

The Impact of Personal Data Leaks on Individual Privacy

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ABSTRACT

Personal data protection has become more important in the digital era. Frequent personal data leaks cause material and psychological damage, as well as damage individual privacy. This study seeks to examine barriers to personal data protection in Indonesia, which is still weak in its implementation. Using normative legal research methods and qualitative data, this study explores the existing regulatory aspects and identifies the development of data leakage trends. The results show a significant increase in data breach incidents, highlighting the need to increase regulations and law enforcement to protect personal information in data breach incidents, highlighting the need to increase regulations and law enforcement to protect personal information data privacy in Indonesia. The study also recommends more effective prevention measures as well as higher awareness from the community and related institutions

INTRODUCTION

International law is largely made up of principles and rules of conduct that countries feel bound to adhere to in their relations. Based on this definition, law becomes one of the most important systems for exercising institutional power, especially in the international context. The notion of legal protection refers to the availability of legal mechanisms, both substantive and procedural, that the state and society might employ to address diverse issues encountered in social, national, and governmental contexts. (Rifqy et al., 2023)

Law may function as an instrument for social engineering and societal regulation. Where law is used as a social engineering technique to achieve the desired state or order of society or to make changes, and social control is the involvement of law in engineering efforts and strategies to prevent deviant human behavior in society, these two things show the nature of law as a determining factor in people's lives. Given that human life today depends on technology, arrangements that support technological advancement are essential or necessary. (Jufri & Putra, 2021)

The lives of modern society have changed greatly as an outcome of the progress in information and communication technologies. The matter of personal data privacy in Indonesia has garnered heightened scrutiny due to the practices employed by the government and commercial enterprises in the collection and management of personal data (Lambanon et al., 2023). Personal data is crucial for digital systems due to the daily activities that encompass digital transactions, including financial services, online transportation, and e-commerce. Currently, data such as name, address, identity number, and contact information are vital. This situation presents a significant issue: the rising incidence of personal data breaches, resulting in infringements of individuals' privacy rights. Personal data requires safeguarding through a robust security system, since its misuse can inflict harm on individuals as data proprietors and on businesses that handle the data, resulting in both tangible and intangible losses. Vania et al., 2023

Privacy is fundamentally a notion that may be understood in several ways depending on the circumstances. Per the definition provided by the Cambridge Dictionary, privacy is the entitlement of each individual to secure and protect their own existence from external intrusion. Furthermore, privacy encompasses an individual's right to maintain the confidentiality of their personal information, preventing access, utilization, or dissemination without the individual's consent. In other words, privacy is a form of protection for personal matters so that they are not exposed to the public or unauthorized parties (Setiawan & Najicha, 2022). Everyone has an identity attached to them from birth, including name, gender, religion or belief, blood type, place of birth, date of birth, and other information that develops with age. This individual data is usually seen on identity cards

(KTP), family cards (KK), driver's licenses (SIM), and letters or other identification cards issued by authorized officials after a person reaches the minimum age set by law. Law Number 23 of 2006 concerning Population Administration mandates the storage, maintenance, and protection of specific individual data, ensuring its accuracy and confidentiality. Data pertaining to letters and identity cards issued by authorized personnel is classified as personal and private information.

The right to privacy, enshrined in Article 28G Paragraph (1) of the 1945 Constitution, constitutes a fundamental human right. Indonesia has enacted several regulations relating to personal data protection, including Law No. 11 of 2008 on Electronic Information and Transactions, Government Regulation no. 82 of 2012 on the Implementation of Electronic Systems, Regulation of the Minister of Communication and Information Technology No. 20 of 2016 on Personal Data Protection in Electronic Systems, and Law No. 27 of 2022 on Personal Data Protection (Herdawati & Ridwan, 2022).

Nonetheless, empirical observations indicate that Indonesia's legislative framework for safeguarding personal data remains inadequate, and certain legislation may fail to provide sufficient protection. As a result, individuals frequently fall prey to data exploitation by governmental and private entities, as evidenced by the incidents involving Tokopedia and BPJS Health data. Kusnadi, 2021 The right to privacy is a fundamental aspect of human rights that must be upheld and honored by all nations, including Indonesia (Suari et al., 2023). With the swift advancement of technology, Indonesia is mandated to safeguard the personal data of its citizens. Nonetheless, the degree of public knowledge of their rights as personal data owners remains rather low (No et al., 2024)

The right to privacy is a fundamental right crucial for the preservation of human rights, serving as a basis for several other rights. Privacy enables us to formulate strategies and execute them to shield ourselves from undesirable distractions, facilitating discussions about our identity and our preferred interactions with others. Privacy encompasses several interpretations. The Cambridge Dictionary defines privacy as an individual's right to preserve the privacy of their life and personal information. Setiawan and Najicha, 2022 Privacy regulations provide validity to our rights and are essential for safeguarding individuals and society (ELSAM, 2005). Moreover, privacy grants individuals or groups the capacity to safeguard their personal lives from public scrutiny or to regulate the dissemination of information about themselves to others without their consent (Bygrave, 2014). (Hansen Samin, 2023)

In Indonesia, there have been various events such as hacking, fraud, email spamming, data processing using software to access other people's data, and interception of their private information (Nasrudin & Latumahina, 2022) A manifestation of personal data protection is the establishment of a sui generis legal framework for its safeguarding. Nevertheless, Indonesia still lacks comprehensive and integrated legislation concerning personal data protection. Indonesia still lacks a comprehensive and integrated legal framework for personal data protection. Consequently, Indonesia has implemented sector-specific legislation relating to personal data privacy outcomes. Indonesia has implemented legislation relating to personal data privacy that is relevant to various sectors. Twelve According to Law Number 19 of 2016, which amends Law Number 11 of 2008 regarding Information and Electronic Transactions (ITE Law), Article 40 of Law Number 30 of 1999 on Telecommunications, and Article 6 of Law Number 14 of 2008 on Information Disclosure, the personal data of citizens is protected. Delpiero et al. (2021)

The leaking of personal data can result in psychological and financial damage, as well as disrupting one's sense of comfort. Personal data constitutes a valuable commodity with significant economic worth, rendering it susceptible to breaches of confidentiality in order to gain economic benefits (Tambunan, 2014) When personal information is used for commercial purposes, fraud, or identity manipulation, it is clear how important comprehensive and effective legal protection is. Therefore, the study concentrates on how personal data leaks affect a person's privacy and how important it is to strengthen legal protection systems to protect citizens' constitutional rights. Personal data leakage is a very important issue because it can have serious impacts such as financial losses, identity theft, and further data misuse. Therefore, governments, companies, and individuals must increase their understanding of the importance of data security and implement effective preventive measures to keep personal information safe. Keeping up with the latest information and developments related to data security issues, both in Indonesia and globally, is also crucial.(Anggen Suari & Sarjana, 2023)

LITERATURE REVIEW

Human Rights Theory and Privacy Law

Human Rights Theory is rooted in philosophical thinking developed by figures such as John Locke. Locke introduced the concept of natural rights, which means that everyone is born with basic rights that no one can take away, include the rights to life, liberty, and property. This concept formed the foundation of an expansive human rights philosophy, recognizing that all individuals have inherent rights from birth.

The emergence of international treaties establishing human rights protection criteria in the 20th century significantly reinforced the doctrine of human rights. The Universal Declaration of Human Rights (UDHR) is an instrument endorsed by the United Nations (UN) in 1948. Article 12 of the Universal Declaration of Human Rights (UDHR) asserts that every individual possesses the right to life, liberty, and personal security, along with the right to protection from intrusion into personal, familial, domestic, or communication matters. This has become a crucial basis for the formulation of international norms for privacy and individual liberties across many legal frameworks. Cybersecurity has become a vital component of national security in the context of the digital age. Commencing the early 21st century, threats originating from cyberspace have broadened our view of various risks in the context of security. (Study et al., 2024) Personal data is very sensitive because it contains information about confidential personal characteristics, so it needs to be protected. The lack of state and public awareness of the importance of data protection can be a problem (Humairah, 2023) The protection of a person's personal data is often considered part of a broader right to privacy, which is guaranteed by human rights. Human rights relate to the right of individuals to control their personal information and ensure that such information is not used or leaked without permission. This is what is commonly considered in privacy law. To assess the extent to which a country or legal system provides protection for the privacy rights of its citizens, international standards of the right to privacy – such as those listed in the UDHR – are the primary reference.

The right to privacy must be protected in alignment with the fast progression of digitalization and technology. The global dissemination of personal data, especially individual information on digital platforms, poses further challenges to upholding the right to privacy as a basic human right. The protection of personal data is often associated with efforts to maintain individuals' fundamental rights amidst the increasing complexity of digital interactions. Furthermore, it upholds the individual's entitlement to safeguard privacy, solitude, and nurture marital relationships without external interference. Violations of privacy might result in damages that are challenging

to quantify and greater than physical harm, so the victim is entitled to compensation (1 2 3 4, 2025).

METHODOLOGY

This paper employs qualitative data in a normative legal research approach. The statistics graph of data leak instances distributed in public media shows secondary data obtained from the Ministry of Communication and Information of the Republic of Indonesia (KOMINFO). This legal information comes from current Indonesian laws and rules that coincide with the intended raising issue. Secondary legal data is legal information produced by international organizations publishing the notion of privacy as the foundation for personal data protection including essays, publications, and rules released. One of the reasons data protection in Indonesia is so urgently needed is because legal resources in the form of indexes utilized in this work also have the advantage of giving an overview of the internet usage in Indonesia. The research process involves a qualitative descriptive analysis of these secondary data sources to interpret the existing legal frameworks and empirical evidence concerning data leaks. By combining normative legal analysis with the empirical data from KOMINFO, this study critically evaluates the adequacy of Indonesia's legal provisions in protecting personal data within the current socio-technical context, also considering international legal standards as a comparative benchmark.

RESULT

Warren and Brandeis initially proposed the idea of privacy in an essay they named "The Right to Privacy" in the Harvard University School of Law magazine Warren and Brandeis note in the journal that because of technological developments and achievements, most people believe everyone has the right to live their life as desired. Warren and Brandeis contend that the right to privacy is the right to enjoy life and the right to be left alone; so, this evolution of the law is unavoidable and calls for legislative recognition. To enjoy life and to have their privacy protected, everyone has rights.

Privacy, derived from the English term "privacy," is the capacity of an individual or group of people to keep their private life and private concerns free from public notice, therefore enabling their control of the information flow. Another representation of privacy is a person's right to decide whether and to what degree he is ready to let others into his life. (Muhammad Schinggyt Tryan P*, 2015).

Personal data under the Population Administration Law is defined as specific, individual information that has to be kept, maintained, correct, safeguarded private. Every citizen has the right to get protection for his or her personal data, Article 2 letter (c) clearly indicates. Apart from, letter (f) affirms the right to compensation and restoration of good name in the event of an error in the Population Registration and Civil Registration process, as well as as due to the misuse of personal data by agencies responsible for the implementation of population administration.(Manurung & Thalib, 2022)

Laws and regulations that guarantee the privacy of personal data as a human right. Human activities are increasingly advancing into the digital world in line with the rapid development of technology today. Social media is now very popular with parents, students, and even children due to technological advancements. The user's personal data is used by social media. In this case, users must understand the privacy policies of the social media platforms used. Of course, users are required to fill in personal information such as name, place of residence, date of birth, phone number, and more. It is clear that this can lead to crimes and harm to others in the modern era, such as personal data being used for other purposes by irresponsible individuals who share it. Personal data leaks definitely have an impact on data owners and social media platform operators.(Gladys et al., 2024)

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Table 1. Series of Personal Data Leak Cases in Indonesia Throughout 2022-2023

Year	Number of Cases Data Breach
2019	3 Cases
2020	21 Cases
2021	20 Cases
2022	(Data Not Availabel)
2023	35 Cases (Untuil June)

(Series of Personal Data Leak Cases in Indonesia Throughout 2022-2023 Metro TV July 19, 2023 12:06)

Data analysis:

1. 2019: The number of data leak cases was very low, which was only 3 cases. This can be due to low reporting or the fact that many cases have not been detected.
2. 2020: There was a drastic spike to 21 cases. This increase is 600% compared to the previous year. The causative factor is likely due to the increase in digital activity during the COVID-19 pandemic, which prompted many online-based systems to be massively deployed without adequate security preparations.
3. 2021: A slight decrease to 20 cases, but generally remains high. This shows that the issue of data leakage has not been effectively addressed.
4. 2022: No data in the graph. This creates an information gap and needs to be explored further whether it is due to a lack of reporting, information censorship, or limited data sources.

5. 2023: In the first semester (January-June) alone, there were 35 cases of data leaks, exceeding the number of cases in previous years. If this trend continues, then 2023 could record more than 70 cases, making it the worst year in history in terms of data security.

DISCUSSION

According to the Great Dictionary of Indonesian, personal data includes information concerning a person's identity – name, age, gender, education, job, residence, family status, and so on. Concurrently, Regulation of the Minister of Communication and Information Technology Number 20 of 2016 defines personal data as particular individual information kept, maintained, stored, and secured under secrecy. Article 2 of the rule further underlines that, in regard to individual privacy in electronic systems, the protection of personal data includes the entire process of data management, from collecting to disposal. (CSA Teddy Lesmana et al., 2022)

Every person from birth has an identity attached to him or her in the form of basic information or personal or individual data such as name, gender, religion or belief, blood type, place of birth, date of birth, and other information that will increase as the person ages. Generally, the individual data is listed on the identity card (KTP) issued by the authorized official when a person enters the minimum age that has been determined by laws and regulations, family cards (KK), driver's licenses (SIM), and other letters or identity cards issued by authorized officials. Individual data on letters and identity cards issued by authorized officials is personal data that is personal and confidential. This is in accordance with the definition of personal data according to Law Number 23 of 2006 concerning Population Administration which states that personal data is certain individual data that is stored, maintained, and maintained truthfully and protected confidentially. (Firmansyah Putri & Fahrozi, 2021)

Along with the fast growth of information technology, awareness of the need for privacy and personal data protection in Indonesia has grown. Warren and Brandeis initially proposed privacy as an individual right in their paper "The Right to Privacy," therefore confirming that everyone has the right to live free from intervention. They underline that the right to enjoy life depends on privacy and that legal acknowledgment of this right is unavoidably necessary.

In the current setting, privacy is described as an individual's capacity to manage their personal data within public reach. Experts including Jerry Kang and laws in Indonesia like the Regulation of the Minister of Communication and Informatics No. 20 of 2016, which describes personal data as information inherent in an individual and may be used to identify him, supports this concept. Personal data then includes sensitive information including identification, medical records, religion, political affiliation, and financial data. Frequently occurring cases of data

breaches point to improper construction of data security systems (Naylawati Bahtiar, 2022).

But technological developments can offer dangers, particularly with regard to personal data protection, even if they bring ease. Personal data is becoming more easily available and exploitable as social media and digital platforms are used, usually without full awareness of the privacy regulations of the platforms one uses. Personal data protection is a right guaranteed by the state through laws and regulations, which are then translated into various derivative regulations, such as the Human Rights Law, the Information Disclosure Law, and other relevant regulations. (Sinaga, 2020)

Examination of the Indonesian personal data leak trend from year to year shows a worrying condition:

1. In 2019, only 3 cases were recorded, which is most likely due to a lack of reporting or awareness of data leak incidents.
2. In 2020, there was a drastic spike to 21 cases, allegedly due to an increase in digital activity during the COVID-19 pandemic, where many online systems were used without a strong security system.
3. In 2021, it decreased slightly to 20 cases, but still shows that data protection has not improved significantly.
4. In 2022, data is not available, creating an alarming information gap. This could indicate problems in the reporting or transparency of the relevant institutions.
5. In 2023, in just the first six months, there have been 35 cases, indicating that the year could be the highest in the history of data leaks in Indonesia if this trend continues.

This data makes it clear that personal data protection in Indonesia still faces many challenges. The government and digital platform operators must take concrete and systematic steps, ranging from increasing regulations, supervision, public education, to strict law enforcement against data breaches.

With the increasing complexity of forms of threats to privacy, there is a need for a collective awareness that personal data is not just technical information, but a part of human rights that must be respected and protected.

CONCLUSION AND RECOMMENDATION

Privacy and personal data protection are fundamental aspects of human rights that must receive serious attention in today's digital age. The significant increase in personal data leak cases in Indonesia in recent years shows the weakness of the information security system and the low public awareness of the importance of protecting personal data. Therefore, strategic steps are needed that include the effective implementation of the Personal Data Protection Law, comprehensive digital literacy improvement, and transparency and accountability in reporting data leak incidents by electronic system operators. In addition, the private sector needs to strengthen cybersecurity infrastructure and implement strict data protection policies. Synergy between the government, industry players, and the community is key in creating a digital ecosystem that is safe, trusted, and oriented towards protecting individual privacy rights.

FURTHER STUDY

As a follow-up to this study, further research is recommended to further explore the effectiveness of the implementation of the Personal Data Protection Law (PDP Law) which has been passed as the main legal framework in the protection of privacy rights in Indonesia. The focus of the research can be directed to a comprehensive analysis of the readiness of relevant institutions in implementing the provisions of the Law, including supervision, law enforcement, and dispute resolution mechanisms for victims of data leaks. In addition, further research can also delve deeper into how these regulations affect the internal policies of technology companies, financial institutions, and other digital service providers in strengthening security systems and personal data governance. On the other hand, socio-cultural aspects related to public perception of data privacy and security are also important to be studied, for example through quantitative surveys and qualitative approaches to the level of digital literacy and legal awareness of people in various age groups, regions, and educational backgrounds. This follow-up research that combines normative, empirical, and multidisciplinary approaches is expected to be able to make a real contribution in shaping a national digital ecosystem that is safer, more transparent, and oriented towards the protection of the basic rights of every individual in cyberspace.

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Hopefully, this article can be a meaningful scientific contribution to the development of studies on personal data protection and individual privacy rights, as well as the basis for more effective policy formulation in the face of future privacy challenges.

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