



# Juridical Analysis of the Misuse of Personal Data of HIV/AIDS Patients in the Digital Era

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**Abstract.** HIV, or Human Immunodeficiency Virus, is a virus that impairs the function of white blood cells, leading to a weakened immune system. This immunodeficiency can result in the development of AIDS (Acquired Immune Deficiency Syndrome). HIV/AIDS remains a significant and growing global health issue. While patient confidentiality is fundamental in healthcare, certain laws permit the disclosure of personal data under specific conditions. Personal data is highly sensitive and must be protected as it is a fundamental privacy right. The right to privacy is enshrined in the 1945 Constitution of the Republic of Indonesia as a constitutional right, obligating the state to protect its citizens' privacy. In Indonesia, misuse of personal data for personal gain is a prevalent legal issue. However, addressing these issues is challenging due to the lack of comprehensive legal norms for personal data protection. This research aims to explore the nature of legal protection for personal data as a privacy right and identify the forms of legal protection available in Indonesia. It focuses on the legal protections provided under the ITE Law and the measures available to personal data owners in the event of data breaches. Currently, Indonesia lacks specific regulations governing personal data protection, highlighting the need for comprehensive legal frameworks to safeguard privacy rights.

**Keywords:** Legal protection, Personal Data, HIV/AIDS.

## 1 Introduction

Indonesia has now entered the Industrial Revolution 4.0. Everything can be controlled from anywhere through the internet network and connected gadgets. The implications of this era are enormous when digitalbased technology is used by people in everyday life, for example to increase work productivity, build socioeconomic relations, and help facilitate various things.

The rapid development of information and communication technology has created various opportunities and challenges. One area that is influenced by the development of information technology is the active interaction between individuals and information service providers. Various sectors of life have utilized information systems, such as trade (e-commerce), transportation, industry, tourism, government (egovernment) and

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the financial industry (e-payment). Information technology coverage and systems include collection, storage, processing, production and delivery, from and to industry or society quickly and effectively (Sinta Dewi, 2015: 165). Advances in information technology, especially in the field of social networking have proven to have a positive impact on the progress of human life. Behind the advantages and conveniences offered by this technological advance, it also has a negative impact that can destroy human life and culture itself. One of them is the leakage of technology user data, including the personal data of HIV/AIDS patients.

Social media is a medium for socializing with each other through the internet network that allows humans to interact with each other easily and participate, communicate, share and create various content without being limited by space and time. Generally, social media is designed to make it easier for someone to socialize and communicate with other people. Indonesia is one of the countries with the most social media users in the world. With the fourth largest number under China, India and the United States. In Indonesia there are approximately 150 million active users of social media. With such a large number, understanding the privacy policy of a social media platform is very important so that personal data is safe. One of the conditions for using social media is valid personal data.

With the rise of Indonesian social media users, it cannot be denied that there are many cases of leakage of users' personal data. According to data from the Indonesian National Police, there are an average of 1,409 cases of fraud every year due to leaks of personal data of social media users. Personal data is something that is sensitive. Personal data is something that must be protected because it is actually everyone's right to privacy. The right to privacy is a constitutional right of citizens that has been regulated in the 1945 Constitution of the Republic of Indonesia. A constitutional right is an obligation of a state towards its citizens.

In Indonesia, there are currently many legal issues that involve misusing someone's personal data for personal gain. Privacy and personal data are important because users on the network will not carry out a digital transaction if they feel the security of their privacy and personal data is threatened. One of the protections of privacy and personal data relates to how personal data will be processed, including sensitive data from users which, if distributed to irresponsible parties, will have the potential to cause financial loss, even threaten the security and safety of the owner (Sinta Dewi Rosadi, et. al. 2018). However, currently the handling of these legal issues has not been maximized due to the absence of norms in legal protection of personal data. One of the data leaks in health is the dissemination of personal data of HIV/AIDS patients online by irresponsible people who cause harm both psychologically and materially.

HIV/AIDS is a health issue that is sensitive enough to be discussed. This relates to the unique nature of the disease. Apart from the case which is like an iceberg phenomenon, stigma and discrimination are also experienced by many sufferers and their families. The high social stigma against people with HIV/AIDS has led to a lot of discriminatory treatment in terms of employment, care, treatment, education and in other matters. Discrimination in any context is something that is not justified, the world has always called for the prohibition of discrimination and efforts have also been made through international and national policies to the implementation level with a smaller

scope, this indicates that discriminatory practices still occur a lot. Discrimination still occurs quite a lot on matters of religion, race, gender, due to illness or physical and mental deficiencies, including in health services. They think that people with HIV/AIDS (ODHA) are not worthy to associate and live with society. However, it should be noted that not only adults but also children suffer from HIV/AIDS. PLWHA (People with HIV-AIDS) with all their problems in society still often get discriminatory treatment so that the disclosure of their status is kept secret for the good of the patient.

In Article 57 paragraph (1) of Law Number 36 of 2009 concerning Health jo. Article 17 letter h number 2 Law Number 14 of 2008 concerning Public Information Disclosure which basically stipulates that everyone has the right to secret personal health conditions that have been disclosed to health service providers and every public agency is obliged to open access for every applicant for public information to obtain public information, except, among other things, regarding a person's history, condition and treatment, physical and psychological health treatment, because if it is disclosed and given to the applicant, public information can reveal personal secrets. Based on Article 38 paragraph (1) and (2) of Law Number 44 of 2009 concerning Hospitals that every hospital must keep medical secrets, which can only be disclosed for the benefit of the patient's health, to fulfill requests from law enforcement officials in the context of law enforcement, with the patient's own consent, or based on statutory provisions.

This secrecy is of course in the context of guaranteeing the rights of PLWHA, the right not to get bad treatment from society and the right to confidentiality of their status. This becomes a snowball in the prevention and prevention of transmission of the virus itself. The condition of people who still do not understand comprehensively what the HIV virus is and how it is transmitted makes people's attitude discriminatory and ostracizes people living with HIV. Understanding in society that believes that HIV is a cursed disease because of disobedience and also the assumption that the HIV virus can be transmitted easily is the reason why people treat PLWHA discriminatively.

Confidentiality and disclosure of patient personal data is one of the issues in health law. Abstracted from the opinion of H.J.J Leenen, health law is all legal provisions directly related to the maintenance of health and the application of the various branches of law that exist in that relationship. At the same time, personal data is included in the scope of cyber law. Cyber law itself is the law that regulates digital matters, privacy and information security, as well as crimes related to it.

The definition of personal data is not found in laws relating to health or medicine. According to Government Regulation no. 71 of 2019 concerning the Implementation of Electronic Systems and Transactions (PP PSTE), Personal Data is "every data about a person either identified and/or identifiable separately or combined with other information either directly or indirectly through Electronic and/or non-electronic Systems ." An example of data about an identifiable person is data related to location movements, which then becomes the source of data for contact tracing. The definition in PP PSTE is almost the same as the definition according to the General Data Protection Regulation (GDPR), a regulation on privacy and data protection for the European Union. One source of obtaining personal data is when there is an interaction between the service provider and the recipient of the health care service. For example, in providing treatment or medical services, health workers must receive, hear, or see various information

related to patients. Not only doctors and nurses as medical personnel, but health workers, administrative staff, and various other parties also have the possibility to find out information related to patients. This information contains personal data.

Indonesia currently does not have laws and regulations that specifically regulate personal legal protection which can be a solution in various cases related to misuse of personal data. In this study will examine the protection of personal data on social media. Due to leakage of personal data on social media it is prone to misuse. Through this research, it is hoped that the public will understand the importance of personal data in social media and if personal data is leaked, then the public will know what to do. The existence of this journal can be a reference for the government to issue new laws that specifically regulate personal data.

This research focuses more on how is the form of legal protection for personal data as a right to privacy in social media related to the ITE Law? because until now there is no law that is effective in regulating the protection of personal data.

Does the leakage of personal data against social media users provide legal protection for users?

## **2 Research Method**

The method used by the author in doing this writing is normative juridical research. Normative juridical research (legal research) on legal principles, namely library law research conducted by examining library materials or mere secondary data. The data analysis method used is analytical descriptive, the data analysis used is a qualitative approach to data, both primary data and secondary data. Includes the content and structure of positive law to determine the content and meaning of legal rules to be used as a reference in resolving legal issues that are the object of study. The data sources used in this study are secondary data sources, namely data obtained or collected by people who conduct research from existing sources that provide explanations regarding primary legal materials, in the form of laws, research results, works of law, and others related to the issues studied in this study.

## **3 Discussion**

### **3.1 Protection of Personal Data Related to the ITE Law**

The development of information technology and the internet has changed the way humans communicate. One of them is the development of social media, social media has become a part of life for obtaining, sharing and disseminating information. Social media is one of the most popular media today because it provides convenience and speed that allows someone to create and distribute information. The current era of information technology is not only for replying to messages and exchanging information but also making it easy to do everything. Many benefits are derived from advances in information technology. Of course, the use of information technology is also experiencing rapid growth, one of which occurs in the field of communication.

With the development of social media, the issue of information security and privacy is also important today. Social media as a source of leaking confidential information has become a common thing nowadays. Privacy is personal freedom. Privacy is inherent in every human being and deserves to be respected. In this era of information technology, data regarding a person's privacy has been widely spread on the internet. Without realizing it, a lot of data about someone's privacy has been leaked on the internet.

Scattered privacy data can be caused by negligence or service providers. Information system security is important in social media, this security issue often gets less attention from owners and managers of information systems. The development of social media which originally served to make it easier for users to carry out social interactions using technology via the internet so that it changed the way information was previously disseminated which was information dissemination that could be received by many users who used social media such as social media Facebook, Instagram, Twitter, WhatsApp and other social media. other social. According to Nielsen's research, the growth rate of internet usage in Indonesia has reached 26%. Indonesians spend 1.5 hours a day on the internet. According to ICT Watch, currently there are 180 million mobile phone users in Indonesia out of an estimated 220 million Indonesian population.

Social networking sites are online places where users can create a profile and personal network that can connect with other users. For modern society, social media has become a part of life to obtain or share information. Social media is one of the media that is currently trending, because it provides convenience and speed that allows someone to create and distribute content. But in accessing all of that, we need personal data as one of the conditions for accessing social media or online transactions. The need for self-identity in creating a social media account so that we can be recognized. And this also refers to the Regulation of the Minister of Communication and Information Number 5 of 2020 concerning Private Electronic System Operators which requires all PSEs to register with the government. In Article 3 Paragraph (4) Perkominfo Number 5 of 2020 the government requires private PSE to report such as electronic systems, Uniform Resource Locator (URL), business model descriptions, personal data processed up to information on the location of management, processing and storage of electronic system data.

The definition of personal data according to the Regulation of the Minister of Communication and Informatics Article 1 Number 1 Number 20 of 2016 concerning Protection of Personal Data in Electronic Systems ("Permenkominfo 20/2016") that "Personal Data is certain individual data that is stored, maintained, and safeguarded and protected secrecy". In this case, what includes individual personal data is regulated in Article 84 paragraph (1) of Law 24/2013, including:

- a. Information about physical and/or mental disabilities;
- b. Fingerprint;
- c. irises;
- d. Signature; and
- e. Another data element that is someone's disgrace.

The personal data of these residents must be stored and protected by the state. Therefore it can be concluded that the right to privacy is the right of a person to have personal

freedom or freedom. The link between privacy rights and personal data can be found through Article 28 Letter G Paragraph (1) of the 1945 Constitution of the

Republic of Indonesia ("Constitution") which states that: "Everyone has the right to protection for himself/herself, family, honor, dignity, and property under his control, and are entitled to a sense of security and protection from threats of fear to do or not do something which is a human right." Furthermore, the relationship between privacy rights and personal data is regulated in article 26 paragraph (1) of Law number 11 of 2008 as amended by Law number 19 of 2016 concerning Information and Electronic Transactions ("UU ITE"), that: "Unless otherwise stipulated by Legislation, use, any information via electronic media that concerns a person's personal data must be carried out with the consent of the person concerned."

So, we can conclude that the link between personal data and privacy rights lies in the right of a person to open or disseminate his personal data to other parties in accordance with the freedom of that person. The current regulations, it can be said, are not comprehensive in regulating the protection of personal data for users. social media in Indonesia. More than 30 laws governing sectoral protection of personal data. From these laws and regulations, we can see that there is protection for personal data, it's just that the regulation is not comprehensive so that the public in general still thinks leakage of personal data is not very important and responds casually.

Regarding legal protection for people who violate privacy rights, it is regulated in article 26 paragraph (2) of the ITE Law which reads: "Every person whose rights are violated as referred to in paragraph (1) can file a lawsuit for losses incurred under this Law. "Based on the provisions above, anyone who feels that their right to privacy has been disturbed by another person can file a lawsuit in court. Article 1 Number 27 of the Government Regulation of 2012 Concerning the Implementation of Systems and Electronic Transactions, defines personal data as certain individual data that is stored and maintained and protected by confidentiality. The right to privacy also has a criminal element regulated in Article 31 paragraph (1) which states that: "Every person intentionally and without rights or against the law conducts interception or wiretapping of Electronic Information and/or Electronic Documents in a Computer and/or Electronic System certain property of others." Furthermore, the provisions regarding criminal sanctions regulated in Article 47 paragraph (1) state that: "Anyone who fulfills the elements referred to in Article 31 paragraph (1) or paragraph (2) shall be punished with imprisonment for a maximum of 10 (ten) years and/or or a maximum fine of IDR 800,000,000.00 (eight hundred million rupiahs)."

Along with openness to data and information, protection of information is mandatory. In recent years, rapid development and lower costs in information and communication technology have made it more accessible and convenient. As a result, the number of Internet users has exploded. Misuse of data is also a particular concern. Many data breaches occur due to poor implementation or lack of security controls in both private companies and government organizations. Many countries are trying to improve security requirements and incorporate them into their laws. However, most security frameworks are reactive and do not address relevant threats. There are several reasons why personal data is important to protect, namely:

1. Personal data concerns human rights and privacy that must be protected, as stated in:
  - Universal Declaration of Human Rights (Universal Declaration of Human Rights, 1948);
  - Law Number 12 of 2005 concerning. Ratification of the International Covenant on Civil and Political Rights;
  - UU no. 36 of 2009 concerning Health regulates the confidentiality of the patient's personal condition;
  - UU no. 10 of 1998 concerning Banking regulates personal data regarding depositors and their deposits.
2. Data is a high-value asset or commodity in the era of big data and digital economy,
  - Data volume in 2015 is estimated to reach 8 trillion GB and will increase 40 times in 2020. (OECD, 2018);
  - Data-driven AI applications are projected to contribute US\$13 trillion to the global economy by 2030 (McKinsey, 2018).
3. Violations of privacy and misuse of personal data are increasingly occurring,
  - Examples of activities: digital dossier, direct selling, location-based messaging;
  - Case in point: Cambridge Analytica (2018).
4. The public is not fully aware of the importance of protecting personal data,
  - The number of internet users in Indonesia continues to increase, but not all of them are aware of the importance of protecting personal data;
  - More than 30% of Indonesian internet users are not aware that data can be retrieved (APJII, 2017).

### **3.2 Legal Protection for Owners of HIV/AIDS Personal Data in the Event of Leakage**

Cases of leakage of personal data on the internet are increasingly appearing, a number of accounts and personal data of internet users are being leaked via social media to e-commerce. Unfortunately, law enforcement in cases of leakage of personal data in Indonesia is very weak compared to other countries. This condition poses a risk that cases of personal data leakage will continue to recur without law enforcement. Data leak refers to a situation where sensitive data is accidentally exposed or accessed by unauthorized parties. Threats can occur via websites, emails, hard drives, or laptops. We need to know that data breaches have a different meaning from data leaks.

Here's the difference between the two:

1. Data breach is a deliberate attack that can penetrate the system so that sensitive data can be accessed.
2. Data leaks do not require a specific network attack, because usually data leaks can occur due to poor data security or user negligence.

When a data leak occurs, hackers will steal the sensitive data. Some of them are:

1. Identification information: name, address, telephone number, email address, username, password, etc.

2. User activity: order and payment history, browsing habits, etc.
3. Credit card information: card number, expiration date, billing zip code, etc.
4. Apart from searching for user information, hackers will also steal company confidential information, such as e-mail, company internal communications, company strategy, etc. What is taken from data leaks is NIK, addresses, etc., which become known to the public and become not private anymore and can be abused.

Therefore personal data protection is needed to avoid:

1. Threats of sexual harassment, online bullying, to Online Gender Based Violence (KBGO).
2. Prevent misuse of personal data by irresponsible persons or parties and avoid potential defamation.
3. Giving control rights over our personal data due to control over personal data in the 1948 Universal Declaration of Human Rights Article 12 and the 1966 International Convention on Civil and Political Rights (ICCPR) Article 17, both of which Indonesia has ratified.

The act of data breach can be categorized as an act that violates Article 30 Paragraph (3) of the ITE Law, which reads: "any person intentionally and without rights or unlawfully accesses computers and/or electronic systems in any way by violating, breaking through, exceeding , or break through the security system." For his actions, the perpetrator can be charged with imprisonment for a maximum of 8 years and/or a maximum fine of Rp. 800,000,000.-

The many loopholes on corporate or government agency websites make it easier for a hacker or hacker with malicious intent to break into people's personal data. In addition, the lack of digital data security literacy and the absence of definite laws in digital crimes open the way for hackers to carry out their bad habits. This is supported by data compiled by katadata.id, Indonesia ranks third with the most number of accounts experiencing data leaks in the third quarter of 2022. With more than 12 million hacked accounts and cases increasing every month, the government must improve to overcome hacker attack in digital space for people's security.

This problem arises with the current development of information technology which has given rise to new legal issues, namely regarding the security of personal data that takes place through electronic media. Many parties use electronic media as a means of communication and transactions resulting in the theft of personal data. However, so far Indonesia does not have a specific law dealing with misuse of personal data. In Indonesia the rules regarding this matter are contained in Article 26 of Law No. 19 of 2016 amendment to Law No. 11 of 2008 concerning Information and Electronic Transactions and Government Regulation No. 71 of 2019 concerning the implementation of electronic systems and transactions.

Data leaks that occurred successively hit the government, private companies, and privately owned accounts. For example, the leak of confidential data on HIV positive patients shocked the people of Singapore. The leaked data is data on HIV patients from 1985 to January 2013. There are 5,400 Singaporeans living with HIV. The number of foreigners in Singapore who have HIV in Singapore has reached 8,800 people. The



leaked data is fairly complete, because the data is accompanied by names, identification numbers, telephone numbers, addresses, as well as HIV test results and other medical information .

HIV/AIDS is a very deadly infectious disease and is still a public health problem today. Human Immunodeficiency Virus (HIV) is a virus that attacks and weakens the patient's immune system, making it more susceptible to various diseases. Acquired immunodeficiency syndrome (AIDS) is the final stage of HIV infection and occurs when the body's immune system is severely damaged by the virus. HIV/AIDS is not a new disease for the world community, because it is a disease for which no cure has been found so that it will result in death for the sufferer with an indefinite period of time. HIV and AIDS can attack all age groups including infants, men and women who are a high risk group. HIV is usually transmitted through sexual intercourse with a person who has the virus and there is direct contact with blood or blood products and other body fluids, which can take the form of wounds, blood vessels or through mucous membranes (mucous membranes). HIV can also be transmitted through direct blood-to-blood contact such as needles (drug addicts, blood/blood product transfusions, pregnant women giving birth normally).

HIV disease for the community is seen as a disease that is both deadly and embarrassing. There is excessive fear from the community and gives a negative reaction to HIV sufferers and their families who tend to be emotional and inhumane. One classic example of society's social reaction to the AIDS problem that has occurred in various parts of the world is discrimination and exclusion. Even those who are found to be living with HIV can be ostracized from their families, fired from jobs and shunned by their friends. (Muninjaya, 1998, p.56. This makes people with HIV/AIDS reluctant to open their status to the general public.

As Greene, Parrott and Serovich have pointed out (Petronio, 2002, p.217), people manage their boundaries for all types of private information, including about health issues such as AIDS. This is limited as private information because of the stigmata that are given by the community towards people with AIDS. Meanwhile, according to Petronio (2002, p.1), privacy has importance because it allows individuals to feel separate from other people. This gives us a sense that we are the rightful owners of the information about us. There are risks involved in making personal disclosures to the wrong person, coming out at a bad time, saying too much about ourselves, or at the expense of others.

Regulations in the Minister of Health of the Republic of Indonesia Number 36 of 2012 concerning Medical Secrets Article 3 states that patient identity information, information on the results of anamnesis, physical examination or other medical procedures is medical information that must be safeguarded. In fact, it is not only doctors who have to guard medical secrets, but also all health workers, both medical and non-medical, including all health workers, all medical students, all students who work in the fields of examination, treatment or care, and people who are designated by the Minister of Health.. It is stated in Law Number 29 of 2004 concerning Medical Practice Article 48, namely:

Every doctor or dentist in practicing medicine is obliged to keep medical secrets;

1. Medical secrets can be disclosed only for the benefit of the patient's health, to comply with the request of law enforcement officials in the framework of law enforcement, the patient's own request, or based on statutory provisions.
2. Of course, everyone has the right to protect their personal data. Therefore, if providing other people's data carelessly becomes a criminal act,

The legal rules for spreading other people's identities are contained in the administrative law and also the ITE law. If based on the Adminduk law a person can be subject to a maximum penalty of 2 years and 8 months in prison if sharing personal data without permission. The Adminduk law also explains that the maximum fine that can be obtained by a person who distributes personal data without permission is 25 million rupiah. Meanwhile, Another rule according to the ITE Law of 2013 article 26 paragraph 1 is that the perpetrator is subject to a maximum sentence of 10 years in prison.

Information about patient privacy along with their medical data can only be justified if it is in accordance with what has been formulated in the law, apart from these provisions, it can be categorized as an act of leaking secrets that violate the law, because it can cause harm to the patient, both material and immaterial. Information Violations of the law due to leaking medical secrets that result in losses can be subject to sanctions:

1. Civil, namely Articles 1365, 1366 and 1367 of the Civil Code;
2. Criminal, namely Articles 112 and 322 of the Criminal Code;
3. Administrative, namely according to Government Regulation of the Republic of Indonesia Number 10 of 1966, administrative sanctions are still enforced, even though the patient has forgiven and has not complained to the authorities.

In Law Number 44 of 2009 concerning Hospitals in Articles i and q that patients have the right to privacy and confidentiality of their illness including their medical data and patients have the right to sue and/or sue the Hospital if the Hospital is suspected of giving services that are not in accordance with standards both civil and criminal. The opinion of Warren and Brandeis in their work entitled "The Right to Privacy" states that privacy is the right to enjoy life and the right to have their feelings and thoughts respected. Furthermore, Article 46 states that the Hospital is legally responsible for all losses incurred due to negligence committed by health workers at the Hospital (Sinta Dewi Rosadi. 2015. p. 12).

Law Number. Number 19 of 2016 concerning Information and Electronic Transactions (UU ITE). Article 1365 of the Civil Code (KUHPperdata) jo. Article 26 of the ITE Law states that every act that violates the law and causes harm to other people, requires the person who caused the loss because of his mistake to compensate for the loss. it is clear that anyone, whether *naturalijk* persoon or *recht* persoon, can be held accountable in the form of appropriate compensation for errors and negligence in maintaining and managing patient health data through lawsuits against the law through litigation or non-litigation.

Regarding the protection of patient health data in the form of Electronic Documents or Electronic Information, Article 32 of the ITE Law regulates the prohibition for everyone to interfere (change, add, reduce, transmit, damage, delete, move, hide) the form of Electronic Documents or Information. Electronic without rights and in a way against

the law. The threat of punishment for this act is regulated in Article 48 of the ITE Law which reads: (1) Everyone who fulfills the elements referred to in Article 32 paragraph (1) shall be punished with imprisonment for a maximum of 8 (eight) years and/or a fine of up to Rp. 000,000,000.00 (two billion rupiah). (2) Everyone who fulfills the elements referred to in Article 32 paragraph (2) shall be subject to imprisonment for a maximum of 9 (nine) years and/or a maximum fine of Rp. 3,000,000,000.00 (three billion rupiahs). (3) Everyone who fulfills the elements referred to in Article 32 paragraph (3) shall be subject to imprisonment for a maximum of 10 (ten) years and/or a maximum fine of Rp. 5,000,000,000.00 (five billion rupiahs).

## 4 Closing

The essence of the right to privacy over personal data is the constitutional rights of Indonesian citizens which have been regulated in the 1945 Constitution, especially in article 28 letter G paragraph (1). Indonesia recognizes that the protection of personal data as part of privacy is a human right. This recognition is reflected both in the constitution and in various statutory level regulations. However, there are no regulations that specifically regulate the protection of personal data at the law level. To fill the legal vacuum, detailed arrangements regarding personal data protection are accommodated in regulations at the level of ministerial regulations as well as sectoral technical regulations. Thus, it can be concluded that regulation on personal data protection in Indonesia is still sectoral. The need for regulation of personal data protection at the statutory level is needed because the protection of personal data as part of privacy is a citizen's basic right.

Changes to the ITE Law have been legalized to become Law Number 19 of 2016 concerning

Amendments to the ITE Law. The text of the law is recorded in the 2016 State Gazette of the Republic of Indonesia Number 251 and the Supplement to the State Gazette Number 5952. The law contains seven important points that revise the ITE Law, the government has the authority to cut off access and/or order electronic system operators to cut off access to electronic information that charged with breaking the law.

The importance of public awareness to maintain the confidentiality of their personal data on social media. Legal protection regarding personal data currently exists, but it has not been comprehensively and optimally regulated because the rules governing personal data protection are still general in nature and there are still many multi-interpretations and rubber articles in them. The government needs to immediately publish something. From the two discussions above, it can be concluded that legal protection is one of the most important things in social media because it aims to protect and protect each of its users. Legal protection related to personal data basically already exists and is formed, but in its entirety it is not optimally enforced so that personal data protection is still general in nature and not regular. So that if there is a data leak and misuse of personal data on the social media platform, the victim can be protected and file a lawsuit and demand sanctions, not only criminal but administrative as well. a separate law in regulating Personal Data Protection to protect the personal data of every citizen so that

the protection of personal data can be carried out more effectively and comprehensively. The need for affirmation of sanctions against the perpetrators is not only criminal sanctions but also administrative sanctions. In order to provide a deterrent effect against perpetrators of misuse of personal data.

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