



RESEARCH ARTICLE

Personal Data Protection Model in the Digital Economy Era (Comparative Study of Indonesia and Malaysia)

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ARTICLE INFO	ABSTRACT
<p>Received: Oct 16, 2024 Accepted: Dec 11, 2024</p> <p>Keywords</p> <p>Protection Personal Data Digital Economy Studies Comparison</p>	<p>Personal data is true and real information that is attached to oneself someone, so that can identify the person. The importance of personal data protection is For ensure that personal data someone who is gathered used in accordance with objective collection, so that No happen data misuse. Purpose General study This is The development of a regulatory model protection against personal data personal in system Indonesian law in the digital economy era according to with principles law that is capable give certainty law and safe protection against personal data his personal , while objective special is : 1) Analyze arrangement the law used For in personal data protection personal in Indonesia and also in Malaysia for formulate a personal data protection model in Indonesia that is comfortable and provides certainty law , 2) Implementing the protection model against personal data personal in system Indonesian law in the digital economy era through studies comparison with arrangement legislation personal data protection individuals in Malaysia . Method research used in study This is method study law Socio Legal Research, collection material law done with method compile and identify in a way systematic material primary, secondary and tertiary law with use snowball technique , technique analysis material law done with use technique descriptive , comparative , evaluative and argumentative. Research results show that protection model against personal data personal in system Indonesian law in the digital economy era is a protection model that prioritizes aspect law , aspects technology and aspects ethics in use of personal data so that come true security and certainty law for data holders and users .</p>
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INTRODUCTION

Development information and communication technology allow distribution information and data in fast. The internet which was originally only for publish information (one direction) then changed become more patterns interactive and next become means for transact (1). Related with use of personal data, perpetrators business in the sector private No is the only one the party that does collection and processing of personal data. In legal framework welfare (*welfare state*), the state has involvement in aspect life society. In order to improve function of the state, the state as a whole direct and also No direct to do activity collection, processing and storage of personal data citizens. Through e-government concept, technology become a relationship mediator between the state and citizens. The concept of smart city in urban area management that utilizes technology bring up issue related policy distribution information and protection law. (2).

Article 28 G paragraph (1) of the Constitution of the Republic Indonesia in 1945 had become runway base to protection to personal from development technology in Indonesia. Provisions the arrange that " Everyone has the right on protection self-personal family honor dignity , and wealth the thing below his power , and entitled for the sake of security and protection from threat afraid For do or No do what is right basic man ". It is recorded that since Year 2019 As of May 2021 there

were 29 cases violation personal data protection. With details 3 in 2019, 20 in 2020, and 6 in 2021. From the report incidents received, 93% were case personal data leaks, and the remaining 7% is case violation other PDP principles. Causes personal data leaks, 92% were caused by incidents cyber. Viewed from PSE classification that performs personal data breaches, e-commerce becomes contributor the biggest. While That of 29 cases earlier, there were 21 cases completed PDP violations handled.

A number of study previously discussed related with personal data protection in Indonesia is researched by Siti Yuniarti (3), study This discuss related with emptiness law in personal data settings , results study This show that For fill in emptiness law the required detailed settings regarding personal data protection from the level of ministerial regulations and regulation sectoral technical . Research furthermore researched by Sekaring AK and Andi UW(4) study This focus find essence from protection personal data law as right privacy and form protection personal data law as right Privacy in Indonesia. Research other carried out by Sintia.DR and Garry.GP (5), study This discuss about fact that in Indonesia not yet have a legal instrument that regulates personal data protection and privacy in the digital era.

Wrong one country that has own Constitution related personal data protection is Malaysia. Constitution Malaysia personal data protection or *Personal Data Protection Act 2010* (PDPA 2010), has a number of principles in it. There are 7 principles Personal Data Protection in Malaysia is a must obeyed as poured out in *Section 5 (1)* of PDPA 2010. Different as it is with arrangement to Protection of Personal Data in Indonesia as set up in the ITE Law no arrange in a way Details about principles that must be filled in do personal data protection in Indonesia.

Indonesia Alone Not yet in a way comprehensive in arrange personal data protection so that about application For registration in manage or process personal data which is then will get certificate Not yet regulated in the ITE Law. *Organization for Economic Cooperation and Development* (OECD) is one of them reference in the creation of PDPA 2010 provides 8 (eight) principles that must be fulfilled for protect personal data in a way comprehensive. Principle This is principle base so that can implemented in Indonesia with a number of customized modifications and changes with needs and circumstances society in Indonesia.

Objective study this is for implement provision legislation related to personal data personal so that viewed need for make a regulatory model protection against personal data personal who can give guarantee certainty law and security for society in the Digital Economy Era. Object study chosen purposively in Indonesia and Malaysia, considering Constitution Personal Data Protection Personal Lots adopted from Constitution Personal Data Protection in Malaysia. Urgency study this is formulate a personal data protection model that provides protection law for use of personal data.

METHOD

Study this use method study law (*Socio-Legal Research*). Type study the law used in compile study this is type study law in fact social. Research this done with method do search material law supported by facts empirical. Search material law done with collect , analyze , evaluate and synthesize material related laws with investment Good in the form of principle law , concepts , principles law , content rules law , systematics law , facts law and synchronization Regulation existing law with regulation more legislation tall as well as compare Related Legal Regulations Personal Data Protection Existing Personal with regulation laws in other countries. Study this is the country used as comparison is Malaysia. Analysis techniques material law use technique descriptive, comparative, evaluative and argumentative.

RESULTS AND DISCUSSION

Arrangement personal data protection in Indonesia

Confidentiality of personal data as privacy everyone has set up more formerly as right basic humans as contained in Article 12 of the *Universal Declaration of Human Rights (UDHR)* arrange as as follows : " *No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honor and reputation. Everyone has the right to the protection of the law against such interference or attack,* meaning that No no one can disturbed with arbitrary affairs personal,

family, home ladder or connection letter writing to him, also not allowed violation on honor and name good. Everyone has the right get protection law to disturbance or violation that (3). about Right right Civil and Political which strengthens provision the that "(1) *No one shall be subjected to arbitrary or unlawful interference with his privacy, family, home or correspondence, nor to unlawful interference with his privacy, family, home or correspondence, nor to unlawful attacks upon his honor and reputation; (2) Everyone has the right to protection of the law against such interference or attack,* which is profound Indonesian can interpreted (1) No may no one can in a way arbitrary or in a way No legitimate mixed problems personal , family , home or connection letter write it , or in a way No legitimate under attack honor and name good ; (2) Everyone has the right on protection law mix hand or attack like mentioned above .

In the beginning arrangement regarding personal data in Indonesia yet set up in a way specifically, the provisions governing about personal data protection set up in a way separated in various type regulation legislation (6). Regulation about personal data protection in Indonesia today This Actually Already set up in various regulation legislation that is Constitution Number 7 of 1992 concerning Banking As Amended with Constitution Number 10 of 1998 concerning Banking , Law Number 36 of 1999 concerning Telecommunications, Law Invite Republic of Indonesia Number 11 of 2008 concerning Information and Transactions Electronics , Law Number 7 of 1971 concerning Terms and Conditions Main Point Archives , Invite Invite Number 8 of 1997 concerning Company Documents , Laws Number 36 of 2009 concerning Health, and the Law Number 23 of 2006 concerning Administration Population .

Quite a thing specific related personal data protection namely there is in regulation telecommunications and informatics , initially protection right on privacy set up in Law No. 36 of 1999 concerning telecommunications , which regulates that confidentiality information and communication personal somebody is form from arrangement about protection right on privacy , which prohibits existence tapping (7). Moment this , regulation offensive law related with right privacy digital data owners exist in Article 26 paragraph (1) of the Law Number 19 of 2016 concerning Changes to the Law Invite Number 11 of 2008 concerning Information and Transactions Electronics (ITE) which states :

" Except otherwise determined by the Regulations Legislation , use , every information via electronic media concerning personal data somebody must done on the consent of the person concerned ."

Explanation Article 26 of the ITE Law states existence weaknesses, namely the disappearance protection law to data owner, which is utilized by the organizer or provider service For look for benefits. Law Information and Transactions Electronic only arrange protection of personal data, but the relation with implementation protection No clear Because No own sanctions. Weaknesses the is things to do fixed in frame chase objective law , namely maintain and guarantee security and order , so that need existence done change rule law .

Arrangement about personal data protection is also regulated in Constitution Number 39 of 1999 concerning Right Basic Humans , where in Article 21 states that everyone has the right on need personal , good spiritual and also physical , and because That they No may become object study without agreement from him . Meaning from become an " object" research " namely activities that place somebody as the requested party comments , opinions or information concerning life personal and personal data as well as recorded picture and sound .

Constitution Number 23 of 2006 in conjunction with Law Number 24 of 2013 concerning administration population also regulates the protection of personal data. Personal data and documents population must saved and guaranteed its confidentiality by the State. While what is meant by with personal data is personal data that is stored, cared for and safeguarded the truth as well as protected its confidentiality. Therefore that , officer organizers and agencies executor personal data collector resident have obligation For guard confidentiality and information of the data , its arrangement more Details set up in Regulation Presidential Decree No. 67 of 2011 Concerning Identity card Based on Number Parent Population Nationally . However, in rule the Not yet accommodate related personal data protection related population with post recording and requesting data concerning fingerprint fingers and retina of the eye resident (7). Besides That , it was

issued Ministerial Regulation Number 20 of 2016 also regulates related Personal data protection . In personal data protection, Regulation No. 20 of 2016 requires that use of personal data in organization system electronic must provide form agreement in Indonesian for request agreement from The owner of the Personal Data in question .

In the field Banking and finance Constitution Number 10 of 1998 concerning Banking also regulates personal data that regulates related matters with bank secrecy , banks are required For keep secret all related matters with customer information and data , both concerning finance and his personal data . OJK finance issued Regulation No. 13/POJK.02/2018 concerning Innovation Digital Finance in the Financial Services Sector , in Article 30 states guard confidentiality , integrity and availability of personal data , transaction data and managed data from the data obtained until destroyed , become obligation from organizer Fintech business .

In context trade , besides talks about transaction electronics , which has regulated by the ITE Law and PP PSTE, personal data protection is also closely the relation with Constitution Number 8 of 1997 concerning Company Documents , Laws Number 8 of 1999 concerning Protection Consumers , and Law No. 7 of 2014 concerning Trade . Unfortunately the Protection Act Consumer Not yet in a way specific mention personal data protection (consumers), as part from right consumers, who must protected by the perpetrator business . Protection Act Consumer precisely more emphasize on availability accurate informationfor consumer (related goods and services) , provided by the perpetrators business . Likewise the Trade Law No in detail set regarding obligation personal data protection (consumer). However so in provision Article 65 paragraph (3) of the law confirmed that in trade that uses system electronics (e - commerce), every perpetrator trading must fully referring to the applicable provisions in the ITE Law. This means provision about personal data protection is also binding in its entirety every trade that takes advantage of system electronics. Therefore, the formation of regulation government about trading through system electronically mandated by Article 66 of the Trade Law, should also regulate about personal data protection consumers, with referring to the regulations existing legislation, especially the ITE Law and the Protection of Personal Data Law . Consumer (7).

However provision the law that governs about protection of scattered personal data in various regulation legislation Still nature general, no specific and clear Not yet give personal data protection optimally aspart from protection right privacy. Various case leakage regarding personal data that occurs lately this is very worrying. Case Misuse of personal data also occurs in online lending processes that use other people's data , copying land information , so that dissemination information personal to the public, where matter That like This including violation right privacy that occurs in the digital world (8).

The Birth urgency personal data protection, starting from confession right personal as right basic human being poured out with firm in Article 28G paragraph (1) of the 1945 Constitution of the Republic of Indonesia states , " Everyone has the right on protection self-personal , family , honor , dignity , and property the thing below his power , and entitled for a sense of security and protection from threat afraid For do or No do something that is right basic human rights " (9). Protection of personal data become fundamental task of The Indonesian government to give birth to A protection law and optimizing law enforcement apparatus law in order to realize all right constitutionalall its citizens .

Answer anxiety on the amount personal data leaks that occurred in Indonesia, on September 20 , 2022 the Indonesian House of Representatives ratified Constitution Number 27 of 2022 concerning Personal Data Protection Act (PDP Act). This triggered by international alertness to arrangement personal data protection . When This There is around 132 countries have own product law special related with Constitution Personal Data Protection (PDP) such as Malaysia, Philippines, Thailand, and Singapore. Here is data from a number of countries in the world that have own Constitution Personal Data Protection until with 2022.

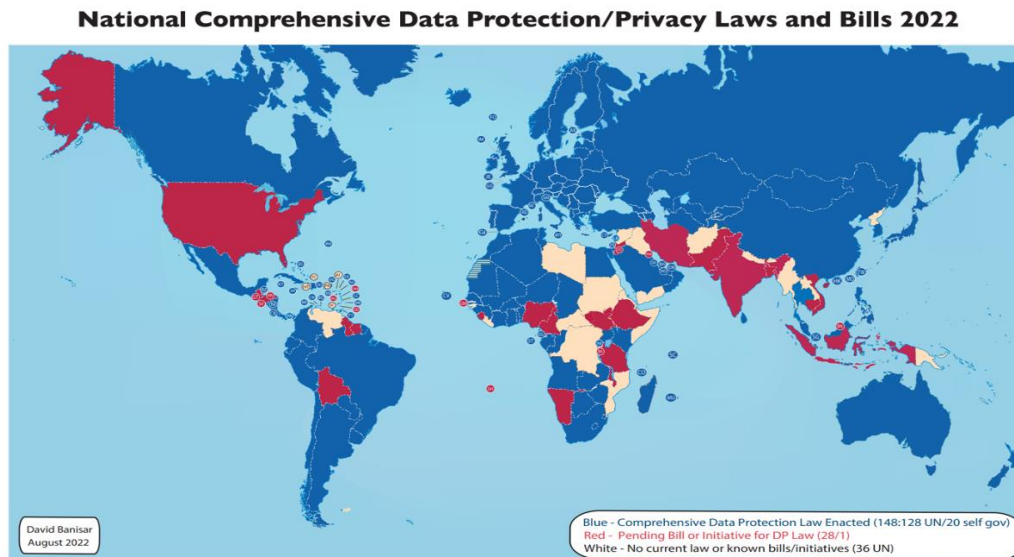


Figure 1: Data on countries in the world that have constitution personal data protection

Regulated substances in the PDP Law regarding related data with categorization of listed data in Article 4 of the PDP Law which regulates among others : " Personal data consists of above : a. personal data of a nature specific ; and b.Data personal nature general ". More further, rights data subjects are also confirmed in Article 5 to Article 15. Collection of articles this discuss what just people's rights attached individualto personal data himself. Besides than rights, there are also obligations data controller consisting of from every person, public body, and organization international which then act Alone or in a way together reach objective as well as control to processing of personal data. All matter about obligation from data controller detailed more carry on in Article 20 to Article 50. No. only that, the PDP Law also confirms that formation institution personal data protection will responsible answer direct to President. Provisions this loaded in Article 58 to Article 60.

Protection privacy and privacy data No let go from existence law as tool for protect right constitutional individual (10). Protection of personal data covers data security against access and use are not valid , and restrictive other people's access and use of personal data someone and give data subject rights For limit or stop processing of personal data they (11). Data protection related with protection privacy , though both of them is different concept Although privacy associated with right For honor life personal , personal data protection is more rights current and active , which requires system of checks and balances for ensure that personal data individual protected whenever the data is processed .

Based on corner view practically , data protection can seen as a set the rules that determine What should carried out by ' controllers ' for processing personal data (12). Therefore that , besides protect right privacy Indonesian society , laws data protection also provides other benefits attached for Indonesia such as provide clear ' rules of the game' for every entities that process personal data Indonesian society ; protecting interest main consumer with increase data security in transaction daily digital business ; and improve Power pull Indonesia as secure data destination for companies operating within or abroad .

Urgency to personal data protection in Indonesia today this not linear with knowledge public will importance protect personal data That yourself. Awareness public will protection of personal data owned by him or right privacy also becomes not quite enough the state 's responsibility in providing education or equal and even knowledge for every its people . Because if right privacy No protected so can threaten safety Good soul and also material. Besides give education, of course Indonesia as a country of law must give protection law to inhabitant his country based on on in accordance with Pancasila (13).

Arrangement personal data protection in Malaysia

Principle personal data regulation in European Countries is arrange related prohibition current personal data entry and exit from European countries if the state party third the Not yet own equal law with European countries , because worrying can hinder trading business international which has there is . For overcome matter said, then The *Organization for Economic Cooperation and Development* (OECD) which is a organization international moving in the field cooperation economy and development , issuing a Known *guidelines* with "*Guidelines Governing the Protection of Privacy and Transborder Flows of Personal Data*".

These guidelines arrange about principle base in personal data protection that can be used a reference in make rules. Principles base the is as following (13):

- 1. Principle collection limitation (*collection limitation principle*)**
There must be limit For do personal data collection in a way legitimate and fair , and followed agreement from data subjects and with to the best of his knowledge .
- 2. Principle quality (*data quality principle*)**
Collection of personal data must suitable with objective use and personal data they must complete, accurate, and if there is change must quick updated.
- 3. Principle objective special (*purpose specification principle*)**
Objective personal data collection must determine at the latest when personal data collected, next limited to the purpose.
- 4. Principle of limitation of use (*use limitation principle*)**
Agreement personal data owner required for reveal, provide or use the data For objective besides objective beginning the data was collected.
- 5. Principle protection security (*security safe guard principle*)**
Personal data must get protection from risk data loss, destruction to data, use without permission, data and data retention unauthorized access valid.
- 6. Principle openness (*openness principle*)**
Objective main data usage , identity as well as the data controller must built , previously must formed policy about openness related development or related management with personal data .
- 7. Principle participation individual (*individual participation principle*)**
Objective from principle This is For control data or confirm the related data with him with give access to can deleted, changed and also fixed.
- 8. Principle accountability (*accountability principle*)**
Data controller must responsible answer for comply steps that have an impact on the principles mentioned above.

In general, the law data protection also takes into account that the data is moving cross cross border, which is often cause problem jurisdiction, including possibility clash with the applicable national laws . Therefore law must put individual as the center, which means ensure that personal data protected, regardless from is their data processed inside or outside the area in which they are located located (*extra territorial scope*). With range this, transfers personal data to overseas entities, only can done If the data recipient has level least data protection equivalent with provisions contained in the law national sender (7). Besides principles outlined In the OECD, there are also principles related personal data protection is also regulated in APEC and GDPR. Comparison principles the depicted in image below is:

OECD (2013)	APEC (2015)	GDPR (2016)
1. Collection limitation	1. Preventing harm	1. Lawfulness, fairness and transparency
2. Data quality	2. Notice	2. Purpose limitation
3. Purpose specification	3. Collection limitation	3. Data minimization
4. Use limitation	4. Uses of personal information	4. Accuracy
5. Security safeguards	5. Choice	5. Storage limitation
6. Openness	6. Integrity of personal information	6. Integrity and confidentiality
7. Individual participation	7. Security safeguards	7. Accountability
8. Accountability	8. Access and correction	
	9. Accountability	

Figure 2: Comparison principles related personal data protection In the OECD, APEC and GDPR

The principles outlined in *OECD Guidelines* used by the country of Malaysia as reference in the principles of personal data that have been poured out in Constitution Personal Data Protection in Malaysia is known with *Personal Data Protection Act 2010*. The Act This in a way firm arrange about protection against citizens' privacy rights his country. Law This implemented in 2013, in which arrange in detail the principles personal data protection, rights data owner, procedures transferor data handling, as well as obligation for the party that does data storage. It also regulates mechanism complaint for a person whose personal data moved hand over in a way No valid.

Through the Personal Data Protection Act 2010, Malaysia established Committee Personal Data Protection Advisor on duty accept report If happen misuse and transfer of personal data in a way oppose law (14). At a time formed the appellate court in context settlement in a way judicial. No only give right For do protest, but Constitution This also provides threat criminal for everyone who does violation to provisions that provide protection regarding personal data held society. One of the example sanctions for example, the sanctions given to the party without permission access personal data other party or collect personal data in a way oppose law, the perpetrator can convicted fine maximum five hundred thousand Malaysian ringgit and /or prison maximum three year.

Constitution Malaysia's Personal Data Protection Act 2010, has a number of principles in it. Namely 7 principles personal data protection that must be adhered to as stated in Section 5 (1) of Personal Data Protection Act 2010 The 709-by the integrity of personal data:

The processing of personal data by a data user shall be in compliance with the following Personal Data Protection Principles, namely:

1. The General Principle (principle) general)
2. The Notice and Choice Principle giver
3. knowledge and choice
4. The Disclosure Principle disclosure
5. The Security Principle (principle security
6. The Retention Principle (the principle retention
7. The Data Integrity Principle integrity data
8. The Access Principle access

In the section above in Malaysia personal data protection, the above principles must fulfilled so that data users feel safe and protected personal data. If violate provision mentioned above, then charged fine three hundred thousand ringgit or imprisoned during two year. Besides That in the Personal Data Protection Act 2010, there are rule about application For registration as in section 16 (1) namely :

"A person who belongs to the class of data users as specified in the order made under subsection 14 (1) shall submit an application for registration to the commissioner in the manner and form as determined by the commissioner ."

"A person who is included in class data users as determined in the sequence created based on Article 14 (1) must submit application registration to commissioner with methods and forms as determined by the commissioner ."

In the above provisions obligatory for the perpetrators business or data users for register the application to commissioner who then will published A certificate in data management so that if perpetrator business and data users process personal data without existence certificate the so will charged a fine of five hundred thousand ringgit or imprisoned during three year. The existence of provision This give more security to the community that will provide personal data for inspect moreover formerly There is whether or not certificate in management the data.

The Personal Data Protection Act 2010 comes into effect every individual will get rights new like right For informed regarding his personal data as well as right For access, correct and also control processing or use of personal data them by the party others. Transfer of personal data cross limit (*cross-border transfer*) is also regulated in Constitution This is. *Personal Data Protection Act 2010* set that No there may be a transfer of personal data outside Malaysia happen except where it has been determined by the Minister of Information, Culture and Communication. Then the destination

country personal data place transferred must own level adequate protection that at least equivalent with level protection provided by the *Personal Data Protection Act 2010* Malaysia (15).

The PDP Law owned by Indonesia has not yet have an independent institution whose duties are For do supervision to current go out data entry , also not yet set up related registration verified institution in receive personal data issued by Indonesian citizens . Article 58 of the PDP Law only arrange DPA provisions but No detailing more carry on about composition or function daily from agency related . This DPA as meant in Article 58, will determined by the President with Regulation The president who will come , and will responsible answer direct to President . Therefore that , at that stage this , still there is uncertainty is the supervisory body new This will operate in a way independent from the government in power .

Authority supervisor independent is player important in framework data protection in many jurisdictions around the world. For example , in the EU, the DPA has diverse authority and play various role such as ombudsmen, auditors, consultants , educators , advisors policies , and enforcement law in operate his job (16). Independence This ensure that data protection regulators enjoy level immunity equal politics with what is given to judges and institutions independent in the EU and the United States . Although level DPA independence varies from country to country, some countries even outside the EU have facilitate formation of independent DPA such as South Korea, Bahrain, the Philippines, and Trinidad and Tobago.

Model personal data protection in Indonesian legal system in the digital economy era

Related with the development of the digital economy in Indonesia, Protection of personal data become a very central issue remember moment this is Indonesia becoming a promising place for the digital economy market. It is can know of Indonesia's total population of 265.4 million population of which 50 percent which is 132.7 million resident already using the internet. From the number of said , the user device mobile reached 177.9 million population and mobile social media (medsos) users active 120 million population . The results of Google and Temasek's research in 2018, predicted that the Indonesian Digital Economy Market Size would reach USD 100 billion in 2025. In April 2021, 88.1 (5)% of internet users in Indonesia used e-commerce services for buy product certain in a number of month last . Percentage the is the highest in the world in results We Are Social (17)survey . E-commerce transactions provide contribution the biggest for Indonesia's digital economy, where in 2021 its value reached US\$53 billion. The amount This predicted will increase to US\$104 billion in 2025, with a growth rate of 18% (18).

Likewise , in order to guard continuity and relationship between the above regulations , the Indonesian government has emit a series regulation For protect distribution and use of personal data in e-commerce environment , so that reduce risk misuse of personal data . One of regulation latest is the Republic of Indonesia Law No. 27 of 2022 concerning Protection of Personal Data . Although rule This emphasize importance protect personal data , still happen a number of violations that arise , fine Because system inadequate management of personal data reliable and also failure organizer system electronic in secure system they , who in the end Can cause case data (19)theft

Framework Work strong data protection can facilitate realization right basic human and protect supremacy the necessary laws For functioning democracy (20,21). For example, as explained previously, the rules inherent and related data protection with realization right privacy individual . With No existence Constitution data protection , individual data No only can become target supervision commercial that is not moral but also supervision illegal government , so that hinder right basic man other including right For No blame self alone , freedom information , and freedom express (22). Rights this is also important for participation active individual in public democratic (23).

The role of data protection becomes the more important in the modern digital world, where life economic, social and political every individual continously under surveillance online, so that cause helplessness individual (24). Rapid development big data technology plus with availability digital services ' price zero ' offered by the leading global digital platform has allow company technology

and government For monitor individual in scale that has not been Once happen previously . Some example like Snowden's revelations and the Cambridge Analytica scandal highlighted risk expansion supervision in public democratic (23). More continue, government worry about potential use information by foreign digital powers, especially because certain digital platforms are based in the US and China play role main in global digital economy and can exploit and manipulate users anywhere in the world (25).

Second, the framework strong data protection can play role important in restore trust internet users, especially in countries with strong and independent DPAs (26). This matter because DPA can monitor with more Good targeting behavior carried out by the company, checking supervision manipulative commercial, and supervise as well as limit all supervision government that violates law or illegal. Although the DPA continues fight for arrange provider digital services, framework strong data protection can help balancing return power between individual, in one side, and government as well as company, on the other hand. Balancing return this is also required in field economy. For example, as shown by some research, without existence Constitution strong data protection, company technology certain can collect data in amount big and accumulating strength economics and politics that are not proportional.

Lastly, the law strong data protection protect runway democracy modern, namely free and fair elections. Without existence mechanism standard data protection high , party politics , especially the current one This powerful , tend to do tactics supervision For manipulate voter , make profile voters based on race and religion, and spying on the party opposition For get profit political (27). Companies big one who has access wide against citizen data often become accomplices violation (Doss and). The report that appears from many countries that used to be is a democratic country , which has transition become a country that is partly democratic (for example India or Hungary) or non-democratic countries (e.g. Belarus), shows that data monitoring has been play role important in the rise authoritarianism , weakening judicial check and balance system , and marginalization. Party opposition in society this (28). Examples this prove role system strong data protection in to preserve core values of democracy.

Personal data defined in Article 1 of the Law as information anything about an identified person can identified in a way independent , or can identified when combined with other information obtained in a way direct or No direct through means electronic and non- electronic . Personal data subjects according to Article 1 of the PDP Law is an individual who is attached to his personal data. The Law This also introduces term personal data processor and controller . Personal data controller is the deciding party goals and running control on processing of personal data . While personal data processor is the party that does processing of personal data on Name personal data controller .

Article 2 states that the PDP Law seeks to protect all personal data Indonesian population , both those processed in a way electronic or manual. Terms This applicable for any entity in the world that manages personal data every Indonesian citizens , including individuals and companies from sector public and commercial , based in Indonesia. Articles 4–14 of the PDP Law state that the data owner will given eleven right similar with the acknowledged under GDPR. Rights This covers data access , consent withdrawal , restriction processing and objections , requests deletion , and rights For get information as well as right For demand and ask compensation If happen violations . Rights this must adhered to and respected by data controllers and processors.

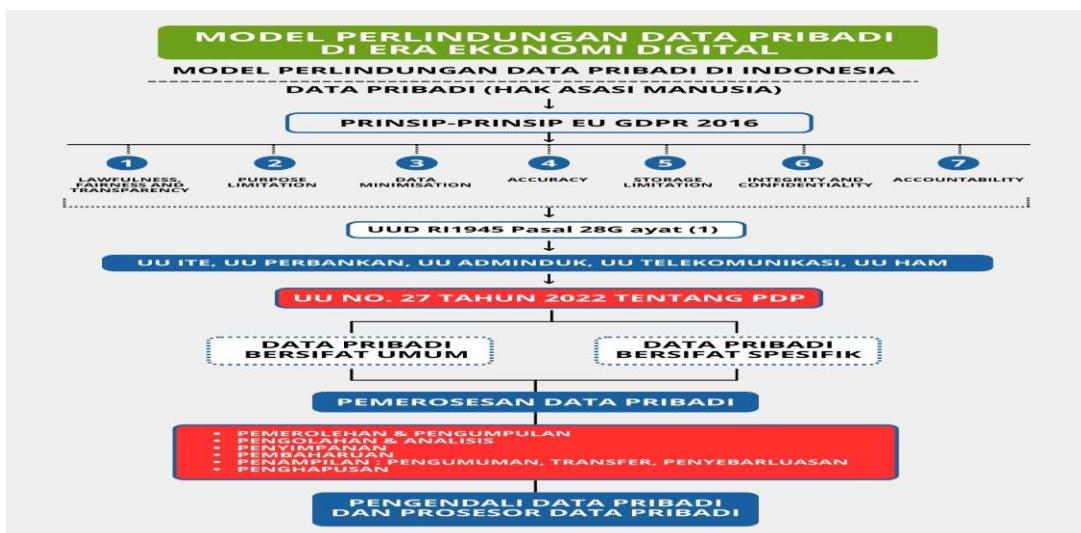
Article 58 of the PDP Law regulates about the formation of a particular DPA, however No give details more carry on about how authority the will formed. As generally in Indonesia, the authority this will determined by the President in regulation The president who will come and take responsibility answer direct to President. When this, not yet there is clarity When President will publish regulation new the gap this is very unfortunate because the PDP Law does not give runway other laws for guard new DPA independence this. Article 59 states that the new DPA will give authority For give sanctions administrative on non-compliance, including give warning written , ordered termination temporary processing of personal data , deletion of personal data , providing compensation , or wearing fine administrative .

Article 67 regulates that Court will to drop sanctions criminal for those who violate oneprohibition following: Prohibition collect other people's personal data oppose law with objective profitable /

enriching self Alone or party others , so that cause harm to the data subject ; Prohibition disclose other people 's personal data oppose law ; and Prohibitions use information other people 's personal illegal . Depending on the weight violations determined by the court , sanctions the crime covers a fine of Rp. 4–6 billion and/ or prison for 4–6 years . If act criminal as meant in Article 67 is carried out by a legal entity , then Article 70 of the PDP Law regulates that sanctions criminal will imposed by the Court to administrators , controllers , instructors , and/ or owner benefit entity . Sanctions criminal addition can charged against legal entities , including : (a) confiscation benefits and/ or treasure wealth acquired or results act criminal ; (b) termination temporary all over or part business corporation ; (c) prohibition still to activity certain ; (d) closing all over or part place business and/ or activity corporation ; (e) fulfillment neglected obligations ; (f) payment change loss ; (g) revocation permit ; and/ or (h) dissolution corporation . (a) seizure benefits and/ or treasure objects obtained or results act criminal ; (b) termination temporary all over or part business corporation ; (c) prohibition still to activity certain ; (d) closing all over or part place business and/ or activity corporation ; (e) fulfillment neglected obligations ; (f) payment change loss ; (g) revocation permit ; and/ or (h) dissolution corporation . (a) seizure benefits and/ or treasure objects obtained or results act criminal ; (b) termination temporary all over or part business corporation ; (c) prohibition still to activity certain ; (d) closing all over or part place business and/ or activity corporation ; (e) fulfillment neglected obligations ; (f) payment change loss ; (g) revocation permit ; and/ or (h) dissolution corporation .

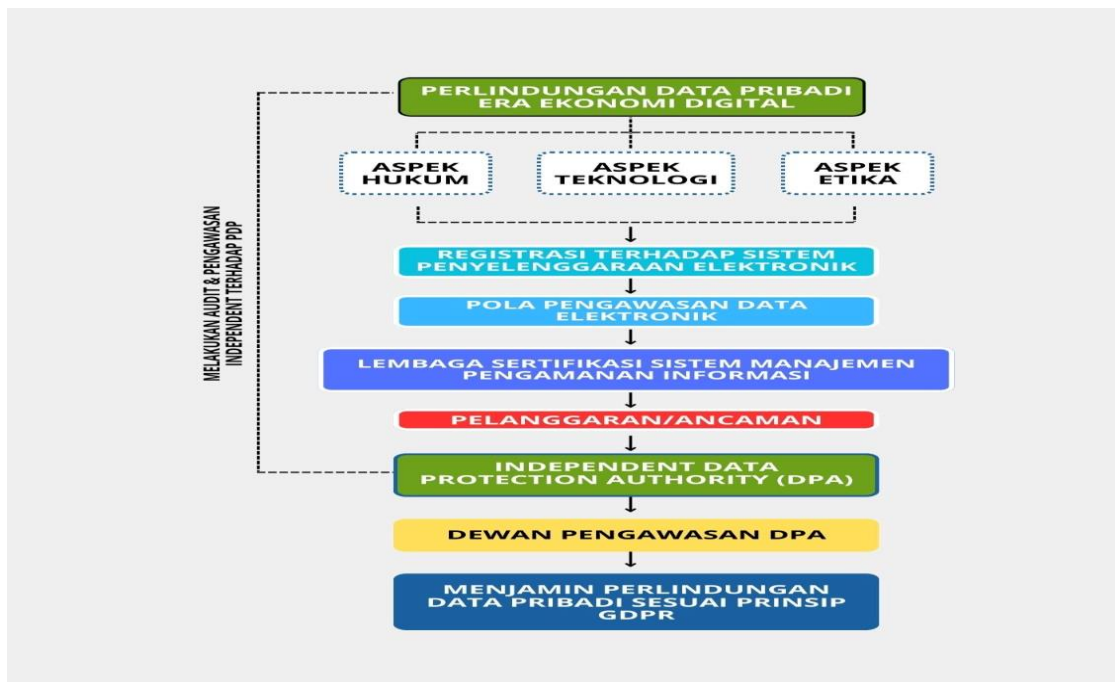
Theory protection law utilized for analyze roles and authority’s government use realize protection law for public, good as a user or perpetrator effort. Next, Fitzgerald describes theory protection the law pioneered by Salmond that law aiming for blend at a time give coordination to all form interest public with method limit interest party others. Based on perspective Satjipto Rahardjo, protection law can to protect human rights violations committed by other individuals and at the same time realize Meaning protection to public so that they can enjoy his rights. Philipus M. Hadjon also explained that protection law covering all authority government in fact, be it in nature preventive and also repressive. The purpose of protection law preventive namely to guide actions taken by the government use behave be careful in effort discretion, so that prevent the occurrence dispute. Meanwhile, protection law repressive enter realm institution justice so that aiming for finish disputes that have been happened. If you look at view of R. La Porta, there is two characteristic from protection laws implemented by the state, namely actions that are prevention (prohibited) and is law (sanction) (29).

Indonesian government enacted the PDP Law in September 2022. Although refers to the practice best worldwide data protection , especially GDPR, unfortunately the PDP Act does not detailing guidelines constitutive anything for the regulatory body independent and only establish a supervisory body that is responsible answer to President and will set with Regulation President in time close . Not yet known When regulation new This will formulated and how her new body shape formed , so that cause enough uncertainty big about the implementation of the PDP Law which is not sided with Indonesia.



In the research can formulated a model of personal data protection in the digital economy era presented in the image following this:

Personal data protection model in the digital economy era



Several countries in the world are aware that an independent DPA is very important in ensure that all entities in a country operate in accordance with Constitution data protection The DPA have level independence certain from influence and control politics, as well as autonomy financial and access to source Power financial, technical and human resources required, so that allow they carry out his obligation with the way that is not impartial, effective, and professional. Therefore we recommend that the Indonesian government commits For develop framework powerful and comprehensive work for an independent DPA in Regulation said DPA must independent in a way functional and organizational from Minister of Communication and Information or Government Ministry others . This body must give authority For investigate violations of the PDP Law, whether committed by institutions private and also public and must become party the first one that can contacted For handle complaints and charges fine or sanctions. However , for ensure that the DPA remains responsible answer in a way democratic in operate its authority , DPA's actions must also be through review administrative , legal and judicial more continue , if required .

As some developing countries around the world transition going to digital economy, lawdata protection already become commonplace. Indonesia's experience showsthe need for an independent DPA and contribution important / very necessary DPA for supervise and enforce Constitution data protection in a country. An independent DPA own more positionGood For protect right privacy individual in a way meaningful. More Far again , the countries that form the DPA are independent have possibility more big For accept confession international including membership in Assembly Global Privacy and have ability more big For do Bilateral agreements (eg based on findings adequacy positive) for cross data flow limit with partner trade they .

CONCLUSION

Based on exposure that has been described in previously, it can take the conclusion as following, *first*, Arrangement personal data protection personal in Indonesia has set up in Constitution Number 27 of 2022 concerning Personal Data Protection, where Constitution the contains 76 provisions which are divided in 16 chapters, covering right data ownership, limitations data usage, as well as collection, storage, processing, and transfer of personal data . While arrangement personal data protection in Malaysia is regulated in the Personal Data Protection Act 2010 which states arrange in detail the principles personal data protection, rights data owner, procedures transferor data handling, as well

as obligation for the party that does data storage. It also regulates mechanism complaint for a person whose personal data moved hand over in a way No valid. *Second*, protection model against personal data personal in system Indonesian law in the digital economy era is a protection model that prioritizes aspect law , aspects technology and aspects ethics in use of personal data so that come true security and certainty law for data holders and users . Personal data protection model personal in the era this digital economy must also in accordance with the principles stated in GDPR as reference in do transaction business or other e-commerce activities.

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