



*This work is licensed under a Creative Commons Attribution 3.0 International License*

## URGENCY OF THE PERSONAL DATA PROTECTION BILL ON PRIVACY RIGHTS IN INDONESIA

**Giosita Kumalaratri**

Fakultas Hukum Universitas Diponegoro Semarang, Email : [giositakumala@gmail.com](mailto:giositakumala@gmail.com)

**Yunanto**

Fakultas Hukum Universitas Diponegoro Semarang, Email : [yun\\_yunanto@yahoo.com](mailto:yun_yunanto@yahoo.com)

### ARTICLE INFO

**Keywords:**

Personal Data Protection, Privacy Rights, Urgency.

**DOI :**

10.26532/jh.v37i1.13604

### ABSTRACT

*The development of information technology in the era of globalization makes it easier for people to carry out their daily activities, apart from socializing, it can also be a channel for work. Behind the simplicity coveted by technological developments opens up loopholes related to personal data that is easily misused. Indonesia does not yet have specific laws governing the protection of personal data as a whole. So that the author will examine the urgency of the draft personal data law in Indonesia, personal data protection schemes, to the impact of the implementation of the personal data protection bill. This study uses a normative juridical research method. The results of the study point to a privacy rights protection scheme in which everyone has the right to publish personal data or the right not to publish personal data to the public. The weakness of personal data protection regulations in Indonesia that have not been specifically regulated increases the potential for crimes against the right to privacy, but the drafting of the Personal Data Protection Bill brings fresh air not only to the public but to the government sector to the international business environment.*

*Perkembangan teknologi informasi di era globalisasi semakin memudahkan masyarakat dalam menjalankan aktivitasnya sehari-hari, selain bersosialisasi juga dapat menjadi peluang untuk bekerja. Di balik kesederhanaan yang diidam-idamkan oleh perkembangan teknologi ternyata membuka celah terkait data pribadi yang mudah disalahgunakan. Indonesia belum memiliki undang-undang khusus yang mengatur perlindungan data pribadi secara keseluruhan. Sehingga penulis akan mengkaji urgensi rancangan undang-undang data pribadi di Indonesia, skema perlindungan data pribadi, hingga dampak penerapan RUU perlindungan data pribadi. Penelitian ini menggunakan metode penelitian yuridis normatif. Hasil studi menunjukkan skema perlindungan hak privasi di mana setiap orang memiliki hak untuk mempublikasikan data pribadi atau hak untuk tidak mempublikasikan data pribadi ke publik. Lemahnya regulasi perlindungan data pribadi di Indonesia yang belum diatur secara khusus meningkatkan potensi kejahatan terhadap hak atas privasi, namun penyusunan RUU Perlindungan Data Pribadi membawa angin segar tidak hanya bagi masyarakat tetapi bagi sektor pemerintah sampai lingkungan bisnis internasional.*

Copyright © 2020 JURNAL HUKUM UNISSULA. All rights reserved.

## A. INTRODUCTION

The Indonesian government has a constitutional obligation to protect the entire Indonesian nation and all the spilled Indonesian blood and to promote public welfare, educate the nation's life and participate in implementing world order as stated in the 4th paragraph of the Preamble of the 1945 Constitution. The protection mentioned in paragraph The 4th Constitution of the Year 1945 includes the personal data of every Indonesian citizen.

The development of information technology is an innovation needed for Indonesian society. The era of globalization is an era where all human activities become easy, especially in the information technology sector. The ability of information technology is useful in activities of daily life, such as in electronic-based businesses, from a government perspective, it creates e-government, education, social networking, smartphones, mobile internet, and from a computing perspective. The concept of privacy is intertwined with the protection of personal data. This concept is a view to maintaining personal quality and integrity.<sup>1</sup> The ability of individuals to determine who holds information and how the information is used is a right of privacy.

Technological innovation in the field of electronic-based business or what is known as e-commerce does not escape the activities of everyday life. A large number of internet users in Indonesia indicates a large market capacity that will dominate the emergence of new business opportunities. However, a new problem is also related to online buying and selling transactions that must be considered further. This is an issue regarding the protection of personal data, especially related to marketing, offers, and most importantly payment methods.<sup>2</sup>

Opportunities for violation of privacy rights exist not only in online activities but also in offline activities. Some of the violations of online activation rights can be in the form of large-scale personal data collection (digital dossier), direct marketing (direct-selling), social media, application of e-KTP programs, e-health, and cloud computing activities.

The development of information technology in today's technology is closely related to personal information including names, e-mails, telephone numbers which are important data because they have an economic value obtained in the business world, or the term digital dossier is a collection of personal data information that is owned by almost all people by utilizing internet technology developed by the private sector. This is considered to have a very high risk of violating the privacy rights of a person's data.<sup>3</sup> Digital dossier practices that are carried out by private companies have the opportunity to violate the privacy rights of a person over his / her personality.

- 
- 1 Djafar Wahyudi dan Komarudin Asep, *Perlindungan Hak Atas Privasi Di Internet-Beberapa Penjelasan Kunci*, Elsam, Jakarta, 2014, page.2
  - 2 Masitoh Indriyani, *Perlindungan Privasi Dan Data Pribadi Konsumen Daring Pada Online Marketplace System*, *Justitia Jurnal Hukum*, 1.2, 2017, page.192
  - 3 R. Tejomurti, K., Hadi, H., Imanullah, M. N., & Indriyani, *Legal Protection for Urban Online-Transportation-User's Personal Data Disclosure in the Age of Digital Technology*, *Padjadjaran Journal of Law*, 5.3, page. 487

Along with digital dossiers, direct selling can also be found, which is a practice by sellers to market goods directly. In addition to the development of marketing methods, there is also a data banking industry that specifically collects consumer information. Parties who wish to conduct transactions via the internet will purchase consumer data from the services of these data collection companies to obtain consumer information.<sup>4</sup> Concerns about the collection of personal data can be important information for perpetrators of crimes of kidnapping, harassment, and human trafficking. In 2020, data leakage and data transactions that occurred in an e-commerce company, namely Tokopedia, were reported to have been hacked and lost 91 million accounts and 7 million merchant accounts. The perpetrator sells personal data to the dark web in the form of user ID, email, full name, cell phone number, gender, and password which is still encrypted. The perpetrator got a profit from the sale of the data amounting to US \$ 5,000 or around 74 million rupiahs. Moreover, about 15 million accounts are containing personal data that can be downloaded so far.<sup>5</sup> The same thing happened in the same year with Tokopedia's competitor, Bukalapak, it was reported that Bukalapak was hacked by hackers and the perpetrator held around 13 million Bukalapak accounts and database.<sup>6</sup>

The transaction value of the sale of personal data in 2006 globally has reached 3 billion US dollars.<sup>7</sup> The growth of the data banking industry is increasingly flaring up so that growing various data bank companies globally have placed them into large companies. Therefore, personal data is an invaluable asset for these companies.<sup>8</sup>

Indonesia lacks special rules in regulating personal data protection, until now these arrangements are in several laws and regulations which are less effective and comprehensive. The regulation of personal data is still sectoral and partial, which exist in thirty-two (32) different arrangements, including mental health laws that protecting patient data, banking laws protecting customer data, and many more. The widespread violation of personal data is one of the factors, namely the existence of data buying and selling transactions through dossier practices so that the current management of personal data is not optimal and comprehensive.

The comparison of this study with previous studies has similarities in the point of view of the topic, namely the protection of privacy for personal data, but is different in the main analysis. This study analyzes the urgency

---

4 Zuliatin, Pengaruh Personal Selling, Direct Selling, Dan Hubungan Masyarakat Terhadap Kepuasan Nasabah (Studi Kasus Pada BMT UGT Sidogiri KCP Kanigoro Blitar), *AN-NISBAH*, 3.1, 2016, page. 94

5 Adhi Wicaksono, Kronologi Lengkap 91 Juta Akun Tokopedia Bocor Dan Dijual, *CNN Indonesia*, 2020. Accessed on January 2021

6 Adhi Wicaksono, 13 Juta Data Bocor Bukalapak Dijual Di Forum Hacker, *CNN Indonesia*, 2020. Accessed on January 2021

7 Mercy E.PEEK, Information Privacy Anda Corporate Power: Toward a, Re-Imagination of Information Privacy Law, *Seton Hall Law Review*, 37, 2006, page.6–7

8 TZ Zarsky, Thinking Outside the Box: Considering Transparency, Anonymity, and Pseudonymity as Overall Solutions to the Problems in Information Privacy in the Internet Society, *U. Miami L. Rev.*, 1.4, 2003, page.991

of the personal data protection bill against a person's privacy rights along with the implementation of the impact that will materialize if the Personal Protection Data Bill is enacted. Protection of personal data is the obligation of the Indonesian government in realizing the constitutional rights of the Indonesian population regarding the right to privacy. Based on the description above, the main problem in this study will only focus on how the personal data protection policy for privacy rights in Indonesia.

## **B. RESEARCH METHODS**

The legal research method used by the author in this study is a normative juridical method. Legal research is carried out by reviewing library materials.<sup>9</sup> This type of research is literature that refers to the personal data protection policy in Indonesia which is very much needed in upholding the basic rights of the community.

The approach used in this research is a statutory approach (statue approach) and a conceptual approach (conceptual approach). The statutory approach is carried out by reviewing legislation and all regulations related to emerging legal issues. For research that aims at academic activities, it is necessary to find the ratio legis and philosophical basis for the birth of the law. So that a significant rule is found to solve the legal issues that arise.<sup>10</sup> This conceptual approach is linked to existing concepts with the issue of privacy rights in Indonesia.

## **C. Research Results and Discussion**

### **1. Legal Protection Scheme for Privacy Rights and Urgency of the Personal Data Protection Bill in Indonesia**

#### **a. Legal Protection Scheme for the Right to Privacy**

Germany and Sweden in the 1970s were the first to use the term data protection to regulate the protection of personal data through law. At that time computers began to be used to store population data, especially for population census activities, so that personal data protection was established. However, in its application, there have been many violations committed by both the government and the private sector. Therefore, personal data protection arrangements are very necessary so as not to be misused.<sup>11</sup>

Warren and Brandeis wrote an article in the Scientific Journal, Harvard University Law School entitled "The Right to Privacy" in which there are development ideas regarding the concept of privacy.<sup>12</sup> Warren and Brandeis revealed that with the development and advancement of technology, there was a public awareness that there was a person's right not to be disturbed by his personal life either by

---

9 Muhammad Zainuddin, *Pemahaman Metode Penelitian Hukum*, Istana Agency, Yogyakarta, 2019, page 62.

10 Peter Mahmud Marzuki, *Penelitian Hukum*, Kencana, Surabaya, 2005, page 93-94.

11 Muhammad Na'im Al Jum'ah, *Analisa Keamanan Dan Hukum Untuk Pelindungan Data Privasi, CyberSecurity Dan Forensik Digital*, 1.2, 2018, 39-44, page.40

12 Sinta Dewi, *Prinsip-Prinsip Perlindungan Data Pribadi Nasabah Kartu Kredit Menurut Ketentuan Nasional Dan Implementasinya*, *Sosiohumaniora*, 19.3, 2017, 206-212, page.207

other people or by the State. Therefore, the law must rule over the right to privacy.

The following reasons why personal data needs to be protected, namely: First, privacy is an independent right which means that it does not depend on other rights but this will be lost if the person publishes personal matters to the public. Second, a person needs time to be alone in his life, therefore privacy is needed by someone. Third, in building relationships with other people, a person needs to cover a part of his personal life so that he can maintain his position at a certain level. Fourth, Warren expressed the idea of right against the world, which means that privacy is the right of everyone to have domestic relations, including how a person builds a marriage, fosters his family and other people are not allowed to know about this personal relationship. Fifth, apart from those mentioned above, there are other reasons for the importance of privacy to get legal protection because the losses suffered are difficult to assess.<sup>13</sup> Violation of the right to privacy can harm the victim, both in terms of social relations and physical harm, so that the victim is entitled to compensation.

The following are some international instruments that regulate data protection principles and several national regulations that make it part of domestic law, including The Council of Europe Convention for the Protection of Individuals concerning Automatic Processing of Personal Data (No. 108), 1981; the Organization for Economic Cooperation and Development Guidelines on the Protection of Privacy and Transborder Data Flows of Personal Data (1980); and the Guidelines for the regulation of computerized personal data files (General Assembly resolution 45/95 and E / CN.4 / 1990/72).<sup>14</sup> Several countries such as South Korea, Canada, the Philippines, Timor-Leste, Portugal, Armenia, Columbia, India, and Argentina have legalized the function of protecting privacy for smooth democracy and ensuring the protection of data privacy in the running of their government.

The right to privacy is a request for each person or group holding personal data to take their steps regarding what, how, when, the personal data is published to the public. Personal data protection develops along with advances in technology.<sup>15</sup> The convenience that can be accessed in an instant and comprehensive has a wide gap in terms of violation of the right to privacy, because basically, the right to privacy is an independent right held by everyone who has personal data to publish to the public, someone also has the right not to disclose his life personal in social relationships in society.

Protection of confidential personal data protects the values of all aspects of personal life that do not wish to be disclosed to the public, such as home addresses, cell phone numbers, photos, account

---

13 Dewi, 2017, *Ibid*

14 Fanny Priscyllia, *Perlindungan Privasi Data Pribadi Dalam Perspektif Perbandingan Hukum, Jatiswara*, 34.3, 2019, 1–5, page.343

15 Tejomurti, K., Hadi, H., Imanullah, M. N., & Indriyani, 2018, *Op.Cit.*, page.492.

passwords, insurance numbers, telephone conversations, and so on. The image of the personal data protection scheme relates to the norm of mutual respect for personal and family life.

### **b. Regulation of Legal Protection of the Right to Privacy of Personal Data in Indonesia**

The development of internet users was noted by the Indonesian Internet Providers Association which was surveyed in April 2019. A total of 171.7 million or around 64.8% of the total population of Indonesia. The increase in internet users reached 10.2% or 27.9 million people compared to the previous year.<sup>16</sup> A significant increase occurred in 2020, the increase in internet users was accelerating due to the Covid-19 pandemic as the main trigger for the explosion of internet penetration in Indonesia. The community, especially students and university students, is encouraged to take part in learning activities at home via the internet. Reaching 73.7% internet penetration in 2020, in terms of 2018 to 2020 internet users increased by 64.6%. The development of infrastructure in various regions, such as the availability of fiber optic and other infrastructure that supports internet activities, is one of the increases in internet users.<sup>17</sup> Java Island ranks first, namely more than 55% of the total population that has contributed to internet intrusions in Indonesia.

Changes in people's mindset, behavior, and lifestyle are caused by the rapid development of information and communication technology. Social, economic, cultural relations including law enforcement are some of the effects of behavior patterns caused by the rapid development of these technologies. A crucial matter regarding the protection of privacy rights over personal relates to collecting, storing, and processing data.<sup>18</sup> Allan Westin emphasized the right to privacy that the determination of individual, group and institutional information is in their respective hands to publishing it to the public or not.<sup>19</sup> It is stated in article 12 of The General Declaration of Human Rights that everyone is protected against all forms of threats from abuse of privacy against family or reputation aggression involving one's honor. Besides, article 17 of the International Convention on Civil and Political Rights also regulates the provisions of the right to privacy and protects from attacks by abuse of privacy against families, individuals, and honor.<sup>20</sup> Article 28 G of the 1945 Constitution is one of the main rules for protecting the right to privacy

---

16 Wahyudiyono Wahyudiyono, Implikasi Penggunaan Internet Terhadap Partisipasi Sosial Di Jawa Timur, *Jurnal Komunika: Jurnal Komunikasi, Media Dan Informatika*, 8.2, 2019, page 63.

17 Irsu, Dirjen PPI: Survei Penetrasi Pengguna Internet Di Indonesia Bagian Penting Dari Transformasi Digital, *Berita Kominfo*, 2020. Accessed on January 2021

18 Priscyllia, 2019, *Op.Cit*, page.244

19 Sinta Dewi Rosadi and Garry Gumelar Pratama, Urgensi Perlindungan data Privasi dalam Era Ekonomi Digital Di Indonesia, *Veritas et Justitia*, 4.1, 2018, 88–110 page. 94

20 Priscyllia, 2019, *Op.Cit*, page.244

over personal data. It is stated in the article that a person has the right to protect individuals, family, honor, dignity, and wealth as well as a sense of security from all forms of threats that exist from their ownership. The meaning of this provision is that if personal data is misused, it is a violation of constitutional rights.

The regulation of personal data in Indonesia is scattered in several laws including Article 26 paragraph (1) of Law Number 11 of 2008 concerning Electronic Information and Transactions (amended by Law Number 19 of 2016) which contains the obligation of telecommunications operators to keep all forms of information received or sent through the network and telecommunications services secret. Then in the case of personal data together with electronic transaction data and all matters concerning a person's data, it must be in the agreement of the party concerned. It explains the right to privacy in the regulation that: (1) the right to enjoy a private life and free from all disturbances; (2) the right to be able to communicate freely without spying; (3) the right to supervise access to information about a person's personal life and data. Furthermore, Law of the Republic of Indonesia Number 10 of 1998 concerning Banking which regulates customer personal data and transactions, Law of the Republic of Indonesia Number 8 of 1999 concerning Consumer Protection. The most recent regulation, namely the Minister of Communications and Information Technology Regulation Number 20 of 2016 concerning Personal Data Protection in Electronic Systems, regulations regarding the nature of protection of personal data as a constitutional right are less significant and comprehensive so that their implementation is not optimal.

The absence of special rules governing the protection of privacy rights threatens the trust, security, and comfort of Indonesian citizens. Indonesia has services that make it easier for citizens to access state infrastructure, for example, namely e-KTP, e-NPWP, e-health, e-court, to government aspects. It is time for Indonesia to have privacy protection rules because all aspects of life are electronic and require the use of the internet which has many loopholes in violating the abuse of the privacy rights of individuals, groups, and agencies.

## **2. The Urgency of the Personal Data Protection Bill**

Human rights to the protection of privacy rights are contained in the fourth amendment to the 1945 Constitution of the Republic of Indonesia articles 28, 28A to Article 28J. Article 28 G of the 1945 Constitution is the parent of the rules for protecting the right to privacy over personal data. It is stated in the article that a person has the right to protect individuals, family, honor, dignity, and wealth as well as a sense of security from all forms of threats that exist from their ownership.<sup>21</sup> This provision means that personal data is misused, it is a

---

21 Salim H.S. and Erlies Septiana Nurbani, *Penerapan Teori Hukum Pada Penelitian Disertasi Dan Tesis*, PT RajaGrafindo Persada, Jakarta, 2014, page.248

constitutional right. The regulation of personal data protection that is currently used is still spreading in several laws and does not yet have specific and comprehensive specific regulations. The dissemination of personal information in all forms of communication platforms and social interactions requires special arrangements regarding the protection of personal data so that the security of privacy rights can run optimally.

**a. The substance of the Personal Data Protection Bill**

The efforts of the Ministry of Communication and Information in optimizing the norms and concepts of protection of the right to privacy are stated in the Minister of Communication and Informatics Regulation Number 20 of 2016 concerning Personal Data Protection shortened by PDP which was passed on November 7, 2016, and took effect December 1, 2016. This regulation was issued based on a judgment against the right to privacy over data personal. The owner of personal data has the right to the data in electronics.

The PDP Bill has been proposed since 2014, but until now the discussion of the PDP Bill has not yet received a bright spot, so that in January 2020, President Joko Widodo signed the PDP Bill to be included in the National Legislation Program as known as *Prolegnas* and The House of Representatives of Republic Indonesia as known as *DPR RI*, will further discuss the bill. The PDP Bill has 15 chapters which, when totaled, have 72 articles that are scattered from understanding to dispute resolution. The following are regulated along with the division of chapters:<sup>22</sup>

1) **Chapter I - General Provisions**

Article 1, regarding the definitions of the terms used in the draft law

Article 2, regarding whom the law applies

2) **Chapter II - Types of Personal Data**

Article 3, Classification of Personal Data

3) **Chapter III - Rights of Personal Data Owner**

Articles 4-16

4) **Chapter IV - Processing of Personal Data**

Articles 17-22

5) **Chapter V - Obligations of Personal Data Control and Personal Data Processors in Personal Data Processing Part One (General)**

Article 23 Part Two (Obligations of Personal Data Controllers)

Articles 24- 42 Part Three (Obligations of Personal Data Processors)

Articles 43-44 Part Four (Officials or Officers Carrying Out Personal Data Protection Functions)

Articles 45-46

---

22 A Halimawan and others, *Kajian Mencari Solusi Permasalahan Instrumen Hukum Perlindungan Data Pribadi Di Indonesia*, *Demajusticia.Org*, 0–32. page 22



- 6) **Chapter VI - Transfer of Personal data Part One (Transfer of Personal Data within the Territory of the Republic of Indonesia)**  
Articles 47-48 Part Two (Transfer of Personal Data outside the Legal Territory of the Republic of Indonesia)  
Article 49
- 7) **Chapter VII - Administrative Sanctions**  
Art 50
- 8) **Chapter VIII - Prohibition on the Use of Personal Data**  
Articles 51-54
- 9) **Chapter IX - Establishment of a Code of Conduct for Personal Data Controllers**  
Art 55
- 10) **Chapter X - Dispute Resolution and Procedural Law**  
Art 56
- 11) **Chapter XI - International Cooperation**  
Art 57
- 12) **Chapter XII - The role of government and society**  
Articles 58-60
- 13) **Chapter XIII - Criminal Provisions**  
Articles 61-69
- 14) **Chapter XIV - Transitional Provisions**  
Article 70
- 15) **Chapter XV - Closing Provisions**  
Articles 71-72

**b. Impact on the Implementation of the PDP Bill in terms of Community and Government Life**

**1) Impact on Society**

The urgency of protecting personal data is very much needed in the current era of globalization. Complaints from individuals, groups, institutions behind the protection of personal data are increasingly needed. Opportunities for violating privacy rights are parallel to the use of social media such as Facebook, Twitter, Instagram, Line, WhatsApp which has increased significantly. Social media today is not only a medium for interacting with fellow users in a limited virtual community, but also for the virtual community as a means of working.

According to Hoosuite (We are Social), social media users in Indonesia have reached 160 million social media users in January 2020. Increased social media users (8.1 percent) between April 2019 and January 2020. Social media penetration in Indonesia is 59 percent in January 2020.<sup>23</sup> Social media users were recorded in the Statista report, as much as 16.1 percent for women and 14.2 percent for boys in their teens. Most were in the productive age as

---

23 Susanti Agustina S, Media Sosial, Tak Sekadar Jaringan Pertemanan, *KOMPAS*, 2020. Accessed on January 2021

much as 20.6 percent for women and 14.8 percent for men, while the least was aged 65 and over.<sup>24</sup> Adolescents to productive ages are prone to the practice of publishing all personal data on social media. Especially for adolescents who are vulnerable to becoming victims of personal data breaches such as crimes of harassment, kidnapping, rape to human trafficking. The existence of an arrangement that regulates the protection of personal data is very much needed in this era so that people, especially children, can be more vigilant and provide strict sanctions against perpetrators.

## **2) Impact on the Business Sector**

The enactment of the PDP Bill gives hope to the Indonesian economy, especially the protection of consumer interests. The processing and collection of data that is increasingly easy with information and communication technology provide a gap in data security that has high value. The strategy for the enactment of this bill is deemed to strengthen the Indonesian business sector as a trusted business center and provide a conducive business environment for data processing such as cloud computing which is expected to develop in Indonesia. The advantages that Indonesia has as a data hosting location, such as natural disaster security, reliability of power sources, geographic location, and telecommunications infrastructure. Due to the absence of personal data management, Indonesia was not chosen as the location for data storage centers or businesses. It seems that the lack of personal data regulation is the trigger for the obstruction of the exchange of business information data with other countries. According to the Director-General of Information and Public Communication of the Ministry of Communication and Information, Widodo Muktiyo said that according to the President's direction, there are 5 steps to accelerate the flow of digital transformation, including accelerating access expansion and improving digital infrastructure, and providing internet services, digital transformation roadmaps in sectors such as government, public services, social assistance, education, health, trade, industry, and broadcasting. This further reinforces that Indonesia is in dire need of legislation to protect personal data.

## **3) Impact on Government**

The purpose of the PDP Bill is to create a more effective and efficient administrative system in providing services to the public. Also, this regulation protects the basic rights of the community and forms governance for the personal protection of the community. The regulation of the right to privacy is still sectoral and partial, which can be seen in the crucial issue in Law Number 25 of 2009 concerning Public Services in article 34 letter i which guarantees public service implementers not to leak

---

24 Cindy Mutia Annur, *Berapa Usia Mayoritas Pengguna Media Sosial Di Indonesia?*, *Databoks*, 2020. Accessed on January 2021

information or documents that must be kept confidential by the law. This law is considered weak because it does not provide specific information regarding which documents and personal information must be kept confidential according to the law.

Therefore, the PDP Bill is very much needed in community life to guarantee the protection of the basic rights of society, as a form of guarantee of recognition and respect for the protection of personal data. The hope is that the discussion of the PDP Bill will be more mature to achieve the goal of legal protection for optimal privacy rights, to create guaranteed security, trust, and comfort in all aspects of life.

#### **D. CONCLUSION**

Protection of personal data is the obligation of the Indonesian government in realizing the constitutional rights of the Indonesian population regarding privacy rights. In essence, every person has the right to publish personal data and the right not to publish personal data information to the public, it can be said that the one who has control over his data is himself. Several countries have recognized the regulation of personal data to be national arrangements. In Indonesia, the regulation of personal data protection is still partial and sectoral, in other words, it is spread over several laws and does not yet stand-alone specifically and comprehensively. The regulation of personal data protection in Indonesia is still in the discussion stage which is planned to be completed in 2024. The hope is that the enactment of the PDP Bill, can support the basic rights of the community, provide a sense of security in life, improve the Indonesian economy concerning international business, and perpetrators of violations of the right to privacy will receive heavy sanctions to minimize crime in Indonesia.

Indonesian society, especially parents must be their children's friends in playing the internet, especially social media because children are prone to excessive publishing of personal data so that criminal incidents occur to children. Besides, be more aware of personal data on all aspects of financing and buying and selling transactions.

The creation of an institution that is well organized to guarantee the implementation of the basic rights of the community regarding the protection of personal data. Apart from domestic citizens, these institutions can be a business bridge between Indonesia and trusted parties.

#### **BIBLIOGRAPHY**

##### **Books:**

- Djafar Wahyudi dan Komarudin Asep, 2014, *Perlindungan Hak Atas Privasi Di Internet-Beberapa Penjelasan Kunci*, Elsam, Jakarta;
- H.S., Salim, and Erlies Septiana Nurbani, 2014, *Penerapan Teori Hukum Pada Penelitian Disertasi Dan Tesis*, PT RajaGrafindo Persada, Jakarta;

Peter Mahmud Marzuki, 2005, *Penelitian Hukum*, Kencana, Surabaya;

Muhammad Zainuddin, 2019, *Pemahaman Metode Penelitian Hukum*, Istana Agency, Yogyakarta;

### **Journals:**

Dewi Rosadi, Sinta, and Garry Gumelar Pratama, Urgensi Perlindungan data Privasi dalam Era Ekonomi Digital Di Indonesia, *Veritas et Justitia*, 4.1, 2018;

Dewi, Sinta, Prinsip-Prinsip Perlindungan Data Pribadi Nasabah Kartu Kredit Menurut Ketentuan Nasional Dan Implementasinya, *Sosiohumaniora*, 19.3, 2017;

Halimawan, A, A D Hardenta, A N Hayati, A H Indradi, and ..., Kajian Mencari Solusi Permasalahan Instrumen Hukum Perlindungan Data Pribadi Di Indonesia, *Demajusticia.Org*;

Indriyani, Masitoh, Perlindungan Privasi Dan Data Pribadi Konsumen Daring Pada Online Marketplace System, *Justitia Jurnal Hukum*, 1.2, 2017;

Jum'ah, Muhammad Na'im Al, Analisa Keamanan Dan Hukum Untuk Pelindungan Data Privasi, *CyberSecurity Dan Forensik Digital*, 1.2, 2018;

Mercy E.Peek, Information Privacy And Corporate Power: Toward a, Re-Imagination of Information Privacy Law, *Seton Hall Law Review*, 37, 2006;

Priscyllia, Fanny, Perlindungan Privasi Data Pribadi Dalam Perspektif Perbandingan Hukum, *Jatiswara*, 34.3, 2019;

Tejomurti, K., Hadi, H., Imanullah, M. N., & Indriyani, R., Legal Protection for Urban Online-Transportation-User's Personal Data Disclosure in the Age of Digital Technology, *Padjadjaran Journal of Law*, 5.3;

Wahyudiyono, Wahyudiyono, Implikasi Penggunaan Internet Terhadap Partisipasi Sosial Di Jawa Timur, *Jurnal Komunika: Jurnal Komunikasi, Media Dan Informatika*, 8.2, 2019;

Zarsky, TZ, Thinking Outside the Box: Considering Transparency, Anonymity, and Pseudonymity as Overall Solutions to the Problems in Information Privacy in the Internet Society, *U. Miami L. Rev.*, 1.4, 2003;

Zuliatin, Pengaruh Personal Selling, Direct Selling, Dan Hubungan Masyarakat Terhadap Kepuasan Nasabah, Studi Kasus Pada BMT UGT Sidogiri KCP Kanigoro Blitar, *AN-NISBAH*, 3.1, 2016;

### **Website:**

Adhi Wicaksono, '13 Juta Data Bocor Bukalapak Dijual Di Forum Hacker', *CNN Indonesia*, 2020

<<https://www.cnnindonesia.com/teknologi/20200506065657-185-500477/13-juta-data-bocor-bukalapak-dijual-di-forum-hacker>>

- , 'Kronologi Lengkap 91 Juta Akun Tokopedia Bocor Dan Dijual', *CNN Indonesia*, 2020  
<<https://www.cnnindonesia.com/teknologi/20200503153210-185-499553/kronologi-lengkap-91-juta-akun-tokopedia-bocor-dan-dijual>>
- Agustina S, Susanti, 'Media Sosial, Tak Sekadar Jaringan Pertemanan', *KOMPAS*, 2020  
<<https://bebas.kompas.id/baca/riset/2020/06/17/media-sosial-tak-sekadar-jaringan-pertemanan/>>
- Cindy Mutia Annur, 'Berapa Usia Mayoritas Pengguna Media Sosial Di Indonesia?', *Databoks*, 2020  
<<https://databoks.katadata.co.id/datapublish/2020/11/23/berapa-usia-mayoritas-pengguna-media-sosial-di-indonesia>>
- Irso, 'Dirjen PPI: Survei Penetrasi Pengguna Internet Di Indonesia Bagian Penting Dari Transformasi Digital', *Berita Kominfo*, 2020  
<[https://www.kominfo.go.id/content/detail/30653/dirjen-ppi-survei-penetrasi-pengguna-internet-di-indonesia-bagian-penting-dari-transformasi-digital/0/berita\\_satker](https://www.kominfo.go.id/content/detail/30653/dirjen-ppi-survei-penetrasi-pengguna-internet-di-indonesia-bagian-penting-dari-transformasi-digital/0/berita_satker)>