

Protection of Personal Data Information in Indonesia

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ARTICLE INFO

Article history:

Received Sep 28, 2022
Revised Oct 02, 2022
Accepted Oct 12, 2022

Keywords:

Personal Data;
Provider;
Leak

ABSTRACT

With the rapid development of technology at this time, causing us to have to register our personal data with many service providers (providers) to provide certainty of user data, so that we can enjoy their services. With this, it causes vulnerabilities for the leakage of our personal data information that is managed by these providers. It can be seen that the violations of personal data protection were caused either due to irresponsible use by the provider and also due to data breaches by irresponsible people (hacking). Leakage of personal data can occur because there are no laws and regulations that specifically regulate the regulations for protecting people's personal data. Therefore, the government must immediately discuss and finalize the Personal Data Protection Bill to minimize the occurrence of data leakage cases such as those that have occurred before so that they do not happen again. The conclusion of this scientific work is that there are already protections regulated in the laws and regulations in Indonesia, but all of these regulations have not explicitly regulated the protection of personal data. In addition, it is necessary to make special rules regarding Personal Data Protection in order to provide clarity and assurance regarding the protection of personal data. This can be done with the establishment of the Personal Data Protection Bill (RUU PDP).

ABSTRAK

Dengan pesatnya perkembangan teknologi pada saat ini, menyebabkan kita harus mendaftarkan data diri pribadi kita ke banyak penyedia layanan (provider) untuk memberikan kepastian data pengguna, sehingga kita dapat menikmati pelayanan mereka. Dengan adanya hal ini, menyebabkan kerentanan atas bocornya informasi data pribadi kita yang dikelola oleh provider-provider tersebut. Dapat diketahui bahwa pelanggaran-pelanggaran perlindungan data pribadi tersebut disebabkan baik karena penggunaan oleh provider secara tidak bertanggung jawab dan maupun juga karena adanya pembobolan data oleh oknum orang yang tidak bertanggung jawab (hacking). Kebocoran data pribadi dapat terjadi karena tidak ada peraturan perundang-undangan yang secara khusus mengatur tentang peraturan perlindungan data pribadi masyarakat. Oleh karena itu, pemerintah harus segera membahas dan menyelesaikan RUU Perlindungan Data Pribadi untuk meminimalisir terjadinya kasus kebocoran data seperti yang telah terjadi sebelumnya agar tidak terulang kembali. Kesimpulan dari karya ilmiah ini adalah sudah ada perlindungan yang diatur dalam peraturan perundang-undangan di Indonesia, tetapi semua peraturan tersebut belum mengatur secara tegas terkait dengan perlindungan data pribadi. Selain itu, perlu dibuat aturan khusus terkait Perlindungan Data Pribadi untuk dapat memberikan kejelasan dan jaminan terkait perlindungan data pribadi. Hal ini dapat dilakukan dengan dibentuknya Rancangan Undang-Undang Perlindungan Data Pribadi (RUU PDP).

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I. INTRODUCTION

In this day and age, the development of information technology is growing rapidly (Mann, Chen, Chunara, Testa & Nov, 2020). This development provides a good impact for advancing human life in the current era of globalization (Haseeb, Xia, Saud, Ahmad & Khurshid, 2019). With the development of this technology, humans are increasingly given the convenience of doing each of their jobs, such as in searching for data. However, it does not only have a positive impact, but with the development of this technology, it also brings new threats in protecting the data of a person himself.

With the rapid development of technology at this time, causing us to have to register our personal data with many service providers (providers) to provide certainty of user data, so that we can enjoy their services. With this, it causes vulnerabilities for the leakage of our personal data information that is managed by these providers (Tyagi & Goyal, 2020).

Some time ago, the Indonesian people were shocked by the leaked personal data of telecommunications users. At the same time, the Minister of Communication and Information, Johnny G. Plate, asked the cellular network operator to conduct an internal investigation regarding the leaked customer data. According to the Head of the Electrical Engineering Masters Program at ITB, Ian Joseph Matheus Edward, it is not certain that the personal data discussed by the public comes from data leaks by telecommunication operators. "Personal data leaks have actually happened a lot in Indonesia. However, for personal data leakage from telecommunications companies, I think it is very unlikely," said Ian (Wardani, 2020).

When the public will register prepaid, the telecommunications operator will not save the data, but the prepaid registration data, all of which will be directly stored and maintained by Dukcapil. So it is unlikely that telecommunications operators can get the data, according to Ian. Like the case experienced by Denny Siregar, Ian argued that the perpetrator had combined some of the victim's data which had already been leaked everywhere. In this case, the perpetrator can combine the victim's personal data that has been leaked and it could be that the victim has been unconsciously providing social media services, online motorcycle taxis, e-waltes or fintech to the perpetrators (Wardani, 2020).

It can be seen that these personal data protection violations are caused either due to irresponsible use by the provider and also due to data breaches by irresponsible people (hacking) (Karo, 2019). This is because the protection of personal data that is in many of the laws and regulations above, causes a lack of protection received by the public regarding their personal data. Because there are no laws and regulations that specifically regulate the regulations for protecting people's personal data. The government is now planning to set up a regulation that specifically regulates the protection of people's personal data at this time. However, this plan is still in the Draft Law (RUU) stage. The government must also immediately discuss and finalize the Personal Data Protection Bill to minimize the occurrence of data leakage cases as has happened before so that it does not happen again (Wardani, 2020).

The formulation of the first problem is is there any protection of personal data information in the current Indonesian laws and regulations?. Second, is it necessary to make arrangements regarding the protection of the confidentiality of personal data information in Indonesia specifically?

II. METHOD

Based on the description of the title and the formulation of the problem above, the type of research used in this study is legal research. This type of research is carried out by researching and analyzing legal norms in the applicable laws and regulations (Marzuki, 2013). In this study, it is related to the protection of the confidentiality of personal data information.

The problem approach in writing this research uses the Statute Approach, which is an approach to a problem by first identifying the provisions of laws and regulations and agreements related to the subject matter being studied (Bougie & Sekaran, 2019). Then to support the Statute Approach

approach, the Conceptual Approach method is used, which is an approach that is carried out by examining the literature and opinions of scholars, which are compiled and used as an analytical tool to provide enlightenment on the legal issues to be discussed.

This study uses primary legal materials and secondary legal materials. The primary legal materials in question are statutory regulations related to legal issues in this study, namely:

- a. Burgerlijk Wetboek
- b. Law Number 7 of 1992 concerning banking and its amendments;
- c. Law Number 8 of 1997 concerning Company Documents;
- d. Law Number 36 of 1999 concerning Telecommunications;
- e. Law Number 23 of 2006 concerning Population Administration and its amendments;
- f. Law Number 11 of 2008 concerning Information and Electronic Transactions and its amendments;
- g. Law Number 36 Year 2009 concerning Health; nor
- h. Law Number 43 of 2009 concerning Archives (Ines et al., 2020).

Secondary legal materials are legal materials used to support primary legal materials in terms of providing explanations of primary legal materials, namely in the form of legal literature books, legal journals, legal articles, legal research, legal theses, legal dissertations, legal papers, legal opinions, as well as sources from electronic media that are relevant to the object of the problem studied in this study (Marzuki, 2017).

The collection of legal materials in this research is by literature study. This procedure begins with an inventory of all legal materials related to the legal issues discussed in this study, then proceeds with classifying primary legal materials and secondary legal materials, and ends with compiling legal materials that have been systematically collected to facilitate their study (Marzuki, 2017). The primary legal materials used in this research are statutory regulations and secondary legal materials used to support primary legal materials in this study are books, theses, journals and other sources related to research on legal protection of data. Personal in Indonesia.

Discussion of the problem is carried out by means of deductive reasoning, namely reasoning that begins with general legal knowledge from legal materials that have been collected, then implemented in existing cases so that specific answers to problems are obtained (Hadjon & Hukum, 2017). That is, from deductive reasoning, it is hoped that it can provide a clear answer to this research.

III. RESULT AND DISCUSSION

Today, information technology has developed rapidly (Abdurakhmonova et al., 2021). We all can access all activities in just one hand, namely by using a cellphone. We can send messages or communicate using applications that are on the phone. We can not only communicate, but we can also shop, book travel tickets, make payments, and many other functions. All these activities are carried out online using an internet connection. To access these applications, we are required to fill in personal data as a condition of using the application. Starting from your name, address, date of birth, to attaching a photo of your ID (KTP) and KK (Family Card). However, there is often a leak of personal personal data that causes a person's privacy to be disturbed (Amelia & Michael, 2022)..

The threat of personal data leakage often worries the public. In overcoming this, the government has regulated the protection of the use of personal data information in accordance with the services provided (Hofnagle, 2019). This has been regulated in many laws and regulations as follows:

1. Law Number 7 of 1992 concerning banking and its amendments;
2. Law Number 8 of 1997 concerning Company Documents;
3. Law Number 36 of 1999 concerning Telecommunications;
4. Law Number 23 of 2006 concerning Population Administration and its amendments;
5. Law Number 11 of 2008 concerning Information and Electronic Transactions and its amendments;

6. Law Number 36 Year 2009 concerning Health; nor
7. Law Number 43 of 2009 concerning Archives.

From the regulations above that have been set, there are still many violations of the protection of personal data information that are happening in Indonesia at this time (Oktavira, 2020).

The protection of personal data information in the legislation does exist, but it is still not specific in the policy. Recently, President Joko Widodo has signed the Personal Data Protection Bill (RUU PDP) which was signed on January 24, 2020 (Widowati, 2020). The purpose of making the PDP Bill is to manage personal data of public information so that the privacy rights of people's personal information are maintained (Ailin, 2020).

The draft PDP Bill contains several points, namely the definition of personal data, types of personal data, deletion of personal data, failure to protect personal data, and criminal sanctions for violations of personal data use. In the event of a leak of personal data, the victim is obliged to notify the chronology in writing 3x24 hours to the supervisory agency as an effort to handle and recover it. The PDP Bill also contains sanctions for personal data breaches. Perpetrators who are found to have misused someone's personal data can be subject to imprisonment for seven years or a maximum fine of Rp. 70,000,000,000.00. In addition, the perpetrator may also be subject to additional punishment in the form of confiscation of income and assets obtained from the crime (Widowati, 2020).

IV. CONCLUSION

Based on the discussion, it can be concluded that, First, there are already protections regulated in the laws and regulations in Indonesia, but all of these regulations have not explicitly regulated the protection of personal data. Second, it is necessary to make special rules related to Personal Data Protection in order to provide clarity and assurance regarding the protection of personal data. This can be done with the establishment of the Personal Data Protection Bill (RUU PDP).

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