THE POLITICS OF PRIVACY: GLOBAL RESPONSES TO DATA PROTECTION AND SURVEILLANCE LAWS

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ABSTRACT

In the digital age, privacy has emerged as a contested political terrain shaped by technological innovation, national security imperatives, and human rights concerns. This article explores how different regions—namely the European Union, the United States, and India—respond to the challenges posed by data protection and surveillance laws. It examines the legal frameworks, political motivations, and societal implications of these responses, highlighting the tension between state surveillance and individual privacy. By comparing global approaches, the article underscores the need for harmonized, transparent, and rights-based data governance in an increasingly interconnected world.

Keywords: Privacy, Surveillance, Gdpr, Data Protection, Human Rights, Ccpa, Digital Governance, India Data Law, Global Regulation.

INTRODUCTION

The politics of privacy has become a defining issue of the 21st century. As governments and corporations collect vast amounts of personal data, the boundaries between public safety and individual rights blur. Surveillance technologies—from facial recognition to algorithmic profiling—have outpaced legal safeguards, prompting urgent debates on how to regulate data use while preserving civil liberties. The EU's General Data Protection Regulation (GDPR) is widely regarded as the gold standard in privacy legislation. Enacted in 2018, GDPR emphasizes transparency, accountability, and user consent. It grants individuals the right to access, rectify, and erase their data, and imposes strict penalties for non-compliance. The regulation reflects Europe's historical commitment to human rights and its cautious stance toward state surveillance (Kusnardi, 1994).

In contrast, the U.S. lacks a comprehensive federal data protection law. Privacy rights are derived from constitutional interpretations and sector-specific regulations like the California Consumer Privacy Act (CCPA). While the CCPA offers robust protections for California residents, the national landscape remains fragmented. Surveillance programs such as PRISM, revealed by Edward Snowden, have sparked global concern over unchecked government access to personal data. India's approach to privacy is evolving. In 2017, the Supreme Court declared privacy a fundamental right, paving the way for legislative reform. The Digital Personal Data Protection Act, passed in 2023, aims to regulate data processing and empower users. However, critics argue that broad exemptions for government surveillance undermine the law's effectiveness. Balancing innovation, security, and rights remains a challenge (Isra, 2019).

Surveillance is often justified in the name of national security, crime prevention, or public health. Yet, it raises profound ethical questions. The use of biometric data, predictive policing, and AI-driven monitoring can lead to profiling, discrimination, and political repression. International human rights frameworks, such as the Universal Declaration of

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Human Rights and the International Covenant on Civil and Political Rights, recognize privacy as a core liberty. However, enforcement mechanisms are weak, and many countries operate in legal grey zones (Ferejohn et al., 2004).

Emerging technologies—like machine learning, big data analytics, and the Internet of Things—have outpaced legal systems. These tools enable mass data collection and real-time surveillance, often without user awareness. Legal frameworks struggle to address issues like algorithmic bias, cross-border data flows, and consent fatigue. The politics of privacy thus involves not only legal reform but also ethical design and public accountability (Attamimi, 1990).

The fragmented nature of global privacy laws poses challenges for multinational corporations and digital platforms. Calls for harmonization have grown louder, with proposals for international data standards and cross-border regulatory cooperation. A globally inclusive framework would ensure that privacy protections are not limited by geography or political will. It would also help prevent regulatory arbitrage, where companies exploit weaker laws in certain jurisdictions (Andriyani, 2017).

CONCLUSION

Privacy is no longer a niche legal concern—it is a central issue of democratic governance, technological ethics, and global diplomacy. As surveillance capabilities expand, so must the legal and moral boundaries that protect individual autonomy. The politics of privacy demands vigilance, transparency, and a commitment to human dignity. Only through coordinated global responses can we ensure that privacy survives the digital age.

REFERENCES

Andriyani, S. (2017). Gerakan aceh merdeka (gam), transformasi politik dari gerakan bersenjata menjadi partai politik lokal aceh. *Jurnal ISIP: Jurnal Ilmu Sosial Dan Ilmu Politik*, *14*(1), 13.

Attamimi, A. H. S. (1990). Peranan keputusan presiden Republik Indonesia dalam penyelenggaraan pemerintahan negara: suatu studi analisis mengenai keputusan presiden yang berfungsi pengaturan dalam kurun waktu Pelita I-Pelita IV. *Fakultas Pascasarjana, Universitas Indonesia.*

Ferejohn, J., & Pasquino, P. (2004). The law of the exception: A typology of emergency powers. *International Journal of Constitutional Law*, *2*(2).

Isra, S. (2019). Sistem Pemerintahan Indonesia: Pergulatan Ketatanegaraan Menuju Sistem Pemerintahan Presidensial. .

Kusnardi, M., & Saragih, B. R. R. (1994). Susunan pembagian kekuasaan menurut sistem Undang-Undang Dasar 1945.

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