

The Existence of Personal Data Protection in the Digital Era Based on Indonesia's Electronic Information and Transactions Law

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Info Articles	Abstract
Article History Received : 2019-09-07 Revised: 2019-09-15 Published: 2019-09-30	The rapid development of digital technology has significantly increased the use of electronic media in everyday life, making personal data protection an important issue in Indonesia. Personal data contains confidential information that must be protected to ensure individual privacy and security. However, the increasing use of digital platforms has also contributed to a rise in cybercrimes, including data breaches, hacking, identity theft, and misuse of personal information. Therefore, legal protection of personal data is necessary to provide legal certainty and maintain public trust in electronic systems. This study aims to analyze the existence of personal data protection in the digital era through the implementation of Indonesian regulations, particularly the Electronic Information and Transactions Law (ITE Law). This research uses a normative juridical method with a statutory approach by examining laws and regulations related to personal data protection. Data sources consist of primary legal materials, including legislation, and secondary legal materials obtained from books and previous studies. The results show that the ITE Law provides legal protection for personal data through provisions regulating consent, confidentiality, electronic system management, and sanctions against unauthorized access or misuse of data. However, the implementation of personal data protection remains insufficient due to weak law enforcement and the increasing number of data leakage cases. Therefore, stronger supervision, improved cybersecurity systems, and increased public awareness regarding digital literacy are needed. Effective collaboration between the government, electronic system providers, and society is essential to strengthen personal data protection and ensure a secure digital environment in Indonesia.
Keywords: <i>Protection, Personal Data, Digital Era, Legislation</i>	

I. INTRODUCTION

In the digital era, the use of electronic devices has experienced rapid development. Therefore, personal data protection is crucial to observe and implement, as it concerns the security of individual privacy. Protecting personal data is not only the responsibility of individuals but also the government. In reality, protecting the data held by every citizen is a legal requirement and a program envisioned by the government for the development and advancement of this country. In legal matters, interests are protected from certain interests by limiting the interests of others.

Legal protection of personal data is a very important thing that must always be monitored because it has a big impact on the development of the Indonesian nation, one of which is in

terms of trust in the use of electronic media in this digital era.

Personal data is important and confidential information, requiring high security and stricter legal protection for data confidentiality. The widespread use of electronic media requires clear and firm regulations to ensure the security of anyone entering their personal data into electronic media. Article 1, paragraph 1 of Law Number 27 of 2022 concerning Personal Data Protection defines personal data as data about an individual that is identified or identifiable individually or in combination with other information, either directly or indirectly, through electronic or non-electronic systems. The Indonesian government has enacted Law Number 19 of 2016, amending Law Number 11 of 2008 concerning Electronic Information and

Technology, to protect the public's personal data. These regulations also help reduce violations by third parties in stealing the public's personal data.

The increasing demands placed on society have led to a growing need for data in the technological realm for registration validation, such as data collection, management, and storage for easier access to electronic media. This increasing demand for electronic media has led to the rise of crimes involving personal data misuse, which can result in financial losses and threaten the safety and security of data owners. Various forms of negative use of personal data occur throughout the world, including in Indonesia, for personal or group gain, for sale, and for fraudulent purposes using the misused data. The prevalence of personal data breaches has made people increasingly concerned about their personal data stored on electronic media. Personal data is crucial for the privacy of electronic media. The protection of such data is highly vulnerable, as even the slightest error when activating electronic media can result in the data being immediately blocked or deleted from the electronic media.

Based on the above problems, namely regarding the misuse of personal data, the researcher is interested in examining the existence of personal data protection in the digital era through the ITE Law.

II. RESEARCH METHODS

The type of research used in this study is normative legal research, which then obtains information through a statute approach, which is carried out by analyzing laws or regulations related to personal data. Etymologically, normativity comes from the English word "norm," which means a standard, a teaching, a reference, or a provision regarding good and bad, permissible and prohibited actions.

In this study, the author also collected data

using two sources of legal materials: primary legal materials and secondary legal materials. Primary legal materials are authoritative, meaning they possess power (authority), such as statutory regulations. Secondary legal materials, on the other hand, are a collection of books containing basic legal principles.

The primary legal material in this study consists of Law No. 19 of 2016 concerning amendments to Law No. 11 of 2008 concerning Electronic Information and Transactions.

III. RESULTS AND DISCUSSION

Personal data is data about an individual who is identified or can be identified individually or in combination with other information, either directly or indirectly, through electronic or non-electronic systems. (Agung, BJ 2019).

To ensure that all personal data is safely entered into electronic media, clear regulations are needed. In Indonesia, there are numerous regulations regarding personal data, one of which is the regulation of personal data in the ITE Law, namely in articles 26, 30, 31, 32, 33, and 35. If someone accesses personal information on electronic media, it does not mean that the administrator of the electronic media can own and use that information for various purposes. Article 26 of the ITE Law explains that "The use of personal information in electronic media must be carried out with the permission or approval of the owner of the personal information." (Agus Digdo Nugroho, d. 2022).

This article is intended to prevent crimes against personal data. Personal data is obtained only for one or more legitimate and definite purposes. Personal data cannot be processed without the data owner's consent, and personal data may not be allocated for purposes unrelated to its original purpose. (Gilbert Kosegeran, p. 92)

In the current era of globalization, rapid developments have occurred, along with the industrial revolution. Digital technology is

developing rapidly throughout the world, including in Indonesia. (Sri Adiningsih, 2019). This increasingly sophisticated era makes it difficult for people who are still unfamiliar with the digital world to access their needs, which have changed due to digital technology. So many things are seen and disseminated from the digital world. People use electronic media not only to access their data, which has been regulated by the Government into digital data, but many people use internet access to advertise their products. Some are looking for work by accessing certain pages about job seekers according to their fashion and skills, some are using it to provide education to others, and some are even using it simply to save the moments they have with the aim of being able to view them several years later. (Wawan Setiawan, 2017).

The world in the digital age also has positive and negative impacts, affecting socio-cultural, economic, and other areas. As a society, we also play a role in improving future possibilities.

One of the causes of problems and violations in the digital world is the low morals of society, especially among students and teenagers today. This is a socio-cultural challenge that we must face seriously. Teenagers or young people who become perpetrators of violations usually start from their excessively free friendships. The patterns of interaction carried out by society, especially among those who are considered to be able to provide for their daily lives, have changed with the emergence of technology in this digital era, such as gadgets, laptops, and others. The gadgets or smartphones we use are connected to our social media, this provides an opportunity for others to interact with us from different regions, even across countries.

In the defense and security sectors regulated by the government, internet access also plays a crucial role in enhancing the security and defense value of a country. This is especially true for military agencies, which see technology as a

highly beneficial tool for their organizations. The use of digital technology supports this program in practice, in line with the characteristics of military agencies, which require smooth and accurate access to effective strategies that impact the nation.

As a society that lives side by side with sophisticated tools and rapidly evolving technology, we undeniably need intermediaries to access the internet, using devices like smartphones or computers. Through this network, we can access all kinds of news, information, and events happening around the world 24 hours a day. (Alcianno G. Gani, p. 17).

A common cause of technological advancement is something very basic, such as reducing workloads through methods that simplify and simplify things. However, every new invention or discovery faces challenges, from its creation and implementation to its implementation. It's common knowledge that every new discovery inevitably presents obstacles. Similarly, technological advancements in the current digital era have shifted conventional activities to digital, and the necessary data must also be processed electronically. While previously all our data was recorded on paper, today all our data has been converted to a more convenient medium, commonly known as electronic media.

Indonesia is a country comprised of many islands and a relatively large population. Therefore, the impacts and problems arising from this rapid technological development are more varied, especially since many of our citizens still lack an understanding of the world of electronics, a problem typically experienced by those aged 50 and over. In an era that prioritizes the use of gadgets and other electronic media, we, as people living in this era, are required to better understand and keep up with these rapid developments. (Op Cit, Wawan Setiawan, p. 1).

However, Indonesia remains open to the many things that will happen as it enters the digital era, as this will ultimately impact the country's development. Given the numerous changes, it's appropriate for the government and society to anticipate and better adapt to these developments.

Discussions about personal data protection are no longer foreign, both nationally and internationally. Personal data protection must be a priority for governments in this digital age. The increasing number of crimes that exploit people's personal data, such as online fraud and hacking, has heightened public concern. Although Indonesia has formulated numerous regulations to protect personal data, their implementation remains inadequate, leading to data leaks.

A person with personal data is an individual directly connected to certain personal data. Crimes in the digital or cyber world attack their victims individually. Digital crime can be defined as a crime that uses the internet to attack an individual or group with the intention of intentionally destroying the data held by the victims through the crimes they have committed. Indirectly, they have damaged the victim's reputation and caused them to suffer both psychological and physical harm. The perpetrators, who play a key role in these digital crimes, usually carry out their strategies through chat rooms, groups, mobile phone numbers, and even through the victim's email.

The ITE Law contains provisions regarding the protection of personal data in electronic systems. This law requires data managers to provide personal data protection. Every intermediary connecting to an electronic system must have internal confidentiality rules as a form of personal data protection to successfully complete the process. Every electronic system is required to establish internal personal data protection rules for preventive measures aimed at reducing crimes related to the protection of the

personal data it manages. Any collection of personal data carried out through an electronic system must comply with agreements or legal provisions stipulated by the government. Owners of personal data have the right to confidentiality of their data, have the right to file a complaint if there is a problem in accessing their data, have the right to obtain access to determine the digital traces of access to their data, and have the right to request the deletion of personal data or that of certain other people that are similar to theirs, if any. (Manurung, EA 2022).

Although Indonesia has many regulations regarding the protection of personal data in the digital era, the quality of protection of personal data in Indonesia cannot be said to be optimal, which is what causes many cases of personal data theft among the public.

Therefore, the independence of the Personal Data Protection Agency must be a priority for the President to ensure better and more secure protection of personal data, which aims to reduce concerns about digital crime.

Any personal data to be stored electronically must be legally valid, and must be registered with the administration directly under the auspices of the Ministry of Communication and Information (Agus Digdo Nugroho, 2022). Legislation also stipulates that data to be registered for security protection must be clearly verified. The government's implementation of personal data protection involves reviewing the technology, registration methods, human resources, and costs involved.

Personal data owners also have the right to update and modify their data if they discover a breach. This is also regulated by law, requiring data providers to request permission from the data owner if they wish to delete their data. The government states that electronic information, whether in the form of documents or soft copies, is considered valid as long as the information contained in the data can be accessed, retrieved,

and its completeness is guaranteed, and can then be accounted for to explain matters concerning the data owner.

In its goal of further improving the security of public data, the Indonesian government is attempting to create a digital platform to better understand the current issues of personal data breaches. The government is also striving to improve public access to electronic media and digital spaces. Protecting personal data is the state's responsibility.

Legal Protection of Personal Data Based on the ITE Law The legislation aims to inform general provisions regarding data in electronic media, inform what kind of data is included in valid matters, how to organize electronic certification and electronic systems in digital media, protection of digitally registered data both in terms of a person's intellectual property and personal protection, what things are prohibited, how to resolve the problem, and what the role of the government and the role of society is in responding to and dealing with this.

The government has created regulations on ITE to be used for restrictions aimed at the public and the government itself in accessing digital media, regulations made based on the principle of legal certainty, accompanied by good faith, benefit and caution in accessing electronic media in the current digital era. The only article that firmly guarantees the protection of personal data after processing is contained in Article 26 paragraph 1 of the ITE Law, specifically Articles 27 to 37, regulating violations related to electronic information that are not specifically about personal data. (Kadek Rima Anggen Suari, p. 143).

The growing use of increasingly advanced digital technology has led to the increasing openness of electronic information media. This impacts access to data, including public and personal information. The ITE Law outlines the protection of electronic data and information, whether comprehensive or individual. Everyone

has the right to choose who can access and access their information.

The above laws ensure the protection of personal data in today's digital age. This is because today's electronic systems are highly vulnerable to data leaks, which begin with an individual's registration of a personal account. This can then lead to account and data interception, ultimately leading to violations, such as threats and other misconduct.

These provisions concern protection against arbitrary acts and the protection of electronic system administrators. This is explained in Article 26 of the ITE Law, which states that personal data in electronic media cannot be misused without the data owner's consent. Therefore, actions that violate these provisions can be prosecuted for causing harm and violating the data owner's rights. (Wahyudi Djafar, 2016).

The ITE Law also guarantees protection for data owners who input their data into electronic documents from people who commit the following violations:

1. A person who intentionally intercepts electronic information or electronic documents belonging to another person on a computer.
2. A person who intentionally intercepts someone's data with or without making changes, deletions and/or stopping electronic documents that are being transmitted.

The form of protection in the above case is stated in the ITE Law, Article 46 paragraph 1 and paragraph 2, so that the person who owns the personal data who feels disadvantaged has the right to:

- a) Making a complaint regarding resolving personal data disputes regarding the failure to protect the confidentiality of his/her personal data by the electronic system manager to the Minister.

b) Have the right to change their personal data without disrupting the personal data management system.

c) The Importance of Personal Data Protection

Implementing personal data protection is a crucial priority. Because personal data protection is a fundamental human right and an essential element of personal self-protection, a legal basis for safeguarding personal data is essential. As the owners of the data we input online, we should be able to protect it. We are expected to delve deeper into the digital world to protect our data from irresponsible parties who could potentially harm us and cause us to lose our digitally stored data.

The rapid technological advancements experienced by many Indonesians today have impacted the importance of safeguarding the confidentiality of personal data from various opportunities for violations or abuse by various individuals. Personal data deserves legal protection from the government, as it is fundamentally a human right for Indonesians.

Personal data protection was created to guarantee citizens' rights to self-protection and to respect the importance of personal data protection. This is due to the increasing number of crimes committed by individuals who steal, hack, or intercept other people's data, resulting in the damage and loss of personal data.

The primary goal of personal data protection regulations is to protect and guarantee each individual against misuse of personal data, particularly the right to privacy. While the primary goal is the data subject, the use of personal data is related to specific objects, such as individuals, groups/organizations, and countries. Therefore, the purposes of protecting personal data are:

- a. Provide protection for fundamental rights and the right to freedom of the community, especially the right to provide personal data.
- b. Ensure compliance by governments, businesses and other community organizations to provide personal data protection for every individual.
- c. As a driver of legal certainty and improvement of the technology, information and communication industry.

Personal data protection is based on principles, these principles are described as follows:

- a. Collection limitations: which means that in data collection there need to be limitations.
- b. Data quality: meaning the quality of personal data must be clear and in line with the purpose for which the data is used.
- c. Purpose specification: meaning the purpose of data creation must be complete.
- d. Use restrictions: meaning that a person's personal data is not open to the public and may not be misused to deviate from the purpose for which it was created.
- e. Security measures: This means that data must be protected with appropriate security measures to prevent loss or damage to a person's data.
- f. Openness. Individual participation: which means that everyone has the right to know information about their data and the right to delete incorrect data.

Accountability: Data administrators have a responsibility to comply with the above principles. Data protection is defined as guaranteeing an individual's freedom to choose whether or not to disclose or access their personal data.

IV. CONCLUSION AND SUGGESTIONS

A. Conclusion

Personal data is information held by an individual that must be kept confidential. Therefore, it is essential to protect this data.

In this digital age, where we know that increasingly advanced technology has given rise to many new crimes, one of which is data theft via electronic media. This naturally worries individuals who have already entered their data electronically. However, the government is certainly not standing idly by in response to this.

The government has certainly formulated various legal regulations, which it hopes will provide legal certainty and assurance to the public. One form of legal protection the government provides is the Electronic Data Protection Act. The author's analysis indicates that this law does not fully protect personal data. However, to some extent, this law does guarantee the protection of individuals' personal data.

This law states that anyone who unlawfully or arbitrarily intercepts, steals, damages, or destroys another person's data can be

prosecuted under applicable law. Those who feel aggrieved also have the right to access their data on the original electronic media for a legitimate and clear purpose. Personal data protection is of course very important because people who have accessed their data when registering an account on electronic media are very worried about their data.

B. Suggestions

Based on the discussion, the government should strengthen the enforcement of laws related to personal data protection and optimize the implementation of the ITE Law together with personal data protection regulations to ensure stronger legal certainty. Electronic system providers are expected to improve cybersecurity and maintain data confidentiality. In addition, increasing public awareness and digital literacy regarding the importance of protecting personal data is necessary to prevent misuse and cybercrime. Collaboration between the government, digital platforms, and society is also important to create a safer and more secure digital environment.

REFERENCE LISTAN

- Agung, B. J. (2019). *Perlindungan Data Pribadi Anak Di Dunia Digital Berdasarkan Ketentuan Internasional Dan Nasional*. Jurnal Digilib Unila, 64.
- Agus Digdo Nugroho, d. (2022). *Hukum Administrasi Kependudukan Elektronik, Paradoks Perlindungan Dan Pengakuan Status Pribadi Serta Status Hukum Terhadap Kontrol Kepatuhan Warga Negara Di Era 5.0*. Makassar: Nasmedia Pustaka.
- CSA, T. L. (2021). *Urgensi Undang-Undang Perlindungan Data Pribadi Dalam Menjamin Keamanan Data Pribadi Sebagai Pemenuhan Hak Atas Privasi Masyarakat Indonesia*. Jurnal Rechten: Riset Hukum dan Hak Asasi Manusia, Vol. 3 No. 2, 3.
- Gani, A. G. (2018). *Cyber Crime (Kejahatan Berbasis Komputer)*. Jurnal Sistem Informasi (JIS), 17.
- Kosegeran, G. (2021). *Perlindungan Hukum Penggunaan Data Pribadi Oleh Pihak Lain Tanpa Izin*. Jurnal Lex Privatum, Vol. IX No. 12, 92.
- Manurung, E. A. (2022). *Tinjauan Yuridis Perlindungan Data Pribadi Berdasarkan UU Nomor 27 Tahun 2022*. Jurnal Hukum Saraswati, Vol. 4, No. 2, 143.
- RUU Nomor 27 Tentang Perlindungan Data Pribadi. (2022).
- Sadily, J. M. (2014). *Kamus Inggris Indonesia*. Jakarta: PT. Gramedia Pustaka Utama.
- setiawan, W. (2017). *Era Digital dan Tantangannya*. Seminar Nasional

Pendidikan (p. 1). Sukabumi: Universitas Muhammadiyah.

Sri Adiningsih, d. (2019). Transformasi Ekonomi Berbasis Digital Di Indonesia. Jakarta: PT. Gramedia Pustaka Utama.

Suari, K. (2023). Menjaga Privasi Di Era Digital: Perlindungan Data Pribadi Di Indonesia. *Jurnal Analisis Hukum*, Vol. 6, No. 1, 143.

UU Nomor 19 Tentang Informasi Dan Transaksi Elektronik. (2016).

Wahyudi djafar, d. (2016). Perlindungan Data Pribadi Di Indonesia. Lembaga Studi dan Advokasi Masyarakat (ELSAM), 40.