN TERHADAP PELAKU YANG MENDISTRIBUSIKAN GAMBAR PORNOGRAFI," *Reformasi Hukum Trisakti* 6, no. 1 (2024): hal.180.

¹³ Unika Putry Mutiarani, Iztiya'ul Nur Karimah, and Yudistira Phrygian Syarafa, "Etika Komunikasi Dalam Penggunaan Media Sosial Di Kalangan Mahasiswa," *Jurnal Harmoni Nusa Bangsa* 1, no. 2 (2024): hal.206.

¹⁴ Islah, Kamila Adnani, and Fathurrohman Husen, "Etika Bermedia: Menyebar Foto Dan Video Tanpa Izin Termasuk Melanggar Privasi," *Academic Journal Of Da'wa and Communication* 4, no. 1 (2023): hal.82.

¹⁵ Willa Wahyuni, "Jerat Hukum Sebarkan Foto Korban Kecelakaan Di Media Sosial," *Hukum Online*, last modified 2024, accessed March 23, 2025, <https://www.hukumonline.com/berita/a/jerat-hukum-sebarkan-foto-korban-kecelakaan-di-media-sosial-lt6620cde4125cd/>.

- a. Violating the victim's privacy^b.
- b. Containing elements of violence or indecency^c.
- c. Causing disruption to the legal process or investigation^d.
- d. Causing public disorder or hoaxes

1) Criminal Code (KUHP) Article 433

Disseminating images or videos containing defamatory content without permission is an illegal act. Based on Article 433 of the Penal Code, which regulates defamation in written, oral, or visual forms, this action is categorized as an unpleasant act and can be subject to penalties. The provisions of Article 433 of the Penal Code state:¹⁶

- a) Every person who verbally attacks the honor or good name of another person by accusing them of something, with the intention for that matter to be made public, shall be punished for defamation, with a prison sentence of up to 9 months or a fine of up to category II, which is Rp10 million.
- b) If the act as referred to in paragraph (1) is carried out in writing or images that are published, displayed, or posted in public places, it shall be punished for written defamation, with a prison sentence of up to 1 year and 6 months or a fine of up to category III, which is Rp50 million.
- c) Acts as referred to in paragraphs (1) and (2) shall not be punishable if carried out for the public interest or because of necessity in self-defense.

2) Law Number 1 of 2024 concerning the Second Amendment to Law Number 11 of 2008 on Electronic Information and Transactions (ITE Law)

The ITE Law regulates information and electronic transactions, including provisions regarding the dissemination of content on the internet. Under this law, an individual is not permitted to distribute or disseminate electronic information related to another person without permission. If this action is carried out deliberately without the rights or consent of the information owner, the perpetrator may face legal action.¹⁷ Article 27 paragraph (1) of Law 1/2024 states: "Every person who intentionally and without rights broadcasts, presents,

¹⁶ Kitab Undang-Undang Hukum Pidana, n.d.

¹⁷ Evita Afrilia Raranta, "PENERAPAN PASAL 27A UNDANG-UNDANG NOOR 1 TAHUN 2024 DALAM PRAKTEK PERADILAN PIDANA," *Lex Privatum* 14, no. 5 (2025): hal. 2.

distributes, transmits, and/or makes accessible electronic information and/or electronic documents that contain content that violates decency to the public." Violations of this article may result in criminal sanctions in the form of imprisonment for a maximum of 6 years and/or fines of up to Rp1 billion.¹⁸

3) Law Number 27 of 2022 on Personal Data Protection

Violations of privacy rights, whether intentional or unintentional, may also occur. A person may unintentionally disclose another person's information without consent if they are unaware of the importance of securing personal information. Taking photos or videos of people involved in a traffic accident and uploading them online without the consent of the victims or their families is one such example. The privacy rights of victims, often referred to as the right to be alone, are violated by this crime.¹⁹ The dissemination of such images and videos can cause the victim's family to feel shame, anxiety, sadness, or even trauma, especially if the victim's condition is not suitable for publication. Personal information about the victim, including full name, religion, date of birth, age, occupation, and so on, is usually included in the images or videos. Stricter legal protection is needed because the dissemination of personal information like this is more vulnerable to abuse. The protection of a person's personal information is regulated in Law Number 27 of 2022 concerning Personal Data Protection. What is meant by 'personal data' is any information that can be used to identify a person directly or indirectly.²⁰ In Article 4 paragraph (3) of the PDP Law, general personal data includes:

- (a) Full name
- (b) Gender
- (c) Citizenship
- (d) Religion
- (e) Marital status
- (f) Other personal data that can be used to identify a person

¹⁸ Renata Christha Auli, "Memviralkan Fakta Di Medsos, Bisa Kena Pasal Pencemaran Nama Baik?," *Hukum Online*, last modified 2024, accessed March 23, 2025, <https://www.hukumonline.com/klinik/a/memviralkan-fakta-di-medsos--bisa-kena-pasal-pencemaran-nama-baik-lt5d83b35260ae6/>.

¹⁹ Yuliana Purba, "Perlindungan Hukum Bagi Korban Revenge Porn Dalam Yurisdiksi Virtual Berdasarkan Hukum Di Indonesia," *Jurnal Sosial dan Sains* 3, no. 11 (2023): hal.1222.

²⁰ Muhammad Satria and Susilo Handoyo, "PERLINDUNGAN HUKUM TERHADAP DATA PRIBADI PENGGUNA LAYANAN PINJAMAN ONLINE DALAM APLIKASI KREDITPEDIA," *Jurnal de Facto* 8, no. 2 (2022): hal.114.

Someone who disseminates photos of accident victims while including personal information may be subject to sanctions under Article 67 paragraph (1) of the Personal Data Protection Law, which states:²¹

"Every person who intentionally and unlawfully obtains or collects personal data that does not belong to them with the intention of benefiting themselves or others, which may result in harm to the data subject."

Additionally, Article 65 paragraph (2) of the Personal Data Protection Law prohibits the disclosure of personal data belonging to others without permission. Violations of this provision may face a prison sentence of up to 4 years and/or a maximum fine of IDR 4 billion.

With the regulation governing the dissemination of content on the internet, it is expected that the public will be more cautious in sharing electronic information as a result of the rules regulating the spread of materials online, especially those related to traffic accident victims. There may be legal consequences for sharing someone else's videos without consent or censorship, particularly if it harms others. Therefore, the public must use social media more wisely to avoid legal issues.

4. CONCLUSION

Distributing images or videos of accident victims without their consent is illegal, and such actions can result in penalties under the PDP Law, the ITE Law, and the Criminal Code. Aside from being detrimental from a legal standpoint, this act affects the privacy rights of the victims and their families and can lead to psychological suffering for those impacted. One of the main reasons why these violations are still very common is that the general public is unaware of the laws regulating social media usage. Further action is needed in law enforcement and broader socialization regarding these restrictions, even though current laws specifically stipulate penalties for violations related to the distribution of materials that violate moral values. The government and related institutions must enhance public education on social media ethics and the potential legal consequences of disseminating images or videos that violate personal rights. In cases of unethical information dissemination, law enforcement officials must be more vigilant and

²¹ Undang-Undang No.27 Tahun 2022 Tentang Perlindungan Data Pribadi, n.d.

firm. They should also impose sanctions that can serve as a deterrent for law violators. In order to prevent inappropriate information from spreading widely in society, social media platforms must take greater action to monitor, filter, and remove it. Given the potential legal and social impacts, social media users are expected to share information more carefully and wisely. To make the younger generation more aware of the laws governing the digital world, cyber legal resources should be incorporated into the school and university curriculum.

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