

# ANAYASA

(Journal of Legal Studies)

E-ISSN: 2987-9965

Vol.1, No. 2, January 2024

## THE INFLUENCE OF THE PERSONAL DATA PROTECTION LAW (UU PDP) ON LAW ENFORCEMENT IN THE DIGITAL ERA

**Fenny Bintarawati**

UIN Walisongo Semarang

Email: fennybintara@walisongo.ac.id

### **Abstract**

Objective study This study examines the influence of the Constitution personal data protection (PDP) law against law enforcement in the digital era. Method used is method study qualitative with type study studies. References . Types of studies References used for digging deep understanding about a topic or phenomenon with an analysis of literature and where are the relevant sources? in study This related influence of the Constitution personal data protection (PDP) law against law enforcement in the digital era. As for the data, it was obtained through study and analysis of various references, like journals, scientific articles, and documents related to the topic being researched. Then, the researcher read an interesting thread and concluded from the results, findings, and study. Results study This leads to the conclusion that complexity influences Constitutional Personal Data Protection and enforcement law in the digital era. Even though the PDP Law provides an important basis, the challenges and dynamics faced need a planned response and coordination from the government, private sector, and public. Overcome problem enforcement The PDP Law in the digital era requires effort, collaboration, and solutions integrated from party authority, sector private, community, and holder interests. With a thorough understanding of the problem, an effective strategy can be developed to ensure that personal data protection remains a top priority in the ever-expanding digital world.

**Keywords:** Law, PDP, law enforcement

### **Abstrak**

*Tujuan penelitian ini untuk menganalisis pengaruh undang-undang perlindungan data pribadi (UU PDP) terhadap penegakan hukum di era digital. Metode yang digunakan adalah metode penelitian kualitatif dengan jenis penelitian studi pustaka. Jenis penelitian studi pustaka digunakan untuk menggali pemahaman yang mendalam tentang suatu topik atau fenomena dengan menganalisis literatur dan sumber-sumber yang relevan yang dimana dalam penelitian ini berkaitan pengaruh undang-undang perlindungan data pribadi (UU PDP) terhadap penegakan hukum di era digital. Adapun data, diperoleh melalui kajian dan analisis terhadap berbagai referensi seperti buku, jurnal ilmiah, artikel, dan dokumen-dokumen lainnya yang berkaitan dengan topik yang diteliti dan kemudian peneliti menarik benang merah dan menyimpulkan dari hasil temuan dan kajian penelitian. Hasil penelitian ini mendapatkan kesimpulan*

*bahwa kompleksitas pengaruh Undang-Undang Perlindungan Data Pribadi terhadap penegakan hukum di era digital. Meskipun UU PDP memberikan dasar yang penting, tantangan dan dinamika yang dihadapi memerlukan respons yang terencana dan terkoordinasi dari pemerintah, sektor swasta, dan masyarakat, Mengatasi permasalahan penegakan hukum UU PDP di era digital memerlukan upaya kolaboratif dan solusi terintegrasi dari pihak berwenang, sektor swasta, masyarakat, dan pemangku kepentingan lainnya. Dengan pemahaman mendalam terhadap permasalahan ini, diharapkan dapat dikembangkan strategi yang efektif untuk memastikan bahwa perlindungan data pribadi tetap menjadi prioritas utama dalam dunia digital yang terus berkembang.*

**Kata kunci:** Undang-undang, PDP, penegakan hukum

## **INTRODUCTION**

The rapid development of information and communication technology, especially in the digital era, has had a significant impact on people's lives. One aspect that is greatly affected is the protection of personal data. In this context, the implementation of the Personal Data Protection Law (UU PDP) is crucial for maintaining privacy and individual rights in an increasingly complex digital world (Hisbulloh, 2021). The Personal Data Protection Law (UU PDP) is a legal instrument that aims to protect every individual's personal data from potential misuse by unauthorised parties. In the midst of the digital era, where personal data has become a valuable asset and is often traded, the PDP Law has become a fundamental legal umbrella to guarantee user security and privacy (Sinaga & Putri, 2020).

Sutarli & Kurniawan (2023) explained that even though the PDP Law has been implemented, the challenges of law enforcement in the context of personal data protection in the digital era cannot be underestimated. Various factors, such as technological complexity, a lack of resources, and the presence of increasingly sophisticated cybercriminals, pose obstacles to effective law enforcement. Problems that arise in society related to the Personal Data Protection Law (UU PDP) in the context of law enforcement in the digital era are serious challenges that require in-depth understanding and appropriate action to ensure the protection of individual rights and privacy. Along with technological advances, various obstacles arise involving aspects of law, technology, public awareness, and cooperation between stakeholders. This research will discuss in detail the problems that arise in the law enforcement of the PDP Law in the digital era, as well as the efforts that can be taken to overcome these obstacles.

One of the fundamental problems is the mismatch between the development of digital technology and existing legal provisions. PDP laws that may have been created before the emergence of the latest technology are often inadequate to address the new challenges that arise. For example, issues related to the use of artificial intelligence (AI) in data processing may not have been adequately covered by the old PDP Law. In addition, law enforcement under the PDP Law often experiences resource constraints, both in terms of personnel, budget, and infrastructure. The success of law enforcement is highly dependent on the ability of law enforcement officials to identify, investigate, and take action against violations of the PDP Law (Alfiansyah, 2023).

According to research results by Armasito and Musfirah (2023) people are often less aware of their rights and responsibilities regarding the protection of personal data. This lack of awareness can hinder the effectiveness of law enforcement because people may not report violations or not understand how to protect their personal data. Legal uncertainty and gaps in regulations can confuse both authorities and service users. This can create loopholes for violations that go undetected and are not followed up.

Meanwhile, cyber threats such as ransomware attacks and data hacking are serious obstacles to protecting personal data. Weak data security can result in breaches that are detrimental to individuals and organizations. A lack of cooperation between the government, private sector, and non-governmental organisations can be an obstacle to law enforcement efforts. Good cooperation is needed to face this complex challenge. With cross-border data transfers, especially in the context of global businesses and digital service providers, complex issues arise regarding jurisdiction, differences in legal culture, and data protection standards (Bahtiyar et al., 2023).

Until now, it has been clear that the personal data of Indonesian citizens is being leaked and bought and sold, while the government itself is slow in enforcing the law. Personal data leaks involving Indonesian citizens and illegal trade in personal data have become a major concern in the context of privacy protection and law enforcement in the digital era. This phenomenon highlights the government's inability to handle the complex challenges that arise along with technological developments. In this context, this research will discuss in detail the leakage of personal data by Indonesian citizens and the slow pace of law enforcement carried out by the government. The existence of this problem has a serious impact on individual security and privacy and shows the need for reform and improvement in the enforcement of personal data protection laws in Indonesia.

Based on the background above, researchers are interested in conducting research with the title influence of the Constitution personal data protection (PDP Law) against enforcement law in the digital era.

## **METHOD**

Method research used by the researcher is method study qualitative with type study studies as references. According to A. Muri (2016), Types of studies References used for digging deep understanding about a topic or phenomenon with an analysis of literature and where are the relevant sources? in study This is related to the influence of the Constitution personal data protection (PDP) law against enforcement law in the digital era. As for data, it is obtained through study and analysis of various references, like journals, scientific articles, and documents related to the topic being researched. The researcher then reads an interesting thread and concludes from the results, findings, and study study (Aditya et al., 2010).

## **RESULTS AND DISCUSSION**

Based on a literature study on the influence of the Personal Data Protection Law (UU PDP) on law enforcement in the digital era, many aspects can be analysed and expanded

to understand the impact and challenges faced. This study provides a basis for exploring the role of the PDP Law in the context of personal data protection, as well as the extent to which its implementation influences the effectiveness of law enforcement amidst the rapid dynamics of the digital era. According to Bahtiyar et al. (2023), the importance of the PDP Law in the digital era cannot be doubted. This law aims to protect individual privacy rights in the processing and use of personal data by various entities, including governments, companies, and other institutions. In this context, the PDP Law is a vital legal basis for maintaining a balance between the needs of data users and the interests of those who manage it. Currently, the PDP Law is not only a tool to protect individual privacy but also plays a role in creating a safe and trustworthy digital environment. By providing a clear legal framework, the PDP Law helps avoid misuse of personal data and supports the development of a sustainable digital ecosystem (Yudistira & Ramadani, 2023).

As for the opinion of Sutarli and Kurniawan (2023), the positive impact of the PDP Law on law enforcement is: a. The PDP Law encourages entities that manage personal data to be more transparent in their data collection and use practices. This creates a strong foundation for the enforcement law. Because activities carried out in a transparent way can be more easily monitored, b. With the right to control over individuals' personal data, the PDP Law opens the door for individuals to report violations of their rights. This strengthens the position of individuals in cases of data breaches. c. The PDP Law, which is in accordance with international standards, provides a strong basis for international cooperation in law enforcement. Suitability This can support the exchange of information and action law cross-limits. d. A framework Strong laws provide confidence for businesses and consumers. This creates an environment where innovation can thrive while public confidence in data protection increases.

Sinaga & Putri (2020) explained that there are several challenges in the law enforcement of the PDP law in the digital era, namely:

- a. **Incompatibility with technological developments**  
The speed of technological development often means that the PDP Law is not responsive enough to new challenges in data management and protection.
- b. **Limited Resources and Capacity**  
Many countries, especially in the developing world, face limited resources and capacity for enforcing the PDP Law. This involves challenges in terms of personnel, technology, and infrastructure.
- c. **Lack of public awareness**  
The public's awareness of their rights and responsibilities regarding personal data protection is still limited. This can make law enforcement difficult due to a lack of reporting and cooperation from the public.
- d. **Difficulty in Identifying Digital Crime Perpetrators**

Digital crimes are often committed anonymously and involve sophisticated methods, making the identification and capture of perpetrators more difficult.

Basically, for answer dynamics technology, the PDP Law must be revised periodically. This process must involve legal, technological, and expert experts in other areas. Meanwhile, active involvement from the private sector in the process of updating and implementing the PDP Law can increase effectiveness and ensure its relevance with development technology. For this reason, Ramdani (2022) provided input that the government needs to allocate sufficient power to strengthen institution-enforcer law-related personal data protection. This includes training, the latest technology, and enhancement personnel. Then continue with the programme education and campaign awareness that the public needs improve. To ensure that the public understands the importance of personal data protection and the role they play in reporting violations, The linkages with international collaboration can be improved. The same international agreement and protocol can increase the ability of enforcement law to face crime cross limits. Then establish a working forum. The same international law in the field of personal data protection can facilitate the exchange of information and the enforcement of strategy.

Meanwhile, investments in technology security can be carried out with government collaboration, and the private sector needs to invest in the study and development of technology security to counter the threat of digital crime. Hiring and involving cyber security experts can help increase their ability to detect, prevent, and handle data breaches. Furthermore, according to Hisbulloh (2021), conduct regular audits of entities that manage personal data to ensure compliance with the PDP Law and standard security. Strengthen the role of authority supervisor to monitor and supervise the implementation of the PDP Law, as well as provide strict sanctions on violators.

To strengthen the PDP Law, according to Armasito and Musfirah (2023), the government can open a discussion forum involving the government, private sector, academics, and the public to create understanding and collaborative solutions. Push participation and active community monitoring and reporting can be additional strengths in enforcement law. Integrate personal data protection issues into the legal and technology education curriculum to create a generation that is aware and skilled in dealing with the challenges of the digital era. Founding Centre study, which focuses on personal data protection to advance understanding, innovation, and solutions in this domain.

### **Analysis of Current Conditions**

One of the current analyses is related to the influence of the PDP Law, namely that personal data leaks are a serious issue that colours Indonesia's digital landscape. Stolen personal data is often used for a variety of purposes, including identity theft, fraud, and even more serious crimes. Moreover, the illegal trade in personal data has reached alarming levels on the digital black market, where it can be obtained at varying prices depending on the sensitivity and amount of information held.

Even though personal data leaks are increasing, government law enforcement is often seen as slow and unresponsive. Several factors can provide an overview of the obstacles faced by law enforcement officials in dealing with digital crimes: a) **Limitations Capacity and Resources:** Investigating digital crimes requires technical expertise and sufficient resources; however, many law enforcement agencies do not yet have sufficient capacity to handle the volume and level of complexity of existing cases. b) **Inability to Follow Development Technology:** Cyber technology continues to evolve, and the latest attacks are often more sophisticated than law enforcement agencies are able to overcome. Education and insufficient training in technical aspects often become obstacles. c) **Limitations: Cooperation Interagency:** Lack of coordination and cooperation between government agencies involved in law enforcement can hinder the exchange of information and coordination in investigating data leak cases.

The existence of laws and regulations related to personal data protection in Indonesia has been a positive step, such as the Personal Data Protection Law (UU PDP). However, implementation is often less effective, and there are still loopholes that can be exploited by digital criminals, namely the lack of effective sanctions. Sanctions regulated by the PDP Law may not be sufficient to prevent violations. There is a need to evaluate the amount of sanctions and adjust them to constantly changing technological developments. **Lack of reporting and transparency mechanisms:** Data leak reporting mechanisms are often inadequate, and transparency from the companies involved is often still a question mark.

### **Vulnerabilities in National Cyber Security**

Peng et al . (2023) explain that national cyber security is a critical aspect of protecting citizens' personal data. Threats from external parties, including hacker groups or foreign countries, can pose a serious threat to the security of personal data, such as: a) **Infrastructure Security Limitations:** Digital infrastructure security is often inadequate, and attacks on critical institutions, both in the public and private sectors, can open the door to personal data leaks; b) **The Need for Strengthening National Security:** Strengthening national cyber security is becoming a need to protect personal data and prevent potential cyber threats that could harm the country.

Active participation from the private sector is key in efforts to protect personal data. However, there is non-compliance from some companies regarding data management and protection practices.

- a. **Need for Strict Regulation:** Stricter regulations and effective audit mechanisms are needed to ensure that companies comply with personal data protection standards.
- b. **Incentives for Compliance:** Providing incentives to companies that comply with data security standards can encourage the private sector to be more proactive in protecting users' personal data (Yudistira & Ramadani, 2023).

The lack of active participation from the public in monitoring and reporting digital crime can make the law enforcement process more difficult. **The Importance of Public**

**Awareness:** Increasing public awareness about the risks of data leaks and their role in reporting suspicious incidents is crucial. **Easily Accessible Complaint Mechanism:** Creating a complaint mechanism that is easily accessible to the public can increase active participation in digital crime monitoring (Gaol et al., 2022).

That's why an update and evaluation regarding the PDP Law needs to be carried out periodically to ensure that these regulations remain relevant and effective in overcoming new challenges. **Involvement of Legal and Technological Experts:** The involvement of legal and technological experts in the reform process can ensure that the PDP Law covers all necessary aspects and can be implemented effectively. **Improving cooperation among government agencies involved in law enforcement is critical for faster and more effective information sharing.** **Formation of Joint Teams:** The formation of joint teams consisting of representatives from various government agencies can facilitate coordination and the exchange of information (Cahyadi & Danardono, 2009).

According to Hamzah (2017), it is required action enforcement and more laws to be fast and firm to perpetrators of data crimes. This could include more severe sanctions and the implementation of special court mechanisms for cases of digital crime. **Establishment of a Special Unit:** The establishment of a special unit in law enforcement that focuses on digital crimes can increase responsibility and efficiency. **Strengthening cybersecurity national efforts involves strengthening digital infrastructure and confronting cyber threats with action-preventive measures.** **Investment in Security Technology:** The government needs to allocate funds for investment in the latest security technology that can detect and prevent cyber attacks.

Strict supervision of the private sector, particularly those handling personal data, is important to ensure compliance with regulations on data protection. **Regular Audits and Implementation of Security Standards:** The government should conduct regular audits of companies and ensure the implementation of high security standards. **Empowering the public through education and training can increase awareness of the risks and actions that can be taken to combat digital crime.** **Educational Campaign:** Holding an educational campaign in mass media and on online platforms to increase public understanding of the importance of data security

## **CONCLUSION**

Based on the results, findings, and analysis, it can be concluded after doing study studies. References show that complexity influences Constitutional Personal Data Protection and enforcement law in the digital era. Even though the PDP Law provides an important basis, the challenges and dynamics faced need a planned response and coordination from the government, private sector, and public. With the implementation of the proposed solutions, it can be expected that there will be repairs and enhancements to personal data protection as well as enforcement laws in the middle of the continuing digital revolution. Overcome problem enforcement The PDP Law in the digital era requires effort, collaboration, and solutions integrated from party authority, sector private, community, and holder interests. With a thorough understanding of the

problem, an effective strategy can be developed to ensure that personal data protection remains a top priority in the ever-expanding digital world.

## **BIBLIOGRAPHY**

A. Muri , Y. (2016). *Method Study Quantitative , Qualitative & Research Combined* . Prenada Media.

Aditya , Y., Pratama , A., & Nurlifa , A. (2010). *LITERATURE STUDY FOR STEGANOGRAPHY WITH SEVERAL METHODS* .

Alfiansyah , A. (2023). CAPITAL OF THE NEW COUNTRY FROM AN ENVIRONMENTAL LEGAL PERSPECTIVE. *ANAYASA : Journal of Legal Studies* , 1 (1), Article 1. <https://doi.org/10.61397/ays.v1i1.4>

Armasito , A., & Musfirah , D. (2023). Problematic Protection of Personal Data from Cyber Crime in the Digital Economy Era According to Law Positive . *Sharia and Law Proceedings* , 1 (1), Article 1.

Bahtiyar , A., Anwar, I., & Aziz, M.F. (2023). *Implications Law Criminal In Personal Data Protection Judging from the Law Number 27 of 2022 Concerning Personal Data Protection* . <http://repository.stihbiak.ac.id/handle/123456789/95>

Cahyadi , A., & Danardono , D. (2009). *Sociology Law In Change* . Foundation References Indonesian Torch .

Gaol , C.P.L., Morales, U., & Lopez, V. (2022). Juridical Review Concerning the Legitimacy of Cryptocurrency in Islamic Law. *At- Tasyrih : Journal Education and Islamic Law* , 8 (2), Article 2. <https://doi.org/10.55849/attasyrih.v8i2.148>

Hamzah , A. (2017). *Law Indonesian Crime* . Ray Graphics .

Hisbulloh , MH (2021). Urgency Design Personal Data Protection Law (RUU) . *Journal Law* , 37 (2), Article 2. <https://doi.org/10.26532/jh.v37i2.16272>

Peng , N., Xiao, X., Di, W., Ang , L., & Wen, M. (2023). Design and implementation of an intelligent recommendation system for product information on an e-commerce platform based on machine learning. *International Conference on Internet of Things and Machine Learning ( IoTML 2023)* , 12937 , 367–375. <https://doi.org/10.1117/12.3013353>

Ramdani , MS (2022). *PROFILE OF PERSONAL PEACE IN KHZ MUSTHAFA HIGH SCHOOL (SMA) STUDENTS, TASIKMALAYA DISTRICT AND ITS IMPLICATIONS FOR GUIDANCE AND COUNSELING SERVICES - (SKP.BK 0138)* [ Thesis , University Muhammadiyah Tasikmalaya ]. <https://repository.umtas.ac.id/1047/>

Sinaga , EMC, & Putri , MC (2020). FORMULATION OF PERSONAL DATA PROTECTION LEGISLATION IN THE INDUSTRIAL REVOLUTION 4.0. *Journal Rechts Vinding : Development Media Law National* , 9 (2), Article 2. <https://doi.org/10.33331/rechtsvinding.v9i2.428>



Sutarli , AF, & Kurniawan , S. (2023). Role Government Through Constitution Personal Data Protection in Cope Phishing in Indonesia. *Innovative: Journal Of Social Science Research* , 3 (2), Article 2. <https://doi.org/10.31004/innovative.v3i2.760>

Yudistira , M., & Ramadani , R. (2023). JURIDICAL REVIEW OF THE EFFECTIVENESS OF HANDLING CYBER CRIME RELATED TO THEFT OF PERSONAL DATA ACCORDING TO LAW NO. 27 OF 2022 BY KOMINFO. *UNES Law Review* , 5 (4), Article 4. <https://doi.org/10.31933/unesrev.v5i4.698>