

## THE URGENCY OF LEGAL PROTECTION OF PERSONAL DATA

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### Abstract

In a highly dynamic digital era, legal protection of personal data has become very important to ensure individual privacy and avoid security risks associated with the use of technology. In this context, legal protection of personal data on digital platforms becomes very urgent because personal data collected and processed by these digital platforms can be very sensitive and has the potential to invade individual privacy. In relation to telematics law, the legal protection of personal data on digital platforms must be reviewed from the perspective of telematics law which regulates the use of information and communication technology. Telematics laws place clear limits on the use of personal data and require digital platforms to adhere to high security and privacy standards. However, in practice, there are still many digital platforms that do not comply with telematics legal regulations related to personal data protection. They often collect and process personal data without explicit permission and do not provide users with clear information about how the data is used and stored. In this research, we will review the urgency of legal protection of personal data in digital platforms from the perspective of telematics law to analyze how telematics law regulates personal data protection and digital platforms must comply with these rules to ensure individual privacy. As well as the government's role in supervising and supervising digital platforms that do not comply with these regulations. Thus, this research is expected to contribute to a better understanding of the urgency of legal protection of personal data on digital platforms and how telematics law can be used to protect individual privacy in a very dynamic digital era.

**Keywords: Personal Data, Telematics Law, Digital Platform.**

### INTRODUCTION

In an increasingly sophisticated digital era, legal protection of personal data has become very important to ensure individual privacy and stop data misuse. Personal data collected and processed on digital platforms can be a very dangerous source of security if not properly protected. In recent years, there have been several incidents of significant data misuse, such as leakage of personal data via the internet, sale of personal data without permission, and use of personal data for unauthorized purposes.

With the formation of the 1945 Constitution, which was amended, the right to privacy, including those contained therein, was then recognized as one of the rights of citizens stipulated by law. The right to privacy has developed so that it can be used to formulate the right to protect

personal data. Indonesia as a rule of law has given every citizen constitutional rights, namely rights guaranteed by law. With these constitutional rights, the state has a constitutional obligation, namely to protect all citizens. This state's constitutional obligations are stated in the Preamble to the 4th Paragraph of the 1945 Constitution of the Republic of Indonesia which states that the state is obliged to provide protection for the entire Indonesian nation in improving general welfare, educating the nation's life, and implementing world order based on independence, world peace and social justice.

The government has also made regulations governing privacy or personal data through various regulations, namely Law number 11 of 2008 concerning Information and Electronic Transactions as amended by Law Number 19 of 2016, as stated in Article 26 Paragraph 1 which explains that The use of electronic information relating to personal data must be based on the consent of the person concerned, Article 1 of Law of the Republic of Indonesia Number. 24 of 2013, which is an amendment to Law number 23 of 2006 concerning Population Administration, states that personal data is individual data that is stored, guarded, cared for and protected in confidentiality. In Law Number 14 of 2008 concerning Public Information, it is stated that if public information is disclosed, it can endanger a person's history, condition of family members, care, physical and psychological health, financial condition, assets, opinions and bank accounts involving formal and non-formal educational activities. , Minister of Communication and Information Regulation Number 20 of 2016 concerning Protection of Personal Data in Electronic Systems, Government Regulation Number 71 of 2019 concerning Implementation of Electronic Systems and Transactions.

In the context of telematics law, the legal protection of personal data must meet higher standards to ensure the security and privacy of individuals. Telematics law refers to regulations related to information and communications technology (ICT) and the Internet of Things (IoT) used in digital platforms. In recent years, there have been several changes in telematics law related to personal data protection, such as the ratification of the Draft Law on Personal Data Protection in the Digitalization of Public Services in Indonesia. However, there are still several shortcomings in the legal protection of personal data in Indonesia. For example, the current regulations relating to the protection of personal data in Indonesia are only partial and sectoral so they cannot provide adequate and effective protection (Wulandari & Tri, 2023). Therefore, there is a need for harmonization between regulations related to personal data protection to ensure individual security and privacy.

In several studies discussing the urgency of legal protection of personal data on digital platforms. For example, research discussing the role of notaries in buying and selling transactions via the internet in Indonesia shows that legal protection of personal data is very important in digital transactions (Jaman et al., 2021). Other research discusses the urgency of legal protection for digital work copyright and the government's role in dealing with duplication of copyrighted works in the digital era.

There is related research, such as research on legal protection against child exploitation through social media. legal protection for consumers in borrowing funds online (Bahri et al., 2023). which focuses on analyzing statutory regulations related to these issues and how they can be applied to provide effective legal protection by using a legislative approach to understand how statutory regulations can be used to provide effective legal protection.

In the international context, several countries have developed institutions that focus on personal data protection, such as Singapore and Japan. Indonesia is also working to develop similar institutions, such as the Independent Supervisory Authority, which can help the public in protecting personal data. Legal protection of personal data in digital platforms is essential to ensure the security and privacy of individuals. In recent years, there have been several changes in telematics law related to personal data protection, as well as several studies discussing the urgency of legal protection of personal data in digital platforms. Therefore, there is a need for harmonization between regulations related to personal data protection to ensure individual security and privacy.

## **RESEARCH METHOD**

This research was conducted using normative legal research methods, considering the object/focus of this research study is a product of statutory regulations (Marzuki, 2017). The approach used is the statutory approach (Statue Approach), an approach that utilizes an analysis of statutory provisions that have a link or relevance to the legal issues in this study (Ibrahim, 2013) and the case approach (Case Approach), an approach to cases related to the issues examined by the author.

Qualitative Research Method using the Normative Juridical approach method, namely legal research is a form of scientific activity, which is based on certain methods, systematics and thinking, which aims to study one or several specific legal phenomena, by analyzing them by prioritizing secondary legal materials such as books -books, articles, papers, law books, statutory regulations (Sunggono, 2015).

## **DISCUSS AND ANALYSIS**

### **Legal Aspects of Telematics in Protecting Personal Data on Digital Platforms**

Managing personal data on digital platforms has become very important in the ever-growing digital era. Legal implications for personal data protection in the digital era play an important role in ensuring that personal data is processed and managed in a fair, transparent and secure manner. This is very relevant in the face of increasing threats to personal data security with the wider use of information technology and the internet. In several studies, personal data protection in Indonesia still has several shortcomings. Indonesia does not yet have specific laws and regulations governing the protection of personal data, but already has a Personal Data Protection Bill as a means of implementing the government's duties to protect the constitutional rights of Indonesian citizens as regulated in the 1945 Constitution. Weaknesses in the Personal Data Protection Bill include the way privacy is handled data on children and people with disabilities that are specially regulated. Public awareness of the importance of protecting personal data is important considering that this data can be misused by irresponsible individuals to carry out crimes in the digital space. Therefore, the management of personal data on digital platforms must be carried out in a fair, transparent and secure manner, as well as paying attention to applicable regulations and implementing best practices in data management in order to avoid the risk of violations and potentially detrimental legal sanctions.

The legal aspect of telematics in protecting personal data is very important in the current digital era, where personal data has become a valuable and sensitive asset. Personal data is information related to a person's identity and can be collected, stored and used by various

parties. Therefore, protecting personal data is very important to prevent leaks and unauthorized use of personal data. In the context of telematics law, personal data protection is regulated by laws related to information technology. In Indonesia, Law Number 19 of 2016 concerning Amendments to Law Number 11 of 2008 concerning Information and Electronic Transactions contains provisions regarding the protection of personal data in the use of information technology. Article 26 of this law explains that personal data protection includes how data is collected, registered, stored, exploited and disseminated.

However, Indonesia still experiences a lack of norms in the legal protection of personal data. This means that there are no statutory regulations that form the legal basis for the protection of personal data. This lack of norms can result in the protection of personal data not being carried out optimally, so that citizens' personal data cannot be safely and effectively protected.

Protection of personal data must be carried out in an effective and secure manner, and must be based on laws related to information technology. The gap in norms in the legal protection of personal data must be addressed immediately to prevent leaks and unauthorized use of personal data. Increasing understanding of the legal aspects of personal data protection can increase public awareness of the importance of personal data protection. This can be done through community service activities that provide an understanding of the legal aspects of personal data protection based on the provisions in the Information and Electronic Transactions Law and must be carried out effectively and safely.

In the legal protection of personal data in Indonesia, several risks are faced, including, Vacuum in Norms in Legal Protection of Personal Data: Indonesia does not yet have laws and regulations that form the legal basis for the protection of personal data. This lack of norms can result in the protection of personal data not being carried out optimally. Use of Personal Data as a Commodity : Personal data is now a valuable asset for businesses and organizations that continuously collect, exchange, process, store, and even sell personal data as a commodity. Leaks of personal data that are misused by other parties can be very detrimental to the owner of the personal data. Misuse of Personal Data: There are many leaks of personal data that are misused by other parties, this is of course very detrimental to the owner of the personal data. Legal protection of personal data must be carried out effectively and safely to prevent misuse of personal data. Limited public understanding of personal data protection can cause public awareness of the importance of personal data protection to not increase. This can be done through community service activities that provide an understanding of the legal aspects of personal data protection. Limited monitoring of personal data can result in leaks of personal data which can be misused by other parties. And it must be done effectively and safely to prevent personal data leakage. Limited legal sanctions for misuse of personal data can result in misuse of personal data not being punished effectively. Legal sanctions must be given in a fair, certain and legally and economically beneficial manner to prevent misuse of personal data. Limited recognition and respect for the importance of personal data protection may result in personal data protection not being considered a constitutional right of citizens. Recognition and respect for the importance of protecting personal data must be increased to prevent leaks of personal data that are misused by other parties (Saputra, 2023).

## **The Government's Role in Overcoming the Duplication of Personal Data on Digital Platforms**

The government's role in overcoming the duplication of personal data on digital platforms is very important and strategic. The government can act as a regulator and supervisor in regulating and supervising digital activities related to personal data protection. Here are several steps the government can take, Develop and strengthen legal regulations. The government can develop and strengthen legal regulations related to the protection of personal data, such as Law Number 28 of 2014 concerning Copyright. This regulation can ensure that every person who exercises economic rights to a work must obtain permission from the creator or copyright holder. In increasing public awareness, the Government can increase public awareness about the importance of protecting personal data through campaigns and education. The public should be reminded of the risks associated with duplicating personal data and the importance of protecting personal data. Monitoring and supervising government violations can monitor and supervise violations of laws and regulations related to personal data protection. Law enforcement officials must be given strict and appropriate sanctions against copyright violators. Developing a secure digital infrastructure : The government can develop a safe and secure digital infrastructure to protect personal data. This can be done by developing technology that can monitor and supervise digital activities related to personal data protection. Developing international cooperation: The government can develop international cooperation with other countries to overcome the duplication of personal data on digital platforms. This collaboration can help in increasing awareness and protection of personal data at a global level.

The government is also trying to increase public awareness in protecting personal data amidst the increasingly massive growth in internet use. The younger generation needs to understand the types of personal data and their relevance to prevent vulnerability to personal data theft. Steps to prevent personal data leakage have also been socialized, such as not giving permission to certain devices, limiting the display of personal data on the internet, and not handing over personal data to suspicious websites. People are advised to use incognito mode when surfing the internet to turn off data recording when browsing. Misuse of personal data is considered a criminal act and must be followed up legally.

### **CLOSURE**

#### **Conclusion**

Telematics law has an important role in the protection of personal data, especially in regulating how personal data is collected, stored and disseminated. Indonesia still experiences a lack of norms in protecting personal data, so it cannot optimally protect citizens' personal data.

Law Number 19 of 2016 concerning Amendments to Law Number 11 of 2008 concerning Information and Electronic Transactions provides a further definition of personal data protection in relation to the use of information technology. The law enforcement system for failure to protect personal data in Indonesia is still not effective, due to several factors such as the absence of clear regulations, anonymous perpetrators of attacks, delays in responding to personal data managers, the quality of law enforcement officers, and the absence of institutions that focus on protection. personal data. Personal data protection does not yet clearly stipulate guarantees of legal protection for personal and non-individual data as well as the legal consequences that arise if there is no guarantee of data protection. After the enactment of Law

Number 27 of 2022 concerning Personal Data Protection, Indonesia has a legal umbrella regarding the protection of citizens' personal data, however there are still various personal data violations that occur, showing that there are challenges and obstacles to implementing this law.

### **Sugesstion**

The need for clear and comprehensive regulations in personal data protection is very important to provide legal certainty and anticipate various situations that may occur in the way personal data is collected, processed and used, as well as sanctions for violations. Coordination and cooperation between various institutions and organizations, including government, business organizations and society, to anticipate and overcome various challenges that arise in the protection of personal data. Monitoring the use of personal data is very important to prevent leaks and misuse of personal data for both business organizations and individuals who collect, process and use personal data.

Education and awareness about personal data protection in preventing leaks and misuse of personal data regarding personal data protection through various channels, including social media, schools and business organizations. Use of appropriate technology such as encryption and authentication, to prevent leakage and misuse of personal data. Obligations and sanctions for violations of personal data protection include legal sanctions and non-legal sanctions. Wise use of personal data for clear and legitimate purposes, as well as use of personal data that does not violate individual privacy rights.

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