

PROTECTION OF PERSONAL DATA IN THE DIGITAL SPACE

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Abstract

Personal data is a valuable asset that needs to be protected. Personal Data Protection is a fundamental right for every individual to control their personal data. Various sensitive information is stored on digital devices and connected to the internet which can open opportunities for misuse of personal data. Regulations for protecting the right to privacy are generally regulated in Article 28G paragraph 1 of the 1945 Constitution, that every person has the right to personal protection, the right to a sense of security and protection from threats as something that is a human right. Specifically regulated in Law Number 27 of 2022 concerning Protection of Personal Data. If there is misuse of personal data in actions that could harm the owner of the data, then there are sanctions for those who violate this provision. It is hoped that people who use digital devices when carrying out various activities in cyberspace are more concerned about maintaining the security of personal data. It is also hoped that care will be taken in wisely using personal data in the digital space.

Keywords: personal data, data protection, digital space, digital devices

1. INTRODUCTION

Protection of personal data in the digital space is a very important issue in this modern era. Personal data is information that can identify a person, in a digital context, data collected through online interactions, application use and activity on social media.

Digital era individual personal data is increasingly vulnerable to potential misuse and privacy violations. Personal data security is a human right that must be guaranteed and respected. Indonesia, as a developing country with rapid technology adoption, has a responsibility to protect personal data as a privacy right.

The right to privacy is one of the rights inherent in every person. The right to privacy is the dignity of every person that must be protected. Personal data is data relating to a person's characteristics, name, age, gender, education, occupation, address and position in the family. The reason the right to privacy must be protected is, first, in building relationships with other people, a person must cover part of his personal life so that he can maintain his position at a certain level. Second, a person in his life needs time to be alone so privacy is really needed by someone. Third, privacy is a right that stands alone and does not depend on other rights, but this right will be lost if the person publishes personal things to the public. Fourth, privacy also includes a person's right to have domestic relations, including how a person builds a marriage, builds a family and other people must not know about these personal relationships, so Warren calls it the right against the word. Fifth, another reason why privacy deserves legal protection is because the losses suffered are difficult to assess. The loss is felt to be much greater than the physical loss, because it has disrupted his personal life, so that if there is loss suffered then the victim must receive compensation.¹

¹ Jonathan Elkana Soritua Aruan. (2024). "Perlindungan Data Pribadi Ditinjau Dari Teori Perlindungan Hukum dan Teori Perlindungan Atas Privasi, Personal Data Protection Reviewed from Legal Protection Theory and Right to Privacy Protection Theory," *Jurnal Globalisasi Hukum* Vol.1 No.1 April, p. 1-22
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2. DISCUSSION

Indonesia is a rule of law state based on Article 1 Paragraph (3) of the 1945 Constitution, the assertion that the rule of law does not refer to mere power but to the rule of law. In order to realize the nation's ideals, the Indonesian state must adhere to the principles of the rule of law. This is for the sake of guaranteeing national development and establishing regulations based on norms and laws.

The principle of the right to privacy regarding personal data aims to protect human rights and individual dignity, as well as to ensure that personal data is used ethically and honestly. Every individual can choose to privacy their data or share it, this freedom is protected by the laws in force in Indonesia.²

The interpretation of the existence of the rule of law is that the constitution is the basis of the state. It is known that the Indonesian state adheres to the understanding of constitutionalism by implementing one of the elements of constitutionalism, namely the fulfillment of human rights. Referring to the state constitution, it has regulated various constitutional rights of citizens, one of which is regarding the protection of personal data.³

Based on Article 28G Paragraph (3) of the 1945 Constitution, it states that "Every person has the right to protection of himself, his family, honor, dignity and property under his control, and has the right to a sense of security and protection from the threat of fear of doing or not doing something. which is a human right." This shows that the state must be responsible for protecting personal data as a constitutional right of citizens.

The value of personal data as a personal right consists of a number of important meanings, namely: a) personal rights are the right to enjoy personal life and freedom regardless of all distractions; b) personal rights are the right to socialize with other individuals without silent observation; c) personal rights are the right to monitor access to information related to personal life and individual information.⁴

Protection of privacy and data privacy cannot be separated from the existence of law as a tool to protect individual constitutional rights. The legal scope of personal data protection is very broad, starting from types, principles, rights and obligations of subjects, obligations of data controllers and data processors, data transmission across borders of other countries, sovereignty, data protection officers, data protection authorities, as well as how to resolve disputes and sanctions for violators of the law.

In particular, personal data protection is regulated in Law Number 27 of 2022 concerning Personal Data Protection, several important aspects are often emphasized. Here are some of the main aspects regulated by law:⁵

2. 1. Collection and use of personal data:

Personal data protection laws regulate how personal data may be collected, processed and used by certain entities or organizations. This includes seeking permission or consent from individuals before the collection and use of their personal data.

2. 2. Individual rights:

This law gives individuals the right to access, correct, delete, or limit the use of their personal data collected by certain entities or organizations. Individuals also have the right to know the purposes

² Kadek Rima Anggen Suari and I Made Sarjana. (2023). "Menjaga Privasi di Era Digital: Perlindungan Data Pribadi di Indonesia," *Jurnal Analisis Hukum (JAH)*, Vol. 6 No. 1 April, p.132-146

³ Imam Gunawan. (2024), "Upaya Preventif dan Represif dalam Penanggulangan Kebocoran Data Pada Penyelenggaraan Pinjaman Online," *Officium Notarium*, p. 25-49, <https://doi.org/10.20885/JON.vol4.iss1.art3>

⁴ M. Jefri Maruli Tacino. (2020). "Perlindungan Hukum Terhadap Hak Pribadi Seseorang Di Media Sosial Menurut Undang Undang Nomor 19 Tahun 2016 Tentang Informasi Dan Transaksi Elektronik," *Dinamika: Jurnal Ilmiah Ilmu Hukum*, no. 26, p. 174–84.

⁵ Aspek Hukum Dalam Undang-Undang Perlindungan Data Pribadi. (2023). <https://siplawfirm.id/aspek-hukum-dalam-undang-undang-perlindungan-data-pribadi/>

for which data is used, to object to the processing of their personal data for certain purposes and to file a complaint in the event of a violation of the protection of their personal data.

2.3. Data security:

Personal data protection laws require entities or organizations that collect and process personal data to protect that data from unauthorized access, leakage or unauthorized use. Technical and organizational security measures must be taken to prevent data breaches and leaks of personal information.

2.4. Cross-border data transmission:

If personal data is transferred to another country, personal data protection laws often establish special requirements to ensure that the recipient country has an appropriate level of data protection. Some laws may require special agreements or additional mechanisms such as privacy provisions or individual consent to protect transmitted data.

2.5. Sanctions and responsibilities:

Personal data protection laws generally provide sanctions and penalties for entities or organizations that violate the provisions of the law. This could involve significant financial penalties or other legal consequences. In addition, laws often establish the responsibility of an entity or organization to ensure compliance with personal data protection.

Safeguarding personal data in the digital space can be done as follows: ⁶ (a) Use difficult social media passwords and change them regularly; (b) Use different passwords for each social media account so that when one account is hacked, the other accounts are not easily hacked too; (c) Do not display personal information on social media to avoid misuse of data by irresponsible parties; (d) Pay attention to the URL addresses of email attachments and the sites you visit so you don't enter fake sites that want to steal personal data; (e) Pay attention to the access permissions requested by the application when you want to install a new application by avoiding access to data that is not needed in the application; (f) Set the privacy settings on the social media accounts that we use to determine who can access our profiles and posts; (g) Be careful not to share personal information when using public connections as they are prone to hacking.

With increased awareness and implementation of good personal data protection practices, the risk of data breaches can be minimized, providing individuals with a sense of security when interacting in the digital space.

3. CONCLUSION

Protection of privacy rights and individual personal data in the digital space has become part of the state's constitutional obligations which have been regulated in Article 28G paragraph (1) of the 1945 Constitution of the Republic of Indonesia, specifically the protection of personal data is regulated in Law Number 27 of 2022 concerning Personal Data Protection. This protection cannot be separated from the existence of law as a tool to protect the constitutional rights of every human being. Furthermore, the presence of personal data is a manifestation of the existence of strategic assets with high economic value, making it vulnerable to cases of misuse of personal data which has the potential to violate the integrity of privacy in the digital space.

⁶ Pentingnya Menjaga Keamanan Data Pribadi Di Era Digital. (2023). <https://sumut.kemenkumham.go.id/berita-kanwil/berita-utama/pentingnya-menjaga-keamanan-data-pribadi-di-era-digital-yuk-simak-bagaimana-caranya>

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Biodata

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