**Application Law Data Protection in the Era of Digital Technology**

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**ABSTRACT**

Legal protection regarding personal data in Indonesia is still lacking in providing protection for owners of personal data who experience the effects of data theft and so on. Personal data is the most important element that can be used as identity between individuals. There are many cases of theft of personal data carried out by unscrupulous individuals to gain profit. Victims of cases regarding personal data theft are clearly affected. Starting from theft of money in applications and personal data that can be sold on the web. The purpose of writing this journal is to explain how legal protection is for owners of personal data according to Law no. 27 of 2022 concerning Data Protection. This legal research is normative juridical research. The data was obtained through library research which was used to obtain data results by studying books and statutory regulations related to this research. The type of data used is secondary, which includes primary, secondary and tertiary legal materials. The results of this study indicate that legal protection of a person's personal data is not fully maximized. Even though the government has made several regulations related to the protection of personal data, there is no law that specifically explains how to protect the owners of personal data

**Keywords: Legal protection, Personal data, Electronic Transactions**

**ABSTRAK**

Perlindungan hukum mengenai data-data pribadi di Indonesia masih kurang dalam memberikan perlindungan terhadap pemilik data pribadi yang mengalami dampak dari akibat adanya pencurian data dan sebagainya. Data pribadi merupakan unsur paling penting yang bisa digunakan sebagai identitas diri antar individu. Banyaknya kasus mengenai pecurian data pribadi yang dilakukan oleh para oknum untuk mendapatkan keuntungan. Korban dari adanya kasus mengenai pencurian data pribadi sudah jelas terkena dampaknya. Mulai dari pencurian uang dalam aplikasi dan data pribadi yang bisa saja dijual dalam web. Tujuan penulisan jurnal ini untuk menjelaskan bagaimana perlindungan hukum terhadap pemilik data pribadi menurut Undang-Undang No. 27 tahun 2022 tentang Perlindungan Data. Penelitian hukum ini adalah penelitian hukum yuridis normatif. Data diperoleh melalui penelitian kepustakaan yang digunakan untuk memperoleh hasil data dengan cara mempelajari buku-buku dan peraturan undang-undang yang ada kaitannya dengan penelitian ini. Jenis data yang digunakan adalah sekunder, yang meliputi bahan hukum primer, sekunder dan tersier. Hasil penelitian ini menunjukan bahwa, perlindungan hukum terhadap data pribadi seseorang belum begitu sepenuhnya maksimal. Walaupun pemerintah sudah melakukan dengan membuat beberapa peraturan yang berkaitan dengan perlindungan data pribadi, namun belum ada undang-undang yang secara khusus menjelaskan bagaimana perliindungan terhadap pemilik data-data pribadi..

**Kata kunci: Perlindungan hukum, Data pribadi, Transaksi Elektronik**

1. **Background Of Reseach**

Moment this clear that information play role urgent in decision economic , social and also political . Francis Bacon, a philosopher famous at the time of transition from Renaissance into the modern era , stated that knowledge that alone is great strength . \_ Terminology knowledge that alone could lowered from more competence \_ wide when somebody own knowledge which is more many than the people around him . On the other hand, deep a number of decades last , depending on the knowledge acquired , information industry could used for implement investment scale big and tech app , which leads to the idea that data processing is no activity \_ replaced for success industry and technology.[[1]](#footnote-1) Technology information change style life society and create framework socio-cultural , economic and legal significance , which in turn causing emergence of new markets leading to development system economy social from economy based production traditional . from industry to economy digital or digital economy . Digitization born and developed through utilization technology information and communication is also increasing global in the world. In Southeast Asia's most populous country, with 262 million people and 140 million Internet users , around 28 million people ( 13% increase from year to year ) is active online shopper . With capacity around 49 million SMEs in Indonesia, the Indonesian government is committed for Becomes economy the largest digital in Southeast Asia, a country that is believed could accommodate an additional 26 million workers in 2020.[[2]](#footnote-2)

Government moment this planned make Indonesia is the largest digital economy in Southeast Asia in 2020. One of the pillars of development national in declaration the is digital sector . Government aim for reached 130 billion US dollar e-commerce and creating value of 10 billion US dollars from 1,000 technopreneurs in 2020.[[3]](#footnote-3)Indonesia is \_ promising place \_ for the digital economy market . this \_ show that the total population of Indonesia is 265.4 million soul , of which 50 percent or 132.7 million soul use the internet. From the amount , 177.9 million people reached out mobile users and 120 million is user active on mobile social media ( Medsos ). Google and Temasek (2018) study results predict that Indonesia's digital economy market size will reach 100 billion USD by 2025. There are also some effect associated negatives \_ with development technology information and potential big digital economy . as threat . Right civil on privacy and personal data . Right on privacy or right on privacy is one \_ right base.[[4]](#footnote-4) Right on privacy , though no is right basic absolute human , protection \_ to privacy is still very important in this digital economy era . Widespread use Internet technology in the world is factor main appearance computer . Not doubt again , the Internet has facilitating and expanding exchange information between individual . Spread information individual in a manner Keep going continuously through Internet service is illegal . because \_ that , there is causes that focus on data processing that is not fair Among consumers who use the Internet and companies that process data.[[5]](#footnote-5) Need noticed that moment use the internet, every our activities \_ do or where we are visit recorded and all information the Becomes recorded digital footprint . because \_ that , data protection against misuse by parties third of course Becomes sensitive issues and not \_ easy resolved . Trends and issues above \_ has encourage states and institutions international for resolve issues this and create framework law for data processing . Online business must protect information personal consumer . Disputes also arise when information about card family requested moment register card prepaid . Problem serious appear when practice sort of that involve privacy and issues privacy consumer . Invasion privacy and personal data in the United States also became problem . Case leakage information the was first reported by well -known media UK The Guardian on March 26 2018.

The media suggested that the company Cambridge Analytica data analysis uses personal data from Facebook without permission for build system that can target American voters with advertisement personalized politics \_ based on profile psychological them . this \_ revealed when Christopher Wylie, ex entrepreneur Cambridge Analytica, explains how algorithm create data.

Example case violation right on privacy and personal data in the United States could Becomes precedent bad for other party from development information technology.[[6]](#footnote-6) Online banking and transactions , save information personal consumer , like name , house or address office , email address , and even number consumer bank account . In e-commerce, the consumer no only register with number account , however information card credit consumers who use card Credit is also stored on the online shopping site where consumer shop . News rampant e-commerce website fraud (e-commerce) already general happened in Indonesia. People who are sober , doubtful or worry use card containing credit \_ privacy and information personal . Because many Indonesian e-commerce sites need it privacy and protection of personal data . Temporary it's a fraud grow thriving on the network social like Facebook and Instagram.[[7]](#footnote-7) Some Indonesians complained about telemarketing, which is part from marketing direct , ie offer live product finance as insurance and loans without collateral . one \_ problem with practice sort of that is disclosure information personal customer or public in a manner no ethical . Information personal customer shared in a manner wide in between companies that use marketing live through phone . When problem the appeared , the Financial Services Authority could Becomes institution complaints that can used by society . However , telemarketing practices without agreement Public previously still many happened in Indonesia. Disputes also arise when information about card family requested moment register card prepaid . Problem serious appear when practice sort of that faced with a problem privacy and protection information personal consumer . Cellular operator in Thing this are the collectors , processors , and handlers of the personal data that is transmitted Public in a manner Second the above \_ reflect exists problem systemic in factor awareness law community , factor not enough its effective regulation and enforcement law . There is three approach in protection right privacy citizens in this digital economy era , approach \_ the among other aspects law , aspect technology and aspects ethics . Special for study This aspect is used \_ is aspect law .

Second problem above \_ reflect exists problem systemic in lack of awareness law in a manner public , effective regulation and enforcement \_ law . In this digital economy era , there are three approach for protect privacy citizen . Approach this covers aspect legal , technical and ethics . kindly specifically , the aspects used in study this is aspect law .

Right on personal data protection is rights formed at the meeting Among right on information and rights on privacy and have experience long development \_ since right basic man acknowledged in Universal Declaration of Rights Fundamental Man (UDHR, 1948). Personal data is relevant and correct information \_ \_ \_ with individual and enable the person for identified . Importance protect personal data is for ensure that personal data collected \_ from somebody used for purpose collection , so the data no abused . Right on personal data protection develop from right for honor life personal or called as right privacy . Draft life personal refers to humans as creature live . With so , that person is owner main from right on personal data protection[[8]](#footnote-8) Protection privacy no in a manner explicit mentioned in the 1945 Constitution. However , rights on privacy implied in Article 28G, Paragraph 1 of the 1945 Constitution. - date Constitution Republic . In Indonesia as following : “ Everyone has the right on protection himself , his family , honor , dignity and wealth thing below \_ mastery as well as feel safe and protected from threat for do or no do something which is right basic human ”. Security privacy also exists in regulation legislation other , that is Article 29(1) and Article 30 of the Act Right Fundamental Human No. 39 of 1999. Personal data is a concept that describes a process or effort for apply privacy and personal data . separated \_ in device different laws \_ in something deed law alone . because \_ that is , protection privacy and personal data is sui generis position . In Asia itself , already there is regulation data protection in several countries. Indonesian moment this own Constitution New Personal Data Protection \_ approved . The problem are scientists \_ no know decisive rule \_ field game them and claim limit them . First , ignorantia juris non excusat (" ignorance to law no could forgiven "), and second , the law own strength normative , rules intended for followed . Purpose Constitution the is for combine rule data protection for disaggregated personal data \_ Becomes separate law . \_ Preparation document scientific as Step first of the convergence process has completed in October 2015. Indonesia is lagging behind in handle problem data protection , especially related framework law for recovery . on privacy , and in Thing time and variety protection . Protection law is one \_ method best for protect legal entities from abuse .

Protection law covers many field system law , information is most important source . In knowledge economics , information has considered as the same commodity very different During a number of time . this \_ must done on each transaction ( eg every marketplace purchases ) and expensive ( at least in Thing search and time ). In fact , knowledge has be one \_ component main theory economics and fields main study economy . Although development technology the information and digital economy is booming , however study related law and technology in a manner general and data protection yet too many . Besides it , the researchers is generation that has wide exposure \_ to the world of technology information and digital economy , as well interested for learn study informatics related protection rights civil . because \_ it , researcher interested for study more carry on study about protection privacy citizen .

1. **Formulation Of Problem**

For limit room scope problem in research this , there is problem namely ;

* 1. How Settings right on privacy on personal data in Indonesia?
  2. How Legal Protection of Right to Privacy and Personal Data in the digital economy era ?

1. **Methodology Of Research**
   1. Type Study

Study this including study law normative or often called with study doctrinal with object or target study form regulations , laws and materials other laws.[[9]](#footnote-9) Study normative in general researching ingredients References or ingredients secondary covering \_ ingredients primary, secondary and tertiary law . Study it focuses on protection law right on privacy and personal data in the digital era including how definition , classification and space scope right on privacy and personal data that alone .

* 1. Types and Techniques of Data Collection

Data used in study this is secondary data , which can be grouped Becomes ingredients primary laws , materials law secondary and materials law tertiary , depending from tree discussion research . For obtain secondary data , research literature conducted with studies documentation to reference object research , obtained from regulation legislation , books and articles journal scientific as well as dictionaries and encyclopedias . Ingredients law main in study this is ingredients nature law \_ authoritative , deep Thing this related with problem discussed \_ in study this such as : B. UUD 1945, laws , decisions of the Constitutional Court, regulations legislation other . In study this ingredients law secondary is related materials \_ tightly with ingredients primary law and can help for analyze and understand ingredients primary law in the form of book manual , journal law , journal laws and letters news , results study academic written . Ingredients law tertiary is giving material \_ instructions and explanations on ingredients primary laws and materials law secondary form legal dictionaries and encyclopedias.[[10]](#footnote-10)

Secondary data form Constitution or other related standards with right on privacy and digital economy . Secondary data is ingredients obtained law \_ from study literature , incl the laws and regulations related with right privacy , books , research previous and article related science \_ with right privacy in the digital economy era . In study law normative this , method collection ingredients law is study literature or study document (document research).[[11]](#footnote-11)

* 1. Method Approach and Data Analysis

Ingredients study obtained from ingredients secondary then analyzed through various approach , which in the end taken conclusion for answer problem study this . Because of research this is study education , then approach used \_ is approach law , approach analytical

1. **Finding & Discussion**

Technology modern data processing already own many superiority compared with other manual way is far away more slow , however naturally problem certain no could isolated with progress technology the . one \_ problem the among others related with fact that data processing can endanger right individual on privacy . Personal data moment this could merged and saved without limits and also very easy accessed compared with before \_ development technology this . Personal data the could disseminated and processed in all field and often without to my knowledge data owner . Besides That is , the government and companies could gather information from eligible citizens \_ threaten individual freedom.[[12]](#footnote-12) Moment this no there is law \_ special data protection , but there is regulation about use information electronics . Source law main related management information and transactions electronic is Law No. 11 of 2008 concerning Information and Transactions Electronics (ITE Law as has changed with Law no. 19 of 2016 concerning Amendments to the ITE Law, Regulations Government No. 82 of 2012). about maintenance systems and transactions electronics ( Regulation 82) and its implementation Regulation of the Minister of Communication and Informatics No. 20 of 2016 concerning Personal Data Protection In System Electronic.[[13]](#footnote-13) Indonesia has rule about protection of personal data in the digital era dated 7 November 2016, issued and enforced since December 1 , 2016. is one of 21 permits derivative from Regulation Government (PP) No. 82 of 2012 concerning Administration System and Transaction Electronic (PSTE), issued and valid effective . since October 15 , 2012. Personal data saved \_ in system electronic must is personal data if entered that has confirmed the truth is, personal data is stored in system electronic the must in shape encrypted . Personal data must saved in system electronic corresponding with regulation legislation about obligation period time personal data storage from authority supervisors and regulators in their respective regions, or at least five years if no there is condition law . arrange it with right.

* 1. **Data Center Rules**

Which became attention special in regulation this is provision center data and center recovery disaster organizer system electronic for service public used \_ for procedure protection , which should be located on the territory of the Republic of Indonesia . System administrators electronic must could give access or chance to owner of personal data for change or update personal data without bother system management of personal data , except otherwise required by regulations legislation ; destroy information personal corresponding with provision Department the or other laws and regulations that are regulated in a manner separately by each supervisor industry and regulatory agencies for purpose it ; and show the contact person could with easy contacted by the owner of the personal data in processing of personal data . If owner of personal data the including in group children , then parents \_ or guardian legitimate from child the give stated agreement \_ in regulation this . Organizer system electronic which provides , stores , and manages personal data before validity this Ministerial Regulation must guard confidentiality of existing personal data . Violation to regulation only imposed penalty administrative :

(a) warning oral ;

(b) reprimand written ;

(c) termination temporary operation and/ or ; Notification on the online website which is the procedure arranged with decision minister . Parliament agreed Constitution new about personal data protection . This is Constitution comprehensive the first in Indonesia to special discuss problem privacy . Besides provisions of UU ITE PP 82 and Kepmenkoinfo No. 20/2016, there are a number of regulations that also contain a number of provision about data protection as following :

a. Telecommunication Sector

Article 40 of the Telecommunications Law No. 36 of 1999 stated that “ everyone is prohibited accept all shape information sent \_ through network telecommunication ”. Article 42 states that “ provider service must keep it a secret characteristic information \_ secret sent and / or accepted by customers telecommunication through network telecommunication and/ or service telecommunications it organizes ”.

**b**. Sector Public Information

Article 6(1) of the Act Number 14 of 2008 concerning Openness Public Information stated that “ public bodies entitled refuse give published information \_ corresponding with provision Act ”. And Article 6(2) states that " authority public own right for refuse give information public if Thing this no corresponding with law ". In contrast , Article 17 prohibits , inter alia , statute , disclosure information personal someone , especially related \_ with genealogy , history medical and psychological , information finance ( incl assets , income and bank information ), and disclosure information assessments , recommendations , and documents about ability individual . , formal or informal.

**c.** Banking and Capital Markets

Sector data privacy in this area regulated by Law 7 Years 1992 amended with Law 10 of 1998 concerning Banks and Law 8 of 1995 concerning Capital Markets (Capital Market Law). Regulation this apply for personal and business data . Bank Indonesia Regulation No. 9/15/PBI/2007 concerning Application Management Risk In Use Technology Information By Banks Requiring Bank Customer Data Transfers ( Through Development Of Data Centers Or Data Processing In Outside the Territory of the State). Indonesian) with agreement especially formerly from a bank in need . Indonesia. Article 18 Provider service technology information only could used if banking and provider technology information fulfil condition as following :

For organizer service technology information , organizer service as stakeholders interest must ensure security all information , incl bank secrets and information personal customer .

* 1. **Definition of Personal Data**

Definition of Personal Data In Article 1 Paragraph 27 of the ITE Law, Regulation of the Minister of Communication and Informatics Number 20 of 2016 concerning Personal Data Protection In System Electronics ( Candy Kominfo No. 20 of 2016), there is personal data certain saved . Personal data special is " every correct and real information , in a manner live or no live related with individual and can identified , and whose use legal ". The subject of the data is the individual to whom the personal data is shared the attached . Certain About definition of personal data sensitive , the Government of Indonesia has not give specific and precise definition \_ regarding personal data sensitive in Constitution or regulation technical law . According to the GDPR, personal data is information anything about \_ somebody or a " registered " person from it somebody could identified in a manner live or no direct . Information the could covers name , photo , information , IP address ( IP address ), identifier network as identity physical , physiological , genetic , mental , financial , cultural or someone's social .

Personal data arrangement arranged in a manner no live in provisions of the Human Rights Law no. 39 of 1999 as following :

a) Article 29(1) provides protection self personal , family , honor , dignity people and rights owned ;

b) Article 30 regulates protection to Fright will action or negligence it .

c. Article 31 article the arrange that no anyone can \_ bother the place stay someone enters \_ or enter yard or \_ enter opposite house \_ with the wishes of those who live in it , except in arranged things \_ with law . that is Article 32 states that independence and confidentiality correspondence , incl correspondence , incl communication electronics , no can compromised except on judge's instructions or authority law other corresponding with regulation legislation . With thus , space scope right Personality in Indonesia includes :

1. something related \_ self personal person , family , property private and
2. for reputation ;
3. do or no do something ;
4. the place stay personal ;
5. communication personal .

Temporary it , various sector expected arrange necessity protect rights personal , like exists forbidding regulations \_ tapping news in a manner laws and obligations for collectors data for protect confidentiality of the personal data it collects . Even in a manner special in provision Article 26 of the Information and Transaction Law Electronic arranged that personal data somebody no can moved hand it in a manner cement men without Agreement data owner.

At least there are 32 laws that contain covers content related Settings information personal citizen . Substance from part great 32 laws the related with gift authority to authority public (state) and private ( private ) for collect and, with a little exception , managing personal data citizens , incl authority for do effort intrusion . Regulated sector \_ range from telecommunications , finance and banking , tax , population , archives , enforcement law , security to health[[14]](#footnote-14).

Moment use technology information , personal data protection is part from right personal ( statute data protection ). Right personal has the following meanings :[[15]](#footnote-15)

* + 1. Right personal is right for enjoy life private and free from all type distraction .
    2. Right personal is right for communicate ( with others without spying ).
    3. Right privacy is right for control access to information about life and information personal someone .
  1. **Obligation Organizer System Electronic**

Organizer system electronic is everyone , state administrators , the business community , and the public who provide , manage , and/ or operate system electronic in a manner individually or together for user system electronic for the need yourself and/ or party third .

Owner system electronics must be:[[16]](#footnote-16)

a. guard the confidentiality , integrity and availability of the personal data it manages ;

b. ensure that collection , use and utilization of personal data based on consent owner of personal data , except laws and regulations specify otherwise; and

c. We guarantee that use or data disclosure will on agreement owner of personal data and accordingly with stated purpose \_ to the owner of the personal data at the time the data was collected . confidentiality of the personal data it manages ,

Organizer System Electronic must tell in a manner written to owner of Personal Data the . Organizer System Electronic must convey information to User System Least electronics \_ about guarantee privacy and/ or protection of Personal Data.[[17]](#footnote-17) Protection to confidentiality of Personal Data User System Electronics should too fulfilled in Thing organizer use service other party (outsourcing). [[18]](#footnote-18) Security to confidentiality of Personal Data (privacy seal) is Certificate Guaranteed reliability \_ reliability is give certainty that Personal Data consumer protected secrecy as should .

* 1. **Authority National Data Protection Authority (National Data Protection Authority).**

Nothing yet authority national data protection special for data protection in Indonesia. For example , the Indonesian Financial Services Authority (OJK) has authority for Act as data protection in the capital market sector ( since December 31 , 2012) and in related matters \_ with privacy bank customers ( since December 31 , 2013).. However could noted that article 65 of the Regulations Government No. 82 of 2012 stated that that merchant

Processing transaction electronic could certified by the institution certification trusted internal Indonesia ( Certification competence ) or institution certification competent foreign . Whereas facilities not yet there . The ITE Law requires that use information about personal data someone in electronic media , except otherwise determined by regulations legislation , must on agreement data subject . because \_ that , whoever has the right violated could demand change make a loss based on this law[[19]](#footnote-19) .

* 1. **Personal Data Security**

Obligation organizer system electronic arranged in Regulation Government Number 82 of 2012 concerning Administration System and Transaction Electronics and Kemenkoinfo Decisions Number 4 of 2016 as following :

* + 1. Do testing identity and check authorization user system electronics do \_ transaction electronics ;
    2. Introducing and implementing procedures and procedures operation if there is indication data theft ;
    3. Ensure control authorization and rights user system transaction electronics , databases and applications Transaction Electronics ;
    4. Development and deployment methods and procedures for protect integrity and/ or guard confidentiality of data , records and related information with transaction electronics ;
    5. Own and apply standard as well as control use and data protection where the provider service own access to the data ;
    6. Own plan continuity business that includes plan effective emergency \_ for ensure availability sustainable from systems and services transaction electronics ; and
    7. Own procedure \_ fast and accurate for face incident that didn't predictable and diminishing impact from events , fraud and failures system electronics .

1) Has reached the retention period maximum for personal data (minimum five years or based on applicable laws / regulations \_ industry certain ); or

2) Upon request owner of personal data , except otherwise determined by regulations legislation , and

3) Deliver owner of personal data to contact person regarding personal data

In sector telecommunications , Article 19 Regulation of the Minister of Communication and Informatics No. 26 / PER / M. KOMINFO / 05/2007 concerning Safety and Utilization Based Telecommunications Network Internet Protocol ( as amended ) (MR 26/2007) also provides that provider service telecommunication responsible answer on data storage because his obligations for record the log file at least During three month

Notice Violation

According to Article 15 Paragraph 2 Regulations Government Number 82 of 2012 concerning Administration System and Transaction Electronics , organizer system electronic must tell in a manner written to owner of personal data if not yet protect personal data . According to Article 20 Paragraph 3 of the Regulations Government No. 82 about Administration System and Transaction Electronic 2012 , organizer system electronic must do your best for protect personal data and immediately report to authority enforcer law or industry every failure function serious system . \_ . or malfunction or distraction . Authority supervisor and regulator involved . According to Article 25(2) Kemenkoinfo Decree No. 4/2016, owner of personal data must notified in a manner written if no there is protection confidentiality of personal data in system electronics . Provision reporting violation must mention reason or reason why secrecy information personal no protected . This could transmitted in a manner electronic if owner of personal data has give his consent in connection with collection and collection of personal data . He must ensure that owner of personal data has accept notice such , if negligence the means possibility loss of personal data in question . Owner and notice written sent to owner of personal data no later than 14 days after he found failure .

* 1. Implementation Data Protection

In Indonesia, data breaches are regulated by relevant laws and basically is fine . In cases seriously , like intentional crime , punishment \_ jail could dropped . Change Constitution Legislation Number 19 of 2016

Constitution Information and Transactions Electronic No. 11 of 2008 (UU ITE) regulates deep data breach Article 30 paragraphs (1), (2), and (3).[[20]](#footnote-20)

Temporary that is , sanctions criminal on violation Article 30 (1), (2), (3) is included in Article 46 (1), (2) and (3). The ITE Law and the amendments to the ITE Law contain penalty various crimes \_ as following :

A fine of IDR 600-800 million and 6-8 years jail because access no legally , a fine of IDR 800 million and 10 years jail because tapping or wiretapping . At a time a fine of IDR 2-5 billion and 8-8 years . 10 years jail because change , add , delete , send , lock , delete , send or mixing electronic data or no look after notes electronics . 82 sanctions administration (which is not exclude not quite enough answer civil and criminal ). Penalty administrative the consists from :

Warning written Penalty administrative Deletion temporary from the list ( required in a manner law ).

Penalty administrative regulations that apply to Regulation 4/2016, namely : Warning oral Warning written Termination temporary operation business Notice on the Banking Law online website . According to article 47 KWG, representative official , manager or bank employee or child company with \_ on purpose disclose information confidential could punished at least with prison . more from 2 years but no more than 4 years and a fine of at least IDR 4 billion but no more from IDR 8 billion .

1. **Conclusion**

Definition of personal data in Regulation Number 20 About Personal Data Protection In System Electronic issued by the Minister of Communication and Informatics Year 2016 ( Candy Kominfo No. 20 of 2016) is personal data that is stored , processed , and correct . guarded and protected in a manner secret . Personal data special is " every true and real data related \_ with someone and can identified good in a manner live nor no directly by the person and its use corresponding with regulation legislation ". Owner of personal data is a person who has attached personal data certain . Related with definition of personal data sensitive , the Indonesian government has not give specific and precise definition \_ regarding personal data sensitive in Constitution nor regulation technical law. Regulation protection Indonesian data still scattered by law special sectoral , such as the ITE Law, the Banking Law, the Capital Market Law, as well decision government and ministers , as well related institutions \_ live with data protection , such as Financial Services . Authority Services and Banks. Indonesia.

1. **Recommendation**

Based on the research we did , then suggestions and recommendations for taker policy is as following :

1. Immediately authorize Constitution comprehensive data protection . \_
2. Draft Constitution must load rule about information sensitive or not sensitive .
3. There is authority national data protection monitoring and retrieval \_ action to data breach .

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15. See Explanation \_ Article 25 paragraph 1 of the ITE Law, [↑](#footnote-ref-15)
16. Article 15 (1) Regulations Government Number 82/2012 [↑](#footnote-ref-16)
17. 21 Article 25 paragraph (1) Regulations Government Number 82/2012 [↑](#footnote-ref-17)
18. 21 Article 25 paragraph (1) Regulations Government Number 82/2012 [↑](#footnote-ref-18)
19. Article 26 (1) of the ITE Law [↑](#footnote-ref-19)
20. See Article 30 paragraphs 1, 2 and 3 of the ITE Law [↑](#footnote-ref-20)