

THE ROLE OF LAW IN GUARANTEEING FULFILLMENT OF DIGITAL RIGHTS CITIZEN IN INDONESIA

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Abstract: *This research aims to examine in depth the role of law in ensuring the fulfillment of citizens' digital rights in Indonesia, in the midst of the rapid development of information technology and national digital transformation. Digital rights including the right to privacy, access to information, data security, freedom of digital expression, and protection from cybercrime are an essential part of modern human rights. Indonesia's legal framework, through the ITE Law, the Personal Data Protection Law, and various derivative regulations, has provided a legal basis for the protection of digital rights. However, the rapid digital dynamics have created new challenges in terms of law enforcement, people's digital literacy, the readiness of state institutions, and supporting technological capabilities. The study found that although regulations have evolved significantly, digital rights guarantee mechanisms still need to be strengthened, especially in terms of enforcement consistency, regulatory harmonization, and multi-sector collaboration. This research recommends the renewal of the adaptive legal framework, capacity building of law enforcement agencies, and national digital literacy strategies.*

Keywords: *Digital Rights; Cyber Law; Data Protection; Digital Transformation; Indonesia*

Introduction

The development of information and communication technology has brought great changes in the life of modern society. Basically, the digital presence in Indonesia has shown rapid development in the last two decades, especially in the last decade (Rahmadani, 2024). The internet, artificial intelligence, big data, and cloud-based technologies have created a complex digital ecosystem, where citizens carry out economic, social, educational, health, and political activities online.

Digital rights are an extension of human rights in the digital space, including privacy, internet access, data security, freedom of digital expression, and protection from cybercrime. Ensuring these rights becomes increasingly important as digital service usage grows.

The right to privacy is a fundamental right that ensures individuals can protect the confidentiality and security of their personal data. As cases of privacy violations and misuse of personal information increase, it is crucial for countries to implement effective laws and regulations to safeguard citizens' privacy rights and maintain trust in the digital environment. (Anggen Suari, 2023).

In the Indonesian context, the role of law is crucial to ensure that digital rights are protected and respected. Considering that Indonesia is one of the countries with the largest number of internet users in Asia, the country has an obligation to provide adequate legal

mechanisms to ensure security, ethics, and justice in the digital space. Laws and regulations such as Law Number 1 of 2024 concerning the Second Amendment to Law Number 11 of 2008 concerning Electronic Information and Transactions (ITE Law), Law Number 27 of 2022 concerning Personal Data Protection (PDP Law), and various supporting regulations have been formed to regulate the digital phenomenon, namely Government Regulation Number 71 of 2019 concerning the Implementation of the Digital Phenomenon Electronic Systems and Transactions.

Although a legal framework exists, significant challenges remain, including weak law enforcement, limited digital literacy, and increasingly sophisticated cybercrime. These issues highlight the importance of conducting an in-depth study on the role of law in ensuring the protection and fulfillment of citizens' digital rights.

Literature Review

Indonesia is a country of law, all actions of the community are regulated juridically through applicable laws (Rahmadani, 2024). According to the law in Indonesia, digital rights are defined as the human right to communicate and obtain information freely through digital media, as stated in Article 28F of the 1945 Constitution. This legal basis was then strengthened in Law Number 39 of 1999 concerning Human Rights, which guarantees the right of everyone to access, use, create, and disseminate digital content without fear, repression, or prohibition.

Digital rights are human rights applied in the digital space, allowing individuals to access, use, create, and publish digital media, as well as utilize computers and telecommunication networks (BBC). They include freedom of expression, privacy, data protection, fair internet access, and protection from technology-based discrimination. The concept has grown alongside increased human activity in digital environments.

In Indonesia, the protection of digital rights is largely shaped by regulations governing the digital space. The ITE Law provides a legal basis for electronic transactions, information dissemination, and cybercrime enforcement. However, some provisions have been criticized for potentially limiting freedom of expression.

Personal data protection is a key aspect of digital rights. The Personal Data Protection Law establishes a foundation to ensure that the collection, processing, storage, and exchange of data are conducted ethically and securely, strengthening the overall protection of citizens' digital rights.

Research Methods

This research uses a normative juridical method, which is a method that focuses on the study of legal documents and norms in laws and regulations. This approach is used to understand how Indonesia's positive law governs digital rights and the extent of its effectiveness in implementation.

The primary legal sources in this study are the ITE Law, the PDP Law, the Criminal Code, and government regulations related to cybersecurity. Secondary legal sources include scientific journals, books, academic articles, and policy analysis related to digital law. With this approach, the research can comprehensively examine the role of law in protecting digital rights.

Results And Discussion

The legal framework for digital rights in Indonesia is based on several regulations, with the ITE Law (Law No. 11 of 2008 and its amendments) as the main foundation for electronic information and transactions, the PDP Law (Law No. 27 of 2022) for the protection of personal data, and the Copyright Law (Law No. 28 of 2014) for creative works in the digital realm.

In addition, Article 28F of the 1945 Constitution is also a constitutional foundation that guarantees the right to communicate and access information freely. The main rules are:

- Law Number 11 of 2008 concerning Information and Electronic Transactions (ITE Law): It is an initial regulation that regulates the use of information technology, including various aspects such as security, privacy, and intellectual property rights in electronic transactions. This law has undergone changes, one of which is through Law No. 1 of 2024.
- Law Number 27 of 2022 concerning the Protection of Personal Data (PDP Law): The main focus of this Law is to protect the privacy of individuals from the collection, processing, and misuse of personal data. The law also regulates sanctions for violators, which include administrative, criminal, and civil sanctions.
- Law Number 28 of 2014 concerning Copyright: Regulates the protection of intellectual property in the digital era for various types of works, such as music, movies, and software. This law distinguishes between the moral rights and the economic rights of the creator.
- Government Regulation Number 71 of 2019 concerning the Implementation of Electronic Systems and Transactions (PP 71/2019): Contains more technical rules related to the implementation of electronic systems and transactions, including aspects of personal data protection in it.

The Constitutional Basis is:

- Article 28F of the 1945 Constitution: Guarantees the right of everyone to communicate and obtain information to develop themselves, as well as the right to seek, obtain, possess, store, process, and convey information. This provision is the basis for the digital rights of Indonesian citizens.
- Law Number 39 of 1999 concerning Human Rights (Human Rights Law): Regulates and legitimizes fundamental rights, including the right to access information freely, which is increasingly relevant to digital developments.

Personal personal protection in today's digital era is very closely related to the protection of personal data. Regulations related to the protection of personal data have not been specifically regulated in the law. Article 26 paragraph (1) of Law Number 11 of 2008 concerning Information and Electronic Transactions (UU ITE) as amended by Law Number 19 of 2016, states that *"Unless otherwise specified by laws and regulations, the use of any information through electronic media concerning a person's personal data must be carried out with the consent of the person concerned."*

Data security is one of the biggest barriers to protecting personal data. In a digital landscape that is prone to security omissions and cyberattacks, personal information can be misused by careless individuals. Identity theft, fraud, and improper use of personal information can all be caused by data security breaches and cause financial and psychological losses for victims. To avoid unwanted access to personal data, it is crucial to have a robust data security system and efficient protection measures in place (Alhadi, M.Sabiq., 2024).

Firmness and legal guarantees are realized by the formation of laws and regulations sourced from the 1945 Constitution and Pancasila (Suhartoyo, 2025), one of the forms is the recognition of the right to privacy and the right to personal data through several laws.

1) The Role of the Electronic Information and Transaction Law

Protection of individual rights

- **Protecting personal data privacy:** The ITE Law regulates the use of personal data by requiring the individual's consent to the use of their information through electronic media. This includes the right to be free from interference and to supervise access to their personal data, as stipulated in Article 26 of the ITE Law.

- **Protecting intellectual property rights:** This law provides legal protection for intellectual works, copyrights, patents, and trademarks registered through electronic media, as well as protecting the copyrights of creators in the digital space.

Cybercrime prevention

- **Regulating negative content:** The ITE Law sanctions the dissemination of unlawful information, such as gambling content, fraud, and hate speech, to prevent negative impacts in the digital space.
- **Cracking down on cybercrime:** The law provides a legal basis for cracking down on misuse of personal data, such as identity theft and data manipulation, as well as combating the spread of hoaxes and disinformation that can harm and stoke social tension.

Increased trust and growth of the digital economy

- **Creating a safe digital space:** With clear rules, the ITE Law aims to create a clean, healthy, and productive digital environment. This is important to increase public trust in interacting and transacting electronically.
- **Supporting economic growth:** The ITE Law is the legal basis for electronic transactions and *e-commerce*, thus supporting the growth of the digital economy in Indonesia. This includes harmonization between conventional and digital law, as well as protection for consumers.

2) The Role of the Personal Data Protection Law

Give individuals full control over personal data:

- Individuals have the right to know how their data is collected, used, and shared.
- They may grant or withdraw consent to data processing.
- You have the right to request the deletion of data that is no longer relevant or illegally collected.
- Individuals also have the right to request access to and correction of their personal data.

Enforce data manager responsibilities:

- Regulating the obligations of data controllers and data processors in maintaining security, accuracy, and respecting the rights of data owners.
- Require reporting of data leak incidents within 72 hours.
- Requires the management to prepare documentation and risk analysis, such as *Data Protection Impact Assessment (DPIA)*.
- Giving individuals the right to claim damages in the event of a data breach that causes a loss.

Creating a secure and trusted digital ecosystem:

- Ensure that data management is carried out transparently and responsibly.
- Protect data from misuse such as identity theft and financial fraud.
- Maintain data security from potential cyber threats.
- It is a strong legal basis to protect citizens' privacy in the digital era.

3) The Role of Human Rights Law

- **As a legal basis:** the Human Rights Law (Undang-Undang Nomor 39 Tahun 1999) is the constitutional basis that protects fundamental rights such as privacy, which also applies in the digital space.
- **Protecting data privacy and confidentiality:** Human Rights Law guarantees the right to privacy that includes the confidentiality of electronic communications. Users are protected from unauthorized access, and restrictions can only be made based on a judge's order or other lawful authority.
- **Regulating access and use of information:** This Act provides the basis for the right to seek, obtain, store, process, and convey information through any type of available channels, including the internet.
- **Becoming a legal umbrella for derivative regulations:** The Human Rights Act forms the basis for other, more specific laws, such as:
 - **ITE Law:** Regulates electronic content and transactions, including sanctions for the dissemination of content that violates ethics or defamation.
 - **Personal Data Protection Law:** Regulates the specifics of the management of personal data, including user consent, access rights, and data breach notification obligations.
- **Providing legitimacy for online self-development:** The Human Rights Act recognizes the internet as a tool for personal development, providing a legal basis for positive online activities.
- **Strengthening the right to expression:** Through the recognition of the right to expression, the Human Rights Law is the basis for the state to respect and protect these rights in the digital space, as mandated in the amendments to the ITE Law.

The ITE Law and the PDP Law provide a strong foundation for the fulfillment of digital rights, especially related to the management of personal information and problem resolution mechanisms arising from data breaches. The two regulations regulate the obligations of data controllers, data subject rights, and sanctions against violations.

There are still several things that need to be done by the Government of Indonesia in an effort to fulfill digital human rights. Some of the things that the Government can consider doing are:

1. Improving *literacy* and *capacity building* to ensure that internet users understand their rights and obligations in the digital world;
2. Fulfilling the needs of digital infrastructure to support equitable internet access for all Indonesians;
3. Accelerating the implementation of laws and regulations needed to protect human rights in the digital field, one of which is the Personal Data Protection Bill; and
4. The government must also be able to determine the right role, in order to balance the protection of individuals and societal values with the granting of the right to freedom of opinion in the digital world. In addition, the community is also expected to be able to carry out the function of controlling the use of the internet, so that digital human rights can be fulfilled at once (Puspitasari & Kartika, 2022).

However, the implementation of digital rights is not only determined by regulations, but also by the readiness of state institutions. The State Cyber and Cryptography Agency (BSSN), the Indonesian Police, and Kominfo have an important role in the supervision of the digital space, law enforcement, and digital education to the public. Challenges arise when inter-agency coordination is not optimal.

Efforts to fulfill digital rights are:

1. **Infrastructure and access:** The government continues to strive to meet the needs of digital infrastructure for equitable internet access for all people. There is also a focus on inclusivity so that all citizens, including people with disabilities, can access information equally and easily.
2. **Personal data protection:**
 - The ratification of Law Number 27 of 2022 concerning Personal Data Protection (PDP Law) gives data owners the right to know the use of their data, correct, refuse, and request data deletion.
 - Government Regulation Number 17 of 2025 concerning the Governance of the Implementation of Electronic Systems in Child Protection (PP TUNAS) was created to protect children's privacy and security rights in the digital space.
3. **Freedom of expression:**
 - Article 28F of the 1945 Constitution guarantees the right of citizens to communicate and obtain information, as well as to seek, possess, store, process, and convey information.
 - The government needs to balance the protection of individuals with the right to freedom of opinion in the digital space.
4. **Increased digital literacy and competence:** The government is increasing digital literacy to ensure internet users understand their rights and obligations in the online world.

The challenges faced in fulfilling the digital rights of state colors in Indonesia include:

 1. **Digital divide:** There are still challenges in equitable distribution of internet access throughout Indonesia.
 2. **Lack of literacy and awareness:** Some of the challenges that arise are the lack of public understanding of applicable regulations, as well as the lack of awareness and responsibility of individuals in using technology.

As many as 70% of respondents have heard about the ITE Law, but only 30% admit to fully understanding the content of the law, especially articles related to freedom of expression on social media, privacy, and data misuse. Many respondents (50%) consider the ITE Law to have the potential to limit freedom of expression on social media due to the articles on insult and defamation that are often debated (Gea et al., 2025).
 3. **Cyber threats and data leaks:** The rise of cyberattacks, data leaks, and cases of online gender-based violence (KBGO) shows that there are violations of digital rights that have not been fully resolved.
 4. **Law enforcement:** Stricter law enforcement is needed to address various digital rights violations.

In addition, the low digital literacy of the community is also an obstacle. Many citizens do not understand digital risks such as data theft, online fraud, and misuse of information. This has an impact on the vulnerability of digital rights violations.

The public must be able to understand the importance of using digital technology in a responsible way, such as using social media wisely, verifying the truth of information before disseminating it, and reporting cybercrime acts to the authorities (Bahram, 2023).

Conclusion

The law plays a vital role in ensuring the protection of citizens' digital rights in Indonesia, given the growing complexity of the digital environment. Although the ITE Law and the Personal Data Protection (PDP) Law provide a solid legal foundation, significant challenges remain in implementation, enforcement, and public awareness. Strengthening regulations, improving coordination between institutions, enhancing digital literacy among citizens, encouraging cross-sector collaboration, and developing independent oversight mechanisms are essential steps to

ensure personal data protection. By addressing these areas, the law can function as an adaptive and effective instrument in response to rapid developments in information technology, ensuring that digital rights are meaningfully upheld.

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