

THE RIGHT TO BE FORGOTTEN ACCORDING TO ŽIŽEK'S PARADOX**Antonius Maria Laot Kian**

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antoniusmarialaotkian2020@gmail.com***Abstract***

This article analyzes the paradox of implementing the right to be forgotten in Indonesia through the Lacanian psychoanalytic perspective developed by Slavoj Žižek. This study highlights the structural impossibility of completely erasing digital trace despite the existence of legal mechanisms that protect individual privacy, an issue that is increasingly relevant in the digital age. Previous studies have emphasized procedural or technical aspects, whereas this research examines the psychoanalytic and philosophical dimensions of digital forgetting. An analysis of Article 26 of the ITE Law shows that the court procedures in question produce new legal documentation, reinforcing rather than erasing digital traces. Žižek's concepts of the Real, the Symbolic, and the Imaginary show how these traces remain, creating a cycle of repetition and return of the repressed that challenges conventional legal approaches. This study concludes that the right to be forgotten cannot be fully realized through technical or procedural mechanisms, but rather through fundamental aspects of modern subjectivity, digital identity, and the limitations of law in dealing with digital reality.

Keywords: *The Right To Be Forgotten; Slavoj Žižek; Divided Subjects; The Real; Lacanian Psychoanalysis.*

HAK UNTUK DILUPAKAN MENURUT PARADOKS ŽIŽEK

Intisari

Artikel ini menganalisis paradoks implementasi hak untuk dilupakan di Indonesia melalui perspektif psikoanalisis Lacanian yang dikembangkan Slavoj Žižek. Penelitian ini menyoroti ketidakmungkinan struktural untuk sepenuhnya menghapus jejak digital meskipun ada mekanisme hukum yang melindungi privasi individu, yang menjadi masalah yang semakin relevan di era digital. Studi sebelumnya lebih menekankan aspek prosedural atau teknis, sedangkan penelitian ini menelaah dimensi psikoanalitis dan filosofis dari pelupaan digital. Analisis Pasal 26 UU ITE menunjukkan bahwa prosedur pengadilan yang dimaksud justru menghasilkan dokumentasi hukum baru, yang memperkuat alih-alih menghapus jejak digital. Konsep Žižek tentang Real, Simbolik, dan Imajiner menunjukkan bagaimana jejak tersebut tetap ada, menciptakan siklus repetisi dan *return of the repressed* yang menantang pendekatan hukum konvensional. Penelitian ini menyimpulkan bahwa hak untuk dilupakan tidak dapat diwujudkan sepenuhnya melalui mekanisme teknis atau prosedural, melainkan melalui aspek fundamental subjektivitas modern, identitas digital, dan keterbatasan hukum dalam menghadapi realitas digital.

Kata kunci: *Hak Untuk Dilupakan; Slavoj Žižek; Subjek Terpecah; Yang Real; Psikoanalisis Lacanian.*

A. Introduction

The digital age has given rise to a fundamental paradox in the relationship between memory and forgetting. Digital technology provides virtually unlimited capabilities for recording and storing information, creating what Viktor Mayer-Schönberger calls “perfect digital memory.”¹ The human ability to forget, which for centuries has been a natural mechanism in social experience, is weakening due to persistent and easily replicated digital traces. This paradox intersects regulatory developments, particularly through the concept of the right to be forgotten as stipulated in Article 26 of Law Number 19 of 2016 concerning Amendments to the Law on Electronic Information and Transactions.²

The implementation of the right to be forgotten in Indonesian law presents unresolved normative problems. The absence of Government Regulation means that Article 26 lacks adequate technical mechanisms.³ The conditions for court rulings create an irony, in which attempts to forget result in new formal records, causing the information to be deleted takes on a more permanent form. This situation shows that the problem of data deletion cannot be solved through a doctrinal approach. There is a conflict between legal expectations and the nature of digital data, which can reappear at any time.

The Lacanian psychoanalytic approach, as developed by Slavoj Žižek, was chosen to explain this conflict. This model is not used as a stand-alone philosophical study, but as an analytical tool for legal philosophy to examine the limitations of positive law. Lacan’s thinking provides a concept of the subject that is not entirely in harmony with the symbolic order.⁴ Žižek continues this idea through a critical reading of the relationship between representation, traces, and the reappearance of elements that cannot be fully regulated.⁵ This

1 Viktor Mayer-Schönberger, *Delete: The Virtue of Forgetting in the Digital Age* (Princeton: Princeton University Press, 2009), 12-15.

2 Undang-Undang Nomor 19 tahun 2016 tentang Perubahan atas Undang-Undang Nomor 11 Tahun 2008 tentang Informasi dan Transaksi Elektronik, Pasal 26.

3 Narendra Jatnaa et al., “Denationalisation of Indonesian National Law: An Implementation of EU Cyber Conventions and Accession,” *International Journal of Innovation, Creativity and Change* 12, no. 4 (2020): 494–504.

4 Slavoj Žižek, *The Sublime Object of Ideology* (London: Verso, 1989), 6-9; See also Slavoj Žižek, *The Ticklish Subject: The Absent Centre of Political Ontology* (London: Verso, 1999), 10.

5 Jacques Lacan, *The Seminar of Jacques Lacan Book XI: The Four Fundamental Concepts of*

perspective helps explain why the law has difficulty providing a definitive limit on the act of forgetting. This initial explanation also avoids confusion between Lacanian and Žižekian theories. The analysis refers to the basic structure of Lacanian psychoanalysis, while the elaboration on the reappearance of digital data follows Žižek's reading of elements that resist symbolic organization. The two are used separately but complement each other.

The use of Žižek's framework confirms that the main problem with the right to be forgotten in Indonesia is not only the absence of implementing regulations, but also the discrepancy between legal expectations and the nature of digital data, which constantly adds new traces. Psychoanalytic analysis provides an explanation for the structural failure of positive law to ensure total erasure, while also helping to assess the limits of state authority in managing digital memory. This interdisciplinary approach remains within the discipline of legal philosophy. The study of Žižek's thinking is combined with an examination of the normative construction of Article 26 of the ITE Law, the limitations of its implementation, and the legal implications that arise. The combination of these two domains results in a philosophical reading that is still based on the reality of positive law in Indonesia.

This study aims to explain the conceptual paradox inherent in the concept and implementation of the right to be forgotten through a Lacanian–Žižekian psychoanalytic perspective. Key questions include: How can Žižek's concept of the Real explain the structural impossibility of the right to be forgotten, and what are the philosophical implications of this paradox for our understanding of subjectivity, memory, and identity in the digital age? This analysis combines philosophical textual research and a review of legal doctrine to remain consistent with the objectives of legal philosophy.

B. The Genealogy of the Right to Be Forgotten: From Philosophical Concepts to Legal Regulation

1. The History of the Concept of Oblivion in the Philosophical Tradition

The concept of forgetfulness as a fundamental dimension of the human

Psychoanalysis (New York: W.W. Norton, 1998), 49-60; Slavoj Žižek, *Looking Awry: An Introduction to Jacques Lacan through Popular Culture* (Cambridge: MIT Publisher, 1991), 15-37.

condition has been a philosophical concern since ancient tradition. The history of the concept of forgetfulness is inseparable from the political practice of memory erasure that has existed since ancient times, particularly in the Roman tradition through the practice of *damnatio memoriae*. This practice involves the systematic removal of all public traces of individuals considered enemies of the state. Their names were removed from inscriptions, statues destroyed, and written references in official documents crossed out.⁶ *Damnatio memoriae* is not just a posthumous punishment, but an attempt to create a collective *oblivio* that will remove one's existence from the historical narrative. This practice reveals a political dimension inherent in the memory-forgetfulness dialectic: who is entitled to be remembered and who should be forgotten is a decision involving power relations. In this context, forgetfulness is not a natural phenomenon but a political construct that is formed through certain technologies and institutions. The relevance to legal philosophy lies in the fact that control over collective memory historically shapes the legitimacy and delegitimization of subjects in the social order. Thus, its genealogy is directly related to the construction of legal personhood, because the erasure of memory in the Roman political context essentially erases a person's status as a legal subject in the public sphere. This point emphasizes that the right to be forgotten is not merely a technological issue, but part of the fundamental problem in legal philosophy concerning the relationship between identity, memory, and normative recognition.

2. The Development of the Right to Be Forgotten in the Context of Modern Law

The transformation of the right to be forgotten from a philosophical concept to a positive legal norm began dramatically with the case of *Mario Costeja González v. Google Spain SL*, which was decided by the Court of Justice of the European Union (CJEU) on May 13, 2014.⁷ The case stemmed

⁶ Harriet I Flower, *The Art of Forgetting: Disgrace and Oblivion in Roman Political Culture* (Chapel Hill: University of North Carolina Press, 2006), 1-57; Charles W. Hedrick, *History and Silence: Purge and Rehabilitation of Memory in Late Antiquity* (Austin: University of Texas Press, 2000) 89-145.

⁷ Court of Justice of the European Union, *Google Spain SL and Google Inc. v. Agencia Española de Protección de Datos and Mario Costeja González*, C-131/12, ECLI:EU:C:2014:317, 13 May 2014 (*Google Spain SL and Google Inc. v. Agencia Española de Protección de Datos and Mario Costeja González*). For a comprehensive analysis of this ruling, see Orla Lynskey, "Control over Personal Data in a Digital Age: Google Spain v González and Mario Costeja Gonzalez," *The*

from a complaint by Mario Costeja González, a Spanish lawyer, who asked Google to remove links to search results that led to old news stories about his property being forfeited due to social security debts in 1998. The CJEU's ruling granting González's request not only recognizes the existence of the *right to be forgotten* as a fundamental right in European law, but also establishes that search engines such as Google are responsible as data controllers and obliged to comply with requests to delete irrelevant, inaccurate, or excessive personal data.

This ruling sets a precedent because it establishes a *ratio decidendi* that the protection of personal data and the dignity of the subject can take precedence over public access to information, through a mechanism of balancing interests between individual privacy and the public's right to information. The affirmation of this reasoning shows that its genealogy is not only a technical development of regulation, but is directly related to the basic principles of legal philosophy regarding the protection of subject autonomy before the legal system. The right to be forgotten is part of a contemporary legal epistemological shift from a static legal subject paradigm to a digital subject whose identity is constantly negotiated through information.

The legal momentum created by the ruling of *Google Spain SL, Google Inc. v AEPD and Mario Costeja González* (2014) not only recognizes the right of individuals to erase their digital footprints, but also shifts the doctrine of data protection to become part of the fundamental rights to dignity and personal identity, through the application of Articles 7 and 8 of the Charter of Fundamental Rights of the EU and the proportionality test in balancing privacy and freedom of expression. This ruling marks the transformation of the legal doctrine from data as an economic object to an ontological dimension of digital legal subjects that deserve protection.

This transformation is codified in Article 17 of the GDPR, which recognizes the right to erasure⁸ through six normative conditions and a number of exceptions that limit the scope of data erasure. This exception mechanism

Modern Law Review 78, no. 3 (2015): 522–34.

⁸ Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data (General Data Protection Regulation), Article 17; See also Paul Voigt and Axel von dem Bussche, *The EU General Data Protection Regulation (GDPR): A Practical Guide* (Cham: Springer, 2017), 165-175.

confirms that the right to be forgotten is not an absolute right, but part of a model of justice based on structured proportionality. From a legal philosophy perspective, the GDPR positions data protection as a redistribution of control over digital identity, rather than merely an administrative procedure.

A comparison of cross-jurisdictional implementations shows how legal rationality is guided by each country's ideological orientation. The United States, due to the dominance of the First Amendment doctrine, limits the recognition of the right to be forgotten to a narrow space, such as the CCPA, in order to maintain information transparency.⁹ Japan adopted the principles of the GDPR through the Personal Information Protection Act (2017).¹⁰ Meanwhile, South Korea, through PIPA 2020, chose a hybrid model that recognizes the right to erasure while still prioritizing social interests and scientific research.¹¹

This diversity shows that the right to be forgotten is not a universal norm, but rather the result of negotiations between fundamental legal values, political structures, and policy priorities in each jurisdiction. Within the Lacanian–Žižekian framework of analysis, these differences reveal ideological configurations regarding the position of legal subjects in the data economy. The European Union positions subjects as autonomous entities with the right to self-control, while the United States positions subjects as part of the information market. Meanwhile, East Asia positions subjects in relation to social interests.

3. Article 26 of the ITE Law: Normative Analysis and Implementation Problems

The legal construction of Article 26 paragraphs (3) and (4) of Law Number 19 of 2016 contains structural ambiguities in codifying the right to be forgotten in the Indonesian legal system. Paragraph (3) requires a

9 For the context of US, see Danielle Keats Citron and Marry Anne Franks, “The Internet as a Speech Machine and Other Myths Confounding Section 230 Reform,” *University of Chicago Legal Forum* 2020, no. 1 (2020): 45–76; Jeffrey Rosen, “The Right to Be Forgotten,” *Stanford Law Review Online* 64 (2012): 88–92.

10 Personal Information Protection Commission Japan, *Personal Information Protection Act: Guideline*, 2017; Miyashita, “The Evolving Concept.”

11 Korea Communications Commission, *Personal Information Protection Act: Implementation Guidelines*, 2020; Sookyung Park, “South Korea’s Personal Information Protection Act and the Right to Be Forgotten,” *International Review of Law, Computers & Technology* 35, no. 2 (2021): 198–251.

“court order” before information can be deleted, indicating the adoption of a judicial-driven model that differs from the administrative model of the GDPR. Paragraph (4) establishes an exception that the obligation to erase does not apply if the information relates to law enforcement interests at the request of certain parties, namely law enforcement officials, national defense and security interests, and other national interests as determined by Government Regulation.¹² This mechanism creates a paradox, where: the procedure for forgetting results in new publications through court decisions, leading the legal process to perpetuate what it seeks to erase. This point highlights the ontological contradiction between the goal of forgetting and the fundamental character of modern legal systems, which rely on documentation, archives, and public access to decisions as part of the principles of judicial transparency and legal accountability.

The absence of a Government Regulation as an implementing regulation has rendered this norm a “sleeping provision.” The regulatory vacuum has created normative uncertainty regarding criteria for irrelevant information, evidence, application procedures, coordination with the PSE, and the definition of “other national interests.” This problem is not merely administrative, but it shows that the debate on the right to be forgotten in Indonesia is related to a conceptual conflict between the protection of digital subjects’ privacy and the principle of transparency of legal records as part of the legitimacy of the rule of law.

Several cases involving the application of Article 26 further highlight this contradiction. Requests for the removal of news reports on corruption cases¹³ and revenge porn cases¹⁴ show that the courts face a normative and

12 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,” *PJIH: Padjajaran Jurnal Ilmu Hukum* 9, no. 1 (2022): 105–18; See also Danrivanto Budhijanto, *Hukum Telekomunikasi, Penyiaran, Dan Teknologi Informasi: Regulasi Dan Konvergensi* (Bandung: Refika Aditama, 2019).

13 The case was discussed with legal practitioners and has not yet resulted in a published decision. For similar contexts, see Wahyudi Djafar and Asep Komarudin, *Perlindungan Hak Atas Privasi Di Internet : Beberapa Penjelasan Kunci* (Jakarta Selatan: Lembaga Studi dan Advokasi Masyarakat, 2014).

14 For analysis of similar cases, see Antoinette Raffaella Huber and Zara Ward, “Non-Consensual Intimate Image Distribution: Nature, Removal, and Implications for the Online Safety Act,” *European Journal of Criminology* 22, no. 1 (2024); Arfa Shafiyatul Amalah and Rika Kurniasari Abdulgani, “Perlindungan Hukum Terhadap Korban Revenge Porn Dalam Perspektif Psikologi

epistemological dilemma: in order to assess relevance, the courts must re-expose the information that is to be removed, thereby expanding its public trace. The problem is not only technical, but also structural. The modus operandi of an archive-based legal system is inherently at odds with the idea of forgetting, thereby making the genealogy show that the right to be forgotten operates at the extreme boundary between the protection of individual privacy and the principle of legal memory as the basis for accountability and social learning.

C. The Lacanian Psychoanalytic Theoretical Framework in Žižek’s Thought and Its Relevance to Legal Philosophy

1. The Real-Symbolic-Imaginary Triad as the Ontological Foundation of the Digital Legal Subject

The Real–Symbolic–Imaginary triad provides an ontological framework for understanding how subjects are constructed and managed within the legal system. The Real is the dimension that resists symbolization and always returns in the form of traumatic disturbances.¹⁵ In the context of digital identity, the nature of information that can never be completely “deleted” reflects the nature of the Real. Even the most systematic attempts at forgetting always leave behind residues. The Symbolic Order consists of language, law, and normative structures that establish the coordinates of a subject’s identity.¹⁶ The Real in Lacanian psychoanalysis functions as a constitutive trauma that can never be fully symbolized. Hence, every subjectivity always leaves behind an internal discordance. The return of the Real through symptoms or repetitions shows that the subject is indeed divided from the outset, not because of external deficiencies, but because of the structure of the Real, which rejects total integration into identity.

The Symbolic Order, as the realm of language, law, and social rules, provides a framework for subjects to acquire identity and participate in social life.¹⁷ However, Žižek asserts that this order always contains gaps

Hukum,” *Wajah Hukum* 9, no. 2 (2025): 909–22.

15 Lacan, *The Seminar of Jacques Lacan Book XI: The Four Fundamental Concepts of Psychoanalysis*, 53-64; Jacques Lacan, *The Ethics of Psychoanalysis: The Seminar of Jacques Lacan Book VII* (New York: Norton, 1992), 43-70.

16 Žižek, *The Ticklish Subject*, 163-193; Žižek, *Looking Awry*, 15-37.

17 Jacques Lacan, *Écrits* (New York: W.W. Norton, 2006), 414-441; for an analysis of Autre’s

and inconsistencies, making its stability illusory.¹⁸ Legal structures and social institutions survive through symbolic rituals of confirmation that mask these inconsistencies. In the digital context, the internet and social media operate as a new Symbolic Order that regulates social identification and interaction but remains fragile, marked by phenomena of disinformation and a crisis of authority.

The Imaginary dimension allows subjects to construct the illusion of self-unity through identification with ideal images, as analyzed by Lacan through the mirror stage.¹⁹ For Žižek, the formation of identity always involves misrecognition because subjects must believe themselves to be whole in order to function socially. Digital identity on social media expands the mechanisms of the Imaginary through the curation of self-images. The effort to maintain a perfect digital image reveals anxiety about interference from the Real. The right to be forgotten can be understood as a strategy to maintain the consistency of the Imaginary identity by erasing digital traces that threaten the coherence of the self-image.

This analysis makes an important contribution to legal philosophy, in that the Right to be Forgotten is not merely a procedural or technical issue, but touches on the core ontological question of how law produces and sustains digital identity. The subject of digital law is not a stable entity, but rather a product of continuous negotiation between the Real (information residue), the Symbolic (legal norms), and the Imaginary (self-image).

2. Žižek's Ideological Criticism and the Rationality of Privacy Law and Data Protection

Žižek understands ideology not merely as a system of beliefs, but as a fantasy that organizes social reality and enables subjects to function within legal and social orders.²⁰ In the context of the right to be forgotten, legal fantasy works through the belief that digital identity can be completely

grand concept, see Dylan Evans, *An Introductory Dictionary of Lacanian Psychoanalysis* (London: Routledge, 1996), 133-138.

18 Žižek, *The Ticklish Subject*, 247-312; Slavoj Žižek, *The Parallax View* (Cambridge: MIT Publisher, 2006), 238-267.

19 Lacan, *Écrits*, 75-81; for a contemporary interpretation, see Kaja Silverman, *The Subject of Semiotics* (Oxford: Oxford University Press, 1983), 157.

20 Žižek, *The Ticklish Subject*, 39.; Slavoj Žižek, "Introduction: The Spectre of Ideology," in *Mapping Ideology* (London: Verso, 1994).

controlled and that the deletion of information can produce a tabula rasa in digital space. This fantasy is affective because it provides symbolic pleasure (*jouissance*) through the illusion of control over one's narrative and the belief that a "bad" self-image can be replaced by an ideal one.²¹

Žižek's ideological critique helps to show that the legal rationality of the right to be forgotten is not only based on the protection of privacy but also reproduces the basic fantasy of the unity of the subject's identity. In a digital economy based on data commodification, personal information has value precisely because of its persistence. The law continues to promise the restoration of identity through forgetting, even though the structure of the digital economy depends on the impossibility of such forgetting. The doctrine of the right to be forgotten reveals the involvement of law in reproducing the fantasy of a stable identity, which is necessary for subjects to continue functioning within the digital order.

The concept of obscene supplement helps map this normative paradox.²² The law symbolically recognizes the individual's right to delete data, but at the same time requires unofficial supplements in the form of archives, documentation, and records of decisions that preserve the information to be deleted. Forgetting can only operate through mechanisms that preserve memory. Therefore, the paradox is not a technical failure of regulation, but rather a structural condition that enables the legal order to function.²³

Through traversing the fantasy, Žižek offers a framework for reading the law that does not stop at the procedure of forgetting, but at the transformation of subjectivity.²⁴ Instead of maintaining the fantasy of total control over digital identity, the subject must acknowledge that identity is always incomplete, fragmented, and not fully controllable by law. At this point, the Lacanian–Žižekian theoretical contribution to legal philosophy becomes apparent. This analysis does not assess the validity, effectiveness, and procedures of norms as conventional legal analysis does, but rather reveals how norms operate in the

21 Slavoj Žižek, *The Plague of Fantasies* (London: Verso, 1997), 22-25).

22 Slavoj Žižek, *The Metastases of Enjoyment: Six Essays on Women and Causality* (London: Verso, 1994), 54-58.

23 Slavoj Žižek, *Violence: Six Sideways Reflections* (New York: Picador, 2008), 140-142.

24 Jacques Lacan, *The Ethics of Psychoanalysis: The Seminar of Jacques Lacan Book VII* (New York: Norton, 1992), 300-304; Žižek, *The Ticklish Subject*, 84.

realm of desire, affect, and fantasy that underpin the continuity of the socio-legal order. This approach restores the discourse of the right to be forgotten to the realm of legal philosophy by showing how law not only regulates behavior but also produces the ideological structures that shape legal subjects.²⁵

D. The Internet as a Symbolic Order: Digital Memory and Persistent Traces

1. Cyberspace as a New Symbolic Space

Cyberspace, in the Žižekian perspective, can be understood as a contemporary manifestation of a Symbolic order that operates the same structural logic as language and law, but with more radical characteristics in terms of its reach and penetration.²⁶ Algorithms in digital spaces serve as “Law” that govern the subject without the subject being fully aware of its working mechanism, which is similar to how language structures the subject’s reality before the subject can explicitly understand grammar. Žižek argues that search algorithms, recommendation systems, and content curation mechanisms operate as automatism. Algorithm determines what can be seen, remembered, or forgotten in digital space, creating conditions in which the subject experiences the illusion of freedom of choice while his choices have been pre-structured by non-transparent algorithmic logic.²⁷ In the context of the right to be forgotten, the algorithm becomes a paradoxical agency. It is at the same time a tool for forgetting and the most efficient reminder engine, where every attempt at deletion leaves a trail of metadata accessible to the system.

Digital databases and archives in cyberspace occupy a more total position of grand Other than traditional symbolic institutions, as they store not only representations of subjects’ actions but also traces of unconscious desires, preferences, and thoughts through digital behavioral data.²⁸ Žižek shows that this digital grand Other has different characteristics from the traditional Other in that it appears to know the subject better than the subject knows itself through big data analysis, behavioral predictions, and content personalization

25 Slavoj Žižek, *How to Read Lacan* (New York: Norton, 2006), 85-87.

26 Slavoj Žižek, *The Plague of Fantasies* (London: Verso, 1997), 130-133; Slavoj Žižek, *Lost Causes* (London: Verso, 2008), 394-397.

27 Žižek, *Violence*, 26-29.

28 Jacques Lacan, *Writings* (New York: Norton, 2006), 688; Žižek, *The Sublime Object*, 143-145.

that often surprises the subject with its accuracy. When one demands the right to be forgotten, he or she is confronted with the traumatic reality that the digital grand Other has constructed a version of himself that may be more true or more complete than the subject's own self-perception. The attempt at data deletion then becomes a confrontation with the Other that not only stores the subject's past, but also anticipates his future through predictive algorithms.²⁹

Social media platforms operate as spaces where online identities are constructed through a complex dialectic between the Imaginary realm (projected self-image), the Symbolic (platform rules, algorithms, and digital norms), and the Real (which cannot be represented but interferes with the construction of digital identity).³⁰ Žižek argues that social media creates a new form of alienation in which the subject is not only alienated from his work product, but also from his socialization product. Every interaction, like, comment, and share becomes data extracted and commodified by the platform. In this context, the right to be forgotten becomes an expression of the desire to reclaim control over digital social products. Nevertheless, Žižek shows that this desire reinforces the logic of commodification by treating digital identity as a private property that can be fully regulated by the subject. What is overlooked is the fact that digital identity has always been a relational product that cannot be mastered by individual subjects, and that privatization through the right to be forgotten obscures the social and political dimensions of digital existence.³¹

2. Digital Footprint and the Double Data Phenomenon

In Žižekian's perspective, double data can be understood as an extreme manifestation of subject alienation, in which the digital Other creates a version of the subject that is not only different from the individual's self-perception, but also capable of acting and deciding on behalf of the subject through automated systems such as targeted advertising, algorithmic credit scoring, or recommendation systems. Žižek proposes that double data is not a neutral representation of the subject, but rather an ideological construct that reflects the logic of digital capitalism, in which the subject is reduced

29 Slavoj Žižek, *Living in the End Times* (London: Verso, 2010), 388-391.

30 Žižek, *The Metastases of Enjoyment*, 119-122.

31 Slavoj Žižek, *First as Tragedy, Then as Farce* (London: Verso, 2009), 124-127.

to a consumption profile and behavior patterns that can be predicted and controlled.³² When a person claims the right to be forgotten, he is actually dealing with his own double data, an algorithmic version of himself that may be more “real” in a digital system than his conscious identity.

Algorithmic profiling operates as a digital subjectivation mechanism that creates new categories of identities that are not based on the subject’s conscious identification, but on data correlations that are often unaware even of the subject himself.³³ Žižek shows that this process creates a new form of interpellation, in which the subject is not called by name (“Hey, you!”) as in Althusser’s theory, but rather by a profile (“*User who is likely to be interested in product X*”, “*Individual with credit risk Y*”). This digital subjectivation is post-subjective, in that it does not require conscious recognition from the subject. The algorithm will continue to categorize and treat the subject based on his or her profile, regardless of whether the subject identifies with the category or not. In the context of the right to be forgotten, the attempt to erase certain data can be understood as resistance to this form of subjectivation, but Žižek claims that this resistance actually reinforces the logic of profiling by creating a new category: “subjects who want privacy” or “individuals with something to hide.”³⁴

The persistence of digital data creates conditions that are structurally contrary to the volatility and selectivity of human memory, where digital technology operates on the principle of “total recall” while human memory operates on the principle of “productive forgetting.”³⁵ Žižek analyzes this contradiction as a manifestation of the fundamental antagonism between the temporality of the machine and that of the human subject, in which the digital machine does not recognize the productive forgetfulness that allows the subject to evolve and change. In the psychoanalytic framework, forgetfulness is not a memory failure but rather a structural condition that allows the

32 Žižek, *First as Tragedy, Then as Farce*, 96-99.

33 John Cheney-Lippold, “A New Modulation of Biopower: Algorithmic Being and Doing,” *Theory, Culture & Society* 28, no. 6 (2011): 164–81; Žižek, *The Plague of Fantasies*, 188-191.

34 Louis Althusser, “Ideology and Ideological State Apparatuses,” in *Lenin and Philosophy and Other Essays* (New York: Monthly Review Press, 1971), 174-176; Žižek, *The Metastases of Enjoyment*, 98-101.

35 Mayer-Schönberger, *Delete: The Virtue*, 87-92.

subject not to get caught up in trauma and can form a dynamic identity. The right to be forgotten can then be understood as an attempt to restore human temporality in the digital space, but Žižek shows that this effort reveals a fundamental improbability: in the digital order, forgetfulness can only be achieved through the act of remembering (legal documentation, recording of the process of erasure), so that what happens is not authentic forgetfulness but the transformation of the modality of remembering from anonymous to explicit, from hidden to Well documented.³⁶

E. Žižekian's Analysis of the Contradiction in Terminus of the Right to Be Forgotten

1. Structural Paradox: Remembering to Forget

The legal process in the implementation of the right to be forgotten reveals a fundamental paradox that Žižek sharply criticizes: any legal attempt to forget creates a memory perpetuation mechanism that is more systematic and permanent than the original information it seeks to erase.³⁷ When someone applies for deletion of data through the courts, the entire process from lawsuits, trials, to verdicts creates a new documentary trail that not only records the facts that want to be forgotten, but also records the desire to forget itself. Žižek argues that this is not just a technical irony, but rather a manifestation of the fundamental structure of the Real that always returns to its place. The harder the effort to suppress or erase something, the more powerful it will appear in a different but more persistent form. The legal process thus does not remove trauma or unwanted information, but transforms the modality of its presence from informal to formal, from private to public, from temporal to archival.³⁸

Žižek expands on this analysis by showing that the modern legal system operates on the fantasy that everything can be controlled and regulated through proper documentation, including forgetfulness itself. Any court ruling granting the right to be forgotten not only creates a new archive of the case but also sets a precedent that can be referenced in similar cases in the future. What happens

36 Žižek, *Violence*, 144-147 ; Žižek, *Living in the End Times*, 292-295.

37 Žižek, *Violence*, 184-186; Žižek, *The Sublime Object*, 102-104.

38 Jacques Lacan, *The Seminar of Jacques Lacan Book II: The Ego in Freud's Theory and in the Technique of Psychoanalysis* (New York: Norton, 1991), 223-225; Žižek, *Looking Awry*, 21-23.

then is a proliferation of archives that perpetuate patterns of forgetfulness: we are archiving not only what to remember, but also what to forget, how to forget it, and when forgetfulness is legally valid. Žižek shows that archive fever in the digital context becomes more radical because every legal document, every metadata, every trace of the deletion process becomes part of big data that can be analyzed and commodified by algorithmic systems.³⁹

The concept of the right to be forgotten in Žižek's analysis is more precisely understood as the right to be remembered differently rather than the right to disappear from collective memory. It is the right to control the modalities of how one is remembered. This paradox reveals the ideological dimension of the right to be forgotten. It does not actually offer forgetfulness but rather offers a new form of memory that is more socially acceptable. Žižek argues that this reflects the logic of advanced capitalism in which even trauma and failure must be managed and repackaged in order to be safely consumed by the symbolic order. The subject who demands the right to be forgotten does not want to disappear. Instead, he wants to create a new narrative of himself that is more coherent with the ideal identity he desires. However, in this process, the Real traumatic or embarrassing aspect that is to be removed does not really disappear but is sublimated into a legal form that is more difficult to forget because it has been institutionalized in the judicial system and has become part of jurisprudence that is permanently accessible to the public.⁴⁰

2. The Real and the Impossibility of Removal

The embarrassing or traumatic information that seeks to be erased through the right to be forgotten can be understood in the Žižek's framework as a manifestation of the Real that disrupts the coherence of the subject's identity narrative in the Symbolic order.⁴¹ The Real, in Žižek's Lacanian conception, is not merely the content of the information itself (i.e. an embarrassing photograph, a negative news, or a record of past wrongs), but rather a traumatic dimension of the fact that the subject cannot fully master the representation of himself in the public sphere. Žižek argues that what is truly traumatic is not the fact that the information exists, but the structural

39 Žižek, *Living in the End Times*, 388-391.

40 Žižek, *First as Tragedy, Then as Farce*, 87-90; Žižek, *The Ticklish Subject*, 61.

41 Lacan, *The Seminar of Jacques Lacan Book XI: The Four Fundamental Concepts of Psychoanalysis*, 53-64; Žižek, *The Sublime Object*, 162-165.

reality that the subject is always alienated from his or her self-image. There are aspects of his existence that are beyond his control and can appear at any time disturbing the fantasy of identity coherence. In this context, embarrassing information serves as an object that causes anxiety not because of its content, but because it reveals the fundamental incompleteness of the subject and its inability to create a total and controlled representation of the self.⁴²

Repressive attempts to erase unwanted information actually trigger a return of the repressed mechanism that, in Žižek's perspective, operates not only at the individual psychological level but also at the social and technological level.⁴³ When the subject attempts to suppress or erase a particular digital trace, the repressed Real returns in a different but often more intrusive form: as a public discussion of the attempted erasure itself, as speculation about what is hidden, or as metadata that is actually more permanent than the original data. Žižek shows that in the digital economy, repression does not eliminate the repressed object but changes the modality. Its presence goes from explicit to implicit, from open to hidden, but it is precisely because it is hidden that it acquires greater appeal and significance. The process of digital repression thus creates a new form of repetition compulsion in which the subject is caught in a cycle of trying to erase what is precisely amplified by the attempt at elimination itself.⁴⁴

The Streisand effect, a phenomenon in which attempts to censor or conceal information actually generate wider publicity, can be analyzed as a psychoanalytic manifestation of the structural impossibility of erasing the Real through symbolic mechanisms.⁴⁵ Žižek claims that this effect is not an anomaly or a technical failure, but rather a revelation of how the Real operates. The harder the effort to suppress it, the more strongly it manifests itself in the Symbolic order. In the digital context, the Streisand effect reveals that the internet functions not only as a medium of information storage but also as an engine of meaning-production that transforms any attempt at censorship

42 Žižek, *Looking Awry*, 6-9; Lacan, *Writings*, 623-627.

43 Sigmund Freud, *The Interpretation of Dreams* (New York: Basic Books, 2010), 589-593; Žižek, *The Metastases of Enjoyment*, 25-28.

44 Žižek, *Violence*, 55-58.

45 Mike Masnick, "How the Streisand Effect Works." *Techdirt.com*, <https://www.techdirt.com/> (accessed December 1, 2025); Žižek, *The Plague of Fantasies*, 147-150.

into asocially meaningful event. The real information that is thus sought to be deleted not only survives but also undergoes amplification through a paradoxical process. It becomes more “real” precisely because of the attempt to make it unreal. Žižek concludes that the right to be forgotten, instead of addressing digital trauma, introduces a new form of trauma: the trauma of the inability to forget, the trauma of the fact that in the digital age. The Real always finds a way to return with greater power.⁴⁶

F. Case Study: The Application of the Right to Be Forgotten and Psychoanalytic Dynamics

1. The Case of Google Spain and the Dialectic of Visibility-Invisibility

The case of Mario Costeja González v. Google Spain SL (CJEU, 2014) confirms how the right to be forgotten operates in the tension between individual privacy and public interest.⁴⁷ González, a Spanish citizen went bankrupt in 1998. His information was published in *La Vanguardia*, demanding that Google remove search results related to his name.⁴⁸

The European Court of Justice emphasizes the principle of balancing test where individual privacy rights may override the public interest in information, but deletion must take into account the rights to freedom of expression and public access to information.⁴⁹ In judicial reasoning, courts establish contextual criteria such as relevance, recency, and impact on the subject as a basis for consideration. This shows that the right to be forgotten is not an absolute right, but rather a right that is normatively justified within the framework of European legal doctrine on personal data protection (Data Protection Directive 95/46/EC). This doctrine emphasizes that data deletion must be proportional, taking into account the public’s benefit from the information versus personal harm and case-by-case assessment.

The case of Mario Costeja González dramatically illustrates this paradox. Instead of remaining anonymous, González became a public figure because of

46 Žižek, *Living in the End Times*, 295-298; Žižek, *First as Tragedy, Then as Farce*, 124-127.

47 *Google Spain SL and Google Inc. v. Agencia Española de Protección de Datos and Mario Costeja*; Žižek, *The Sublime Object*, 87-89.

48 Žižek, *Looking Awry*, 8-11.

49 Viktor Mayer-Schönberger and Kenneth Cukier, *Big Data: A Revolution That Will Transform How We Live, Work, and Think* (Boston: Houghton Mifflin Harcourt, 2013), 172-175; Žižek, *The Metastases of Enjoyment*, 71-74.

his efforts to be forgotten; his name is now synonymous with the right to be forgotten and is widely cited.⁵⁰ Media coverage creates a meta-memory effect, whereby attempts to control information significantly increase its visibility.⁵¹ Lacanian–Žižekian analysis highlights the psycho-structural dimension: The Real (the trauma of bankruptcy) cannot be erased, while the Imaginary realm (current identity) wants to be reconstructed. González’s attempt is not to erase historical facts, but to control public access, creating the illusion of control over the narrative of the self. Žižek calls this phenomenon the return of the repressed. Attempts at forgetting produce meta-memory, increase visibility, and perpetuate digital identity through court documents and media coverage.⁵² From a legal philosophy perspective, this case highlights the structural dilemma between the purpose of law (protecting privacy) and the legal mechanism itself (transparency, documentation, and archiving). Lacanian–Žižekian analysis enriches the understanding of legal philosophy by showing that legal norms do not only operate at the procedural or formal level, but also influence the realm of affect, fantasy, and the construction of subject identity in interactions with the law and the digital public sphere.

2. Indonesian Cases: Psychoanalytic Analysis and Legal Perspective

Cases of revenge porn in Indonesia reveal the traumatic dimensions of The Real. Victims face the dilemma between shameful visibility and unattainable invisibility.⁵³ The tragedy of a 16-year-old teenager in North Central Timor who committed suicide due to the circulation of intimate photos shows the inadequacy of legal mechanisms in dealing with digital sexual violence. Efforts to remove digital content can reinforce trauma because the subject remains an object of gaze and loses control over the representation of their body and sexuality in the digital economy.⁵⁴

The phenomenon of celebrities and politicians cleaning up their digital

50 Lacan, *The Seminar of Jacques Lacan Book XI: The Four Fundamental Concepts of Psychoanalysis*, 69-77; Žižek, *The Plague of Fantasies*, 155-158.

51 José, *Mediated Memories in the Digital Age* (Stanford: Stanford University Press, 2007), 21-24; Žižek, *Violence*, 147-150.

52 Žižek, *Living in the End Times*, 311-314; Žižek, *First as Tragedy, Then as Farce*, 131-134.

53 Studies on the right to be forgotten as a legal protection for revenge porn victims show the complexity of implementing Undang-Undang Nomor 1 Tahun 2024 Tentang Informasi dan Transaksi, Pasal 26 in the context of digital sexual violence; Žižek, *Violence*, 40-43.

54 Lacan, *The Seminar of Jacques Lacan Book XI: The Four Fundamental Concepts of Psychoanalysis*, 67-78; Žižek, *Looking Awry*, 109-112.

footprints reveals the dynamics of public and private identity in the age of social media. Attempts to delete old content often attract public attention, creating more persistent meta-scandals. Subject anxiety arises from the digital *objet petit a*, the gap between the ideal image and empirical reality that does not match the fantasy of identity.⁵⁵

The ITE Law and data protection regulations in Indonesia provide a legal basis for the removal of digital content, but legal doctrine emphasizes its limitations. For example, removal is procedural in nature and must balance the rights of victims with the public interest and freedom of expression. The right to be forgotten also functions as an ideological tool for the political elite, which can lead to inconsistent management without real consequences. Žižek refers to this phenomenon as fetishistic disavowal, whereby the Real of political contradictions is not resolved but displaced, creating a subtle cynicism that challenges democratic rationality.⁵⁶

G. Philosophical and Ethical Implications: Towards Post-Digital Subjectivity

1. Žižek and the Critique of the “Digitalization of Forgetfulness”

Žižek criticizes the right to be forgotten as a form of digital forgetting that violates the natural process of forgetting, a productive mechanism for the development of human subjectivity.⁵⁷ Natural forgetting is selective and creative, allowing subjects to manage trauma and form dynamic identities through working through. In contrast, digital forgetting creates artificial oblivion, forcing subjects to consciously determine what to forget, reinforcing memories of precisely what they want to erase, and reflecting capitalist fantasies of total control over the psychic process.⁵⁸

Digital technology disrupts the continuity of organic memory, creating temporal schizophrenia between objective digital memory and subjective existential experience.⁵⁹ Subjects must manage the gap between the digital self

55 Žižek, *The Plague of Fantasies*, 171-174; Žižek, *The Metastases of Enjoyment*, 88-91.

56 Žižek, *The Sublime Object*, 18-21; Žižek, *First as Tragedy, Then as Farce*, 69-72.

57 Sigmund Freud, *Remembering, Repeating and Working-Through* (London: Hogarth Press, 1958), 147-156; Žižek, *The Sublime Object*, 55-57.

58 Žižek, *Living in the End Times*, 315-318.

59 Henri Bergson, *Matter and Memory* (New York: Zone Books, 1991), 133-140; Žižek, *The Plague of Fantasies*, 13-16.

and lived experience, giving rise to anxiety about authentic selfhood.⁶⁰ The dialectic of archive and repertoire reveals the political dimension of the right to be forgotten. The technical logic of the archive dominates, disregarding collective memory based on social practices and oral narratives.⁶¹ As a result, officially controlled, digitally verifiable memory is separated from popular memory preserved in repertoire, creating historical amnesia that serves the ideological interests of those who manage digital infrastructure.⁶²

2. Ethics of Responsibility in the Digital Age

Žižek criticizes the assumption that responsibility can be predicted and managed through rational calculation, because the dimension of the Real always thwarts such calculations. The digital imperative is often discussed as a means of protecting the privacy or reputation of future generations, but this protective rhetoric masks the operations of power that enable selective control over public memory. Authentic responsibility requires the ability to face the Real without attempting to erase or control it.⁶³

Žižek's concept of ethical act differs from conventional responsibility ethics because it does not depend on calculating consequences, but rather on the willingness to traverse the fantasy that underpins the symbolic order.⁶⁴ The right to be forgotten is not understood as the erasure of digital traces, but rather as an act of revealing and confronting digital alienation. The ethical subject rejects the fantasy of total control over digital identity, accepting that digital existence always involves the Uncontrollable Real. Traversing the fantasy means abandoning the illusion of technical solutions to trauma, death, or subjective incompleteness, and developing a subjectivity that lives with uncertainty and incompleteness while maintaining critical agency without relying on the fantasy of digital omnipotence.⁶⁵

The digital responsibility of future generations cannot be reduced to technical issues such as data protection or digital literacy. Instead, it concerns

60 Žižek, *Violence* 58-61.

61 Diana Taylor, *The Archive and the Repertoire: Performing Cultural Memory in the Americas* (Durham: Duke University Press, 2003) 16-33.

62 Žižek, *First as Tragedy, Then as Farce*, 134-137; Žižek, *The Ticklish Subject* 363-364.

63 Žižek, *Violence*, 175-178.

64 Žižek, *The Ticklish Subject*, 382-383; Lacan, *The Ethics of Psychoanalysis: The Seminar of Jacques Lacan Book VII*, 300-304.

65 Žižek, *How to Read Lacan*, 82-87.

the form of subjectivity that is inherited.⁶⁶ Žižek argues that the current generation faces historical choices: to pass on the fantasy of complete control over digital identity, which results in neuroticism and an obsession with image management, or to live with uncertainty and incompleteness, which supports creativity and authentic spontaneity. Phenomena in Indonesia, including cancel culture and moral panic over digital content, reflect a collective inability to deal with the ambiguity of digital representation. The solution is not additional regulation or technological control, but pedagogical efforts to shape a subjectivity capable of acknowledging and living with contradictions, inconsistencies, and incompleteness without resorting to erasure or exclusion.⁶⁷

H. Conclusion

An analysis of the right to be forgotten through the Lacanian–Žižek perspective reveals the structural impossibility inherent in the concept. Article 26 of the ITE Law faces a fundamental contradiction because the court ruling that is supposed to delete information results in legal documentation that preserves the data people want to forget. This information is a manifestation of the Real, a traumatic dimension that is resistant to symbolization, while the subject's identity resides in the Symbolic order of the internet. This legal process gives rise to a mechanism of return of the repressed, so that new digital memorials are often more persistent than the original information.

The implications to Indonesian law are that the right to be forgotten cannot be fully realized through procedural or technical mechanisms. Court rulings and legal documentation continue to affirm the existence of information, highlighting the limitations of legal doctrine in erasing digital traces. This analysis contributes conceptually to legal philosophy by showing that legal norms operate not only at the procedural level, but also in the affective, fantasy, and structural realms of digital subjects that interact with legal principles.

Philosophically, the right to be forgotten reveals the dynamics of modern subjectivity, which is always fragmented. Technocratic control efforts through digital forgetting contradict productive forgetting, which enables

⁶⁶ Žižek, *First as Tragedy, Then as Farce*, 138-141.

⁶⁷ Žižek, *The Sublime Object*, 411-414.

through digital forgetting contradict productive forgetting, which enables the formation of dynamic identities. Traversing fantasy, according to Žižek, shows that subjects need to acknowledge the incompleteness and ambiguity of digital identities and live with contradictions and trauma without relying on absolute erasure or control. This phenomenon not only emphasizes the protection of privacy and digital reputation but also highlights the challenges for Indonesian law in balancing individual protection, legal certainty, and public interest while providing philosophical insights into the structure of subjectivity and the limits of the law's ability to deal with digital reality.

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